

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2928 - SB 2816

February 21, 2012

SUMMARY OF BILL: Defines “community-based TBI adult care home” as a single family residence that provides residential care, including assistance with activities of daily living, in a home-like environment to no more than eight disabled adults suffering from the effects of a traumatic brain injury (TBI). Establishes conditions for licensure and inspection requirements under the Board for Licensing Health Care Facilities, including the types of services and activities that must be provided and staffing requirements. Defines “community-based TBI adult care home provider” and establishes requirements for professional certification and licensure of providers.

ESTIMATED FISCAL IMPACT:

**Forgone Revenue – Exceeds \$2,800/One-Time/
Board for Licensing Health Care Facilities
Exceeds \$4,300/Recurring/
Board for Licensing Health Care Facilities**

**Increase State Expenditures – Not Significant/
Board for Licensing Health Care Facilities**

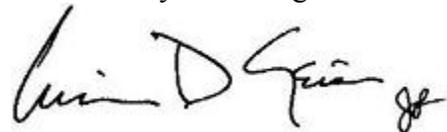
Assumptions:

- The regulatory and licensure requirements created for community-based TBI adult care homes and providers are similar to those of adult care homes and providers.
- According to the Department of Health, the Department will create a separate application and modify the regulatory boards’ computer system and its replacement system to create a separate licensure category code and database for collection of licensing information and tracking fee collections. Any cost will not be significant and can be accommodated within existing resources without an increased appropriation or reduced reversion.
- According to the Department of Health, there will be an increase in expenditures to train survey staff to perform initial licensure, periodic, and complaint surveys and ensure community-based TBI adult care homes are complying with the proposed licensure and staffing requirements. Any cost can be accommodated within existing resources of the Board for Licensing Health Care Facilities.
- The Board will conduct a rule making hearing to promulgate rules and regulations for community-based TBI adult care home. This will occur at a regularly scheduled meeting and will not result in a significant increase in the Board’s expenditures.

- The proposed legislation exempts a TBI facility that was in operation prior to July 1, 2009, from the requirements regarding separate licenses, the prohibition of licensure of multiple facilities at one time, requirements to submit initial building plans or plans for renovations or alterations, and plan review fees for such.
- According to the Department of Health, there is no way of knowing exactly how many TBI facilities that are currently in existence that these exemptions will apply to, but the Department estimates that it would apply to a minimum of four facilities.
- This will reduce the amount of fees that the Board would be collecting for the four facilities, resulting in an amount of recurring forgone revenue of \$4,320 in licensure fee collections and one-time forgone revenue of \$2,840 in plan review fees.
- Pursuant to Tenn. Code Ann. § 68-11-216, the Board for Licensing Health Care Facilities is required to be self-supporting over a two-year period. The Board had balances of \$594,768.55 in FY10-11 and \$392,654.16 in FY09-10.
- The proposed legislation states that the provisions of the bill do not entitle any community-based TBI adult care home provider to funds from the TennCare CHOICES program or any successor program, other than funds that the provider or residents are eligible for apart from the legislation.
- According to the Bureau of TennCare, these facilities will not be covered by the program and TennCare managed care organizations will not be allowed to contract with these providers for any services under the CHOICES program.
- Residents who are TennCare enrollees and who receive other covered TennCare services, including physical and behavioral health services, will continue to receive covered benefits.
- There will be no fiscal impact to the TennCare program.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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