

SENATE BILL 267

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 71,  
Chapter 5, Part 1, relative to intermediate care  
facilities for individuals with intellectual disabilities.

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

SECTION 1 Tennessee Code Annotated, Section 71-5-105(b), is amended by deleting  
the subsection and substituting:

(b)

(1) Subject to subdivision (b)(3), the total number of beds in private for-profit and private not-for-profit intermediate care facilities for individuals with intellectual disabilities (ICF/IID) shall not exceed a total maximum number of eight hundred four (804). In compliance with the certificate of need process, private for-profit and private not-for-profit ICF/IID beds may be transferred from one (1) location to another, but the total number of such beds shall not exceed eight hundred four (804).

(2) An available private ICF/IID bed may be filled only upon completion of a community-informed choice process established and administered by the department of intellectual and developmental disabilities in order to ensure that such placement is the most integrated and cost-effective setting appropriate and subject to the individual's freedom of choice. Providers may refuse persons based on needs compatibility considering the total mix of persons in the facility.

(3) The total number of private for-profit and not-for-profit ICF/IID beds authorized in subdivision (b)(1) is permanently reduced upon voluntary surrender

of a certificate of need for the specified number of ICF/IID beds by the owner. A surrendered bed may not be reestablished by the same or another owner.

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