

Senate Health and Welfare Committee 1

Amendment No. 1 to SB1881

**Crowe
Signature of Sponsor**

AMEND Senate Bill No. 1881*

House Bill No. 2083

by adding the following preamble after the caption:

WHEREAS, on January 16, 2018, the bureau of TennCare issued a change to their Preferred Drug List as to the duration of prescription opioids that the bureau of TennCare will pay for on behalf of first time and non-chronic opioid users; and

WHEREAS, the quantity of opioids that the bureau of TennCare program will pay for on behalf of these patients consists of 15 days of medication in a 180-day period; and

WHEREAS, nursing homes or their patients will be required to pay for prescriptions beyond the 15-day limit when patients are prescribed opioids beyond 15 days as a nursing home could be cited for abuse under federal guidelines; and

WHEREAS, this notice is ostensibly to address the risk of long-term opioid use for TennCare members, the policy is in opposition to the patient's need as determined by the patient's doctor; and

WHEREAS, this notice actually means that if a patient's doctor prescribes more than the bureau of TennCare authorizes for a nursing home patient, someone else must pay for the patient's medication because under federal regulations, nursing homes must administer prescribed medications and relieve pain for short-term and long-term patients; now, therefore, **AND FURTHER AMEND** by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

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71-5-157. Notwithstanding any other law, when the medical assistance program under this part is the payer source for prescription medications, the bureau of TennCare shall pay for any opioid prescribed by a nursing home patient's physician with respect to the amount of opioids and the duration of their use when prescribed for a patient that is a medical assistance recipient and residing in a nursing home.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.