

Amendment No. 1 to HB1756

Armstrong  
Signature of Sponsor

**AMEND Senate Bill No. 470\***

**House Bill No. 1756**

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

SECTION 1. Tennessee Code Annotated, Section 68-34-105, is amended by adding the following language as a new subsections:

(c)

(1)

(A) To the extent that funds available from Title X of the federal Public Health Services Act are not jeopardized, for 2010, 2011 and 2012, unless extended by the general assembly, there is hereby created a pilot project in any county having a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census, for distribution of such funds through a request for grant proposal for women's health services in such counties. On such proposals the commissioner shall first consider funding requests from the public department of health of such counties in accordance with the provisions of this section. In submitting their proposals for such funds, the public health departments of such counties shall take into consideration and determine ways the clinics of the teaching hospitals located within the counties could be utilize to also provide women's health services included in the request for grant proposal.

(B) Beginning with February 1, 2011, and each February 1 thereafter while the pilot project is in existence, the department of health shall submit an annual report to the governor and to the senate general welfare, health and human resources committee and the house health

and human resources committee detailing how and to what extent the pilot project is effective together with any revisions to enhance the provisions of women's health services in those counties included in the pilot project.

(2) In effectuating this pilot project, the commissioner shall adopt rules specifying eligibility standards that a women's health program must meet as a precondition to receiving state funding. The commissioner shall provide reasonable methods by which an applicant wishing to be eligible for federal funding may comply with the eligibility standards for state funding without losing its eligibility for federal funding. The commissioner shall also adopt criteria for documentation through which each applicant for state funding shall provide assurance satisfactory to the commissioner, of compliance with all of the following:

(A) The program shall not discriminate in the provision of services based on an individual's religion, race, color, national origin, disability, age, sex, number of pregnancies, or marital status;

(B) The program shall provide services without subjecting individuals to any coercion to accept services or to employ any particular method of family planning;

(C) Acceptance of services shall be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from, or participation in, any other program of the service provider; and

(D) Any charges for services provided by the program shall be based on the patient's ability to pay and priority in the provision of services shall be given to persons from low-income families. A low-income family means a family whose total annual income does not exceed one hundred percent (100%) of the most recent poverty

guidelines issued pursuant to 42 U.S.C. § 9902(2), and also includes members of families whose annual family income exceeds this amount, but who, as determined by the project director, are unable, for good reasons, to pay for family planning services.

(3) The commissioner shall send a notification of the request for grant proposals to the public health departments of the counties included in the pilot project and shall, at the time such notices are sent, place a notification on the department's web site of concerning such request for grant proposals. The commissioner shall allow at least thirty (30) days after issuing this notification before closing the period to receive all applications from the public health departments as well as from private applicants. After the closing date for receiving funding applications, the commissioner shall first consider funding requests from the public departments of health of such counties included in the pilot project to the extent that such departments apply for funding for women's health services to be provided directly and exclusively by its own personnel, in accordance with the regulations of 42 CFR Part 59 under Title X of the federal Public Health Services Act. If the departments of public health of such counties do not provide all of the required Title X women's health services at the time of application for funding, the departments of public health are authorized to provide additional documentation to the commissioner demonstrating their ability to commence providing such services no more than thirty (30) days from the receipt of such funding. The commissioner shall consider such documentation in the commissioner's decision in awarding the funding. Acceptance of such funding shall constitute an obligation under this section to continue providing such services throughout the funding period covered by their application.

(d) If funds remain after awarding funding to the public departments of health of those counties included in the pilot project, the commissioner may make funding available to private applicants in a manner consistent with this section.

SECTION 2. This act shall take effect January 1, 2010, the public welfare requiring it.