

House Commerce Committee Amendment

Amendment No. 1 to HB3092

**Rhinehart
Signature of Sponsor**

AMEND Senate Bill No. 3063*

House Bill No. 3092

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language following the caption and before the enacting clause and by substituting instead the following:

WHEREAS, the general assembly recognizes the importance to all Tennesseans of promoting appropriate and quality care for those with mental health or chemical dependency problems and to eliminate administrative barriers to care such as restrictive gatekeeper access to care, unnecessary and burdensome paperwork demands, and arbitrary definitions of medically beneficial or necessary care for mental health and chemical dependency problems; and

WHEREAS, the general assembly is cognizant of the need to safeguard the confidential nature of any and all information shared about a patient with a mental health or chemical dependency problem, recognizing that utilization review processes for mental health and chemical dependency problems are different than those processes utilized to review the care of physical disorders; and

WHEREAS, the general assembly is troubled by the vexing problem of administrative discrimination of care for those with mental health or chemical dependency problems in the form of excessive administrative or paperwork requirements in the review of care or late payment of claims;

AND FURTHER AMEND by adding the following language after the enacting clause of the printed bill:

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SECTION 1. There is hereby created a special joint committee to study the need for mental health and chemical dependency utilization review. Such study shall, at minimum, seek to insure that any person who recommends denial of care or determines that a service is not clinically appropriate must be both licensed in an appropriate mental health discipline and of the same professional discipline and specialty area as the provider seeking authorization for the care being denied;

SECTION 2. The committee shall consider the need for more focused and specific utilization review processes in determining the appropriateness of care for each individual patient and shall develop appropriate standards for patients in inpatient and residential care settings as well as for individuals in outpatient care. The committee shall also examine the needs of individuals treated in partial hospitalization programs, wrap-around services, and other programs requiring more than two (2) clinical service hours per day, and shall recommend precertification of care and prior authorization and more focused utilization review processes for both in-network or out-of-network providers or facilities.

SECTION 3. The committee shall review record keeping and precertification requirements for individuals treated for mental health or chemical abuse disorders and shall recommend reasonable and appropriate guidelines for such requirements that reflect severity of the illness and the intensity of the treatment modality chosen by the health care professional. Record keeping

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recommendations shall be made with sensitivity relative to the extreme privacy and confidentiality needs of the mental health or chemical dependency.

SECTION 4. The special joint committee shall be composed of three (3) members of the Senate, to be appointed by the Speaker of the Senate, and three (3) members of the House of, to be appointed by the Speaker of the House of Representatives.

SECTION 5. All appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

SECTION 6. All legislative members of the special joint committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

SECTION 7. The special joint committee shall be convened by the member with the most years of continuous service in the general assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

SECTION 8. The special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Second General Assembly no later than March 1, 2001, at which time the committee shall cease to exist.

SECTION 9. This act shall take effect upon becoming law, the public welfare requiring it.

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