

**The Tennessee Legislature finished their business on April 28<sup>th</sup>. The list below are a series of bills that passed this session and are pertinent to the profession. Please use the links below each bill to see the Public Chapter (PC). The PC is the bill with all the amendments combined. If you have any questions, please call THCA Government Affairs Department.**

## **Legislation Requested by THCA**

**Nursing Home Bed Assessment** – This bill SB 1885 (R-Reeves)/ HB 1924 (R- Johnson) was filed at the request of THCA to help fund nursing home reimbursement rates. It is an acceptable means of funding nursing home care across the country. The bill passed and renewed the annual assessment through June 30, 2023.

<https://publications.tnsosfiles.com/acts/112/pub/pc1059.pdf> Effective July 1, 2022

**LPN Graduate Nurse legislation** – Governor Lee’s now expired Executive Orders authorized LPN graduates deemed eligible to take the NCLEX exam to work as an LPN for 90 days. THCA sought to codify this workforce flexibility with SB 2569/HB 2231 carried by Chairman Crowe (R-Johnson City) and Rep. Esther Helton (R-East Ridge). The language was ultimately included in another piece of legislation SB 2550/HB 2667 as amended. The new law allows the LPN Nurse Grad to work for 120 days. You must have an RN supervising LPN Nurse Grads as was the case under the Executive Order.

<https://publications.tnsosfiles.com/acts/112/pub/pc1059.pdf> Effective April 29, 2022

**Medication Aides** – THCA worked with the Board of Nursing to relax some of the stringent portions of the current Med Aide program. This included a request for an online standardized curriculum. Many of our requests may be done via rule. THCA filed and passed SB 2295/HB 2545 by Chairman Mike Bell (R-Riceville) and Rep. Rebecca Alexander (R-Johnson City). The bill as passed (with amendment) specifies that (a) online learning is an option for curriculum; (b) allows occupational therapy assistants (OTAs) to take the class; (c) lowers the passing grade from 85% to 75%; (d) relaxes a current rule by allowing CNAs with one-year of continuous experience to take the class regardless of how many facilities the CNA worked in as long as a supervisor provides a letter of support. This law has two effective dates as a portion of the law must go through rule making.

<https://publications.tnsosfiles.com/acts/112/pub/pc1112.pdf> The portions of the law authorizing online curriculum and reducing the passing grade to 75 percent is effective June 1, 2022 all other portions of the law affecting applicant eligibility must also go through rulemaking and takes effect January 1, 2023.

**Staffing Agencies** – THCA filed a bill requesting a Comptroller in conjunction with the TennCare Bureau and the department of health to examine the fiscal impact of temporary staffing agencies on long-term care facilities and ultimately, the state budget. SB 2463/HB 2347 passed and the study is already begun. The report will be filed by January 1, 2023. The bill was carried by Sen. Shane Reeves (R-Murfreesboro) and Rep. Clark Boyd (R-Lebanon).

<https://publications.tnsosfiles.com/acts/112/pub/pc1118.pdf> Effective June 1, 2022

## **LONG-TERM CARE ISSUES IN 2022**

Another 1300 plus bills were filed through February 3<sup>rd</sup>. THCA/TNCAL vetted and monitored bills of interest. The list here includes only bills that passed this session and affect long-term care.

**Visitation** – The state and federal infection control lockdowns limiting visitation to our residents caused significant consternation for our legislators. They were inundated with constituent complaints. Model legislation was circulated nationally to require facilities to remain open to at least some limited visitation. This bill is important to several key legislators and THCA helped draft the current bill. SB 2574 (Crowe)/HB 2535 (Alexander) was filed at the direction of the Senate leadership. The new law requires facilities to allow end of life visits during a declared disaster or Covid-19 PHE. The patient may have at least one visitor or resident representative, guardian, or conservator. Any visitor under this bill (a) must not be exhibiting symptoms of Covid-19 or other communicable disease; (b) must agree to follow all clearly specified safety protocols that are no more restrictive than staff protocols (c) would not by their presence in the facility violate any federal or state law, rule or guidance regulating that facility.

<https://publications.tnsosfiles.com/acts/112/pub/pc1123.pdf> Effective June 1, 2022.

**Covid Liability Protections** – The Tennessee General Assembly approved liability protections for Covid infections in September of 2020. That law sunsets on June 30, 2022, for any infections acquired thereafter. SB 2448/HB 2671 passed and continues those liability protections through June 30, 2023. Senator Dawn White (R-Murfreesboro) and Chairman Andrew Farmer (R-Sevierville) sponsored and passed the legislation.

<https://publications.tnsosfiles.com/acts/112/pub/pc1117.pdf> Effective June 1, 2022.

**Vaccine Issues** – SB 1823(R-Johnson)/HB 1867 (R-Zachary) as passed is written to protect staff members who are required to provide proof of vaccination. The law requires health care employers under the CMS vaccine mandate, or other mandate to grant staff member's exemption request if (a) a request for medical exemption is supported by a statement signed and dated by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the exemption; or (b) the staff member attests in writing that the staff member has a sincerely held religious belief that prevents the staff member from complying with mandate. Employers have ten days to grant or deny a requested exemption. The bill

authorizes the state attorney general to bring action to enjoin further violations of this law, as well as seek a \$10,000 penalty.

<https://publications.tnsosfiles.com/acts/112/pub/pc0644.pdf> Effective March 11, 2022

**Unlicensed Facilities** – Legislation was filed and passed to require unlicensed facilities/homes providing some residential services to elderly or disabled Tennesseans to register with the state commission on Aging and Disability (TCAD). The bill that passed requires TCAD to establish and maintain a registry of unlicensed facilities that have been determined “to be providing care to elderly or vulnerable persons without maintaining the appropriate licensure.” The agency must notify facilities of placement on the registry. Facilities have appeal rights. On or after July 1, 2022, it is unlawful for a person or facility to operate an unlicensed facility. Violation is a Class D felony.

<https://publications.tnsosfiles.com/acts/112/pub/pc1081.pdf> Effective July 1, 2022

**E-Verify** - The state has updated the threshold for requiring the use of E-Verify when hiring under recently passed SB 1780/HB 1853. Currently, employers with 50 or more employees must use E-Verify. That threshold is reduced to 35 or more employees.

<https://publications.tnsosfiles.com/acts/112/pub/pc0832.pdf> Effective May 9, 2022

**Merger of Board for Licensing Health Care Facilities (BLHCF)** (which includes the surveyors with) the Health Services and Development Agency (HSDA) is contained in SB 2466/HB 2500. The Survey office and the BLHCF will no longer be attached to the Tennessee Department of Health. The HSDA is a standalone agency that previously only dealt with Certificate of Need (CON). This bill does not place Assisted Living under CON. Both boards will continue to in their separate missions until and unless the law changes.

<https://publications.tnsosfiles.com/acts/112/pub/pc0832.pdf> Effective July 1, 2022

**Nurse Practitioner Protocols** – SB 2511/HB 2537 authorizes advanced practice registered nurses or Pas authorized to prescribe at a site remote from the collaborating physician’s site, to arrange for chart review through HIPAA-compliant electronic means. Also allows 10 of the 12 required annual site visits by the collaborating physician to be by HIPAA-compliant electronic means. Current law requires those visits to occur at the site of the clinic.

<https://publications.tnsosfiles.com/acts/112/pub/pc0949.pdf> Effective April 29, 2022

**Pilot for Caregivers to Alzheimer’s Patients** – This pilot program will be run via the Area Agencies on Aging and will cover up to 225 caregivers across the state each year of the pilot program. The program Does Not cover patients and caregivers eligible for CHOICES. SB1749/HB 1686 was

<https://publications.tnsosfiles.com/acts/112/pub/pc1049.pdf> Effective May 25, 2022