



State of Tennessee

PUBLIC CHAPTER NO. 993

HOUSE BILL NO. 2497

By Representatives Hurt, Tim Hicks, Hazlewood, Littleton, Alexander, White, McCalmon, Eldridge, Hardaway, Doggett, Chism, Davis, Sherrell, Williams, Hakeem

Substituted for: Senate Bill No. 2146

By Senators Johnson, Swann, Stevens, Akbari, Crowe, Lamar, Massey, Niceley, Powers, Rose, Walley

AN ACT to amend Tennessee Code Annotated, Title 33 and Title 68, relative to persons with disabilities.

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

SECTION 1. Tennessee Code Annotated, Section 33-2-418(a), is amended by deleting the language "Any residential facility that houses" and substituting "Except as provided in subsection (d), any residential facility that houses".

SECTION 2. Tennessee Code Annotated, Section 33-2-418, is amended by adding the following as a new subsection:

(d)

(1) The department shall administer a residential pilot program which meets the eligibility criteria set forth in this subsection (d) and operates under applicable existing department rules. One (1) pilot participant must be located in the western grand division, as described in § 4-1-204, and one (1) pilot participant must be located in the middle grand division, as described in § 4-1-203. Subsection (a) does not apply to a pilot participant.

(2) To be eligible to be a participant in the pilot program, the participant shall not accept reimbursement for its services from any federal healthcare program established pursuant to Title XVIII of the Social Security Act, as amended (42 U.S.C. §§ 1395-1395lll), commonly referred to as medicare, or from any state healthcare program that receives funding pursuant to Title XIX of the Social Security Act (42 U.S.C. § 1396-1996w) as amended, or Title XXI of the Social Security Act (42 U.S.C. §§ 1397aa-1397mm), as amended, commonly referred to as medicaid.

(3)

(A) To be eligible to participate in the pilot program in the middle grand division, a participant must:

(i) Possess a license issued by the department to operate an existing residential home, which must be located on property:

(a) In a county having a population of not less than two hundred forty-seven thousand seven hundred (247,700) nor more than two hundred forty-seven thousand eight hundred (247,800), according to the 2020 federal census or a subsequent federal census;

(b) Owned by the participant; and

(c) That consists of no less than one hundred (100) acres;

(ii) Operate the pilot program on the same property as the existing residential home;

(iii) Offer residential services for no more than sixty-six (66) additional adults with intellectual and developmental disabilities;

(iv) Foster an inclusive community by making available additional homes on the property for adults of all abilities equal to twenty-five percent (25%) of homes on the property; and

(v) Be recognized by the internal revenue service as an entity that is tax exempt pursuant to § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), as amended.

(B) To be eligible to participate in the pilot program in the western grand division, a participant must:

(i) Utilize a site for the pilot program that:

(a) Is located within the boundary of the largest municipality in a county having a population of not less than nine hundred twenty-nine thousand (929,000) nor more than nine hundred thirty thousand (930,000), according to the 2020 federal census or a subsequent federal census;

(b) Consists of no less than three (3) acres;

(c) Offer residential services for no more than twenty-four (24) adults with intellectual and developmental disabilities in the same community, which includes adjacent properties, as adults who reside in an existing independent living, licensed assisted-care living, or licensed nursing home community; and

(d) Maintains occupancy levels in the community, which includes adjacent properties, of at least twenty-five percent (25%) of residents who are adults who are eligible to live in an assisted-care living facility or independent living facility; and

(ii) Be recognized by the internal revenue service as an entity that is tax exempt pursuant to § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), as amended.

(4) Each pilot program participant may operate a residence for persons with intellectual or developmental disabilities, if:

(A) Each building containing housing units complies with the following:

(i) The building contains at least one (1) bedroom for residents and is no more than two (2) stories;

(ii) No more than two (2) residents occupy any one (1) bedroom, as appropriate, based on the resident's preferences and individualized support plan;

(iii) Bedrooms are no less than one hundred twenty-five square feet (125 sq. ft.) if occupied by one (1) resident, and no less than two hundred eighty square feet (280 sq. ft.) if occupied by two (2) residents;

(iv) Each bedroom is adjacent to, or across the hallway from, a full bathroom facility;

(v) Each full bathroom contains a shower, a sink, and a toilet;

(vi) No more than two (2) bedrooms share any one (1) bathroom facility;

(vii) The building contains at least one (1) separate bedroom and bathroom for use by supervising adults as needed based on the person's individualized support plan; and

(viii) Each building may house no more than eight (8) individuals with intellectual and developmental disabilities;

(B) The building, or if the property contains more than one (1) building, the community, has at least one hundred square feet (100 sq. ft.) of interior common area for each resident. A common area includes, but is not limited to, kitchen, laundry, living rooms, community areas, game rooms, and other common areas for use by residents. If the community consists of more than one (1) building containing housing units, the common areas may be located in one (1) or more buildings connected to the other buildings containing housing units by enclosed hallways, sidewalks or walkways, tunnels or bridges, or other methods permitted by applicable building codes;

(C) The participant regularly provides residents with exposure to inclusive opportunities, based on the person's preferences and individualized support plan;

(D) The participant provides residents with inclusive opportunities, based on the person's preferences and individualized support plan, that include, but are not limited to, vocational opportunities, recreation, education, and transportation options that are conducted outside of the community and that involve a significant number of persons who are not residents of the community;

(E) The participant provides meals or a dietary program for residents that can be tailored to the person's individualized support plan, including protecting the person's autonomy to choose their meal schedule and individualized dietary restrictions, as applicable;

(F) The participant assists residents in the development of an individualized support plan; and

(G) The number of housing units contained in any one (1) building does not exceed the number of housing units permitted by applicable zoning requirements.

(5) The department shall accept applications for participation in each pilot program beginning July 1, 2024. Applications must be received on or before March 31, 2025. The department shall approve any application for participation in the pilot program that satisfies the requirements of subdivisions (d)(2)-(4) within thirty (30) days of receipt of the application. If an applicant proposes to build facilities in order to participate in the pilot program, then the applicant must complete the facilities necessary to participate in the pilot program on or before June 30, 2028. All pilot participants shall comply with the applicable requirements for licensure for services or facilities, as the case may be, prior to accepting residents.

(6) No later than July 1 each year, each pilot participant shall provide the department with the following information:

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(A) The number of residents who participate in the pilot program at such participant's location;

(B) The number of residents meeting any goals established for the resident as part of the resident's individualized support plan;

(C) Data collected from the National Core Indicators or other nationally recognized survey instruments; and

(D) Data collected from a survey of therapists and other third-party healthcare providers who provide services to residents to gauge satisfaction with the program and to obtain suggestions for ways to improve the program.

(7) Based on the information provided to the department pursuant to subdivision (d)(6), the department shall submit a report on the outcomes of the pilot program to the health and welfare committee of the senate, the health committee of the house of representatives, and the legislative librarian no later than July 31, 2026, and annually no later than July 31 of each year through July 31, 2031.

(8) It being the intent of the general assembly that there be one (1) pilot program participant in the western grand division and one (1) pilot program participant in the middle grand division, the department shall not:

(A) Authorize a residential pilot program other than the residential pilot program created by this subsection (d); or

(B) Expand the number of participants in the residential pilot program created by this subsection (d).

(9) The residential pilot program created by this subsection (d) becomes a permanent program on January 1, 2032.

SECTION 3. If Senate Bill 2098 / House Bill 2089 becomes law, the Tennessee Code Commission is directed to incorporate the language from SECTIONS 1 and 2 into the newly created § 52-2-418.

SECTION 4. This act takes effect July 1, 2024, at 12:01 a.m., the public welfare requiring it.

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PASSED: April 24, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2024



BILL LEE, GOVERNOR