

HOUSE BILL 1085

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 4; Title 34; Title 42; Title 56; Title 63; Title 68 and Title 71, relative to certificates of need.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1016(d), is amended by deleting subdivisions (6) and (79).

SECTION 2. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (25).

SECTION 3. Tennessee Code Annotated, Section 34-6-201(4), is amended by deleting the subdivision and substituting instead the following:

(4)

(A) "Healthcare institution" means any agency, institution, facility, or place, whether publicly or privately owned or operated, that provides health services and that is one (1) of the following: nursing home; recuperation center; hospital; ambulatory surgical treatment center; mental health hospital; intellectual disability institutional habilitation facility; home care organization; outpatient diagnostic center; rehabilitation facility; residential hospice; or nonresidential substitution-based treatment center for opiate addiction;

(B) "Healthcare institution" does not include:

(i) Ground ambulances;

(ii) Homes for the aged;

(iii) Any premises occupied exclusively as the professional practice office of a physician licensed pursuant to title 63, chapter 6, part

2 and title 63, chapter 9, or dentist licensed by the state and controlled by such physician or dentist;

(iv) Administrative office buildings of public agencies related to healthcare institutions;

(v) Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

or

(vi) A mental health residential treatment facility;

SECTION 4. Tennessee Code Annotated, Section 42-8-101(1), is amended by deleting the language "a health care institution as defined in § 68-11-1602" and substituting instead the language "a healthcare institution as defined in § 34-6-201".

SECTION 5. Tennessee Code Annotated, Section 56-7-2601(e)(2), is amended by deleting the subdivision and substituting instead the following:

(2) With respect to inpatient benefits, a community mental health center that has facilities for inpatient care.

SECTION 6. Tennessee Code Annotated, Section 63-1-154(a)(5), is amended by deleting the subdivision and substituting instead the following:

(5) The dispensing of an opioid drug in a nonresidential substitution-based treatment center for opiate addiction;

SECTION 7. Tennessee Code Annotated, Section 63-1-154, is amended by adding the following new subsection:

(d) For purposes of this section, "nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal.

SECTION 8. Tennessee Code Annotated, Section 63-6-601(2), is amended by deleting the language "a health care institution as that term is defined in § 68-11-1602" and substituting instead the language "a healthcare institution as that term is defined in § 34-6-201".

SECTION 9. Tennessee Code Annotated, Section 68-11-201(31)(A), is amended by deleting the language "and for which a certificate of need is required by this chapter".

SECTION 10. Tennessee Code Annotated, Section 68-11-202(e), is amended by deleting the language:

This subsection (e) shall establish the criteria for the creation of branch offices by a home care organization operating pursuant to its certificate of need authority or pursuant to its license as of May 11, 1998. Nothing in this subsection (e) shall permit a home care organization to expand its authority beyond the limitations of its certificate of need or its license as of May 11, 1998.

and substituting instead the following:

This subsection (e) establishes the criteria for the creation of branch offices by a home care organization operating pursuant to its license as of the effective date of this act. Nothing in this subsection (e) permits a home care organization to expand its authority beyond the limitations of its license as of the effective date of this act.

SECTION 11. Tennessee Code Annotated, Section 68-11-204, is amended by deleting subsection (d).

SECTION 12. Tennessee Code Annotated, Section 68-11-206, is amended by deleting subsection (c).

SECTION 13. Tennessee Code Annotated, Section 68-11-226, is amended by deleting subsection (c).

SECTION 14. Tennessee Code Annotated, Section 68-11-235(d), is amended by deleting the language "and estimating the completion dates for the request for a certificate of

need, commencement of construction of the facility, and licensure of the facility", and substituting instead the language "and estimating the date of commencement of construction of the facility and the date of licensure of the facility".

SECTION 15. Tennessee Code Annotated, Section 68-11-235(i), is amended by deleting the language "must be approved by the health services and development agency,".

SECTION 16. Tennessee Code Annotated, Section 68-11-1306, is amended by deleting subsection (c).

SECTION 17. Tennessee Code Annotated, Title 68, Chapter 11, is amended by deleting part 16 in its entirety.

SECTION 18. Tennessee Code Annotated, Section 68-11-1802(a)(8), is amended by deleting the language "a health care institution as defined in § 68-11-1602" and substituting instead the language "a healthcare institution as defined in § 34-6-201".

SECTION 19. Tennessee Code Annotated, Section 71-5-105(b)(1), is amended by deleting the language "In compliance with the certificate of need process, private" and substituting instead the language "Private".

SECTION 20. Tennessee Code Annotated, Section 71-5-105, is amended by deleting subsection (c).

SECTION 21. Tennessee Code Annotated, Section 71-5-2002(2)(B), is amended by deleting the language "as shown in its certificate of need application filed with the health services and development agency".

SECTION 22. Notwithstanding § 4-29-112, the health services and development agency, created by § 68-11-1604, terminates and ceases to exist on the effective date of this act.

SECTION 23. On the effective date of this act, any rules promulgated or filed pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, by the health services and development agency are repealed.

SECTION 24. On the effective date of this act, any moneys remaining in the health services and development agency fund, created or referenced in title 68, chapter 11, part 16, and in the state health planning reserve account, created in § 68-11-1625, revert to the general fund, and the health services and development agency fund and the state health planning reserve account cease to exist.

SECTION 25. This act shall take effect upon becoming a law, the public welfare requiring it.