

Senate Health and Welfare Committee 1

Amendment No. 1 to SB0185

**Crowe
Signature of Sponsor**

AMEND Senate Bill No. 185*

House Bill No. 142

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

SECTION 1. Tennessee Code Annotated, Section 71-5-1002, is amended by deleting subdivision (h)(1) in its entirety and substituting instead the following:

(1) To make expenditures for nursing facility services under the TennCare program for FY 2017-2018 at the full rates for the specified fiscal year as set in accordance with § 71-5-105(a)(3)(B)-(D), that would have been subject to reduction by the bureau of TennCare for FY 2017-2018, except for the availability of one-time funding for that year only. Payment of full rates to restore a rate reduction from the bureau of TennCare as described in this section shall be satisfied only by the money available in the fund described in this section and before making any other payments from the fund;

SECTION 2. Tennessee Code Annotated, Section 71-5-1003, is amended by deleting the date "July 1, 2016" wherever it appears in subsection (c) and substituting instead the date "July 1, 2017"; and is further amended by deleting the date "June 30, 2017" wherever it appears in subsection (c) and substituting instead the date "June 30, 2018"; and is further amended by deleting in subdivision (c)(4) the language "FY 2016-2017" and substituting instead the language "FY 2017-2018".

SECTION 3. Tennessee Code Annotated, Section 71-5-1004, is amended by deleting wherever it appears, the language "FY 2016-2017" and substituting instead the language "FY 2017-2018"; and is further amended in subdivision (b)(1) by deleting the language "on July 1, 2016." and substituting instead "on July 1, 2017."

SECTION 4. Tennessee Code Annotated, Section 71-5-1005, is amended by adding at the end of subsection (b) the following language:

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However, § 71-5-1413 shall constitute the exclusive authority for rulemaking by the bureau of TennCare regarding the transition to an acuity-based nursing home reimbursement system when acuity and quality supplemental transition payments as authorized in § 71-5-1004 are transitioned into the medicaid per diem rates of that nursing home reimbursement system.

SECTION 5. Tennessee Code Annotated, Section 71-5-1006, is amended by deleting in subsection (c)(1) the date "July 1, 2016" and substituting instead "July 1, 2017".

SECTION 6. Tennessee Code Annotated, Section 71-5-1413, is amended by deleting subsection (e) and substituting instead the following:

(e) When acuity and quality supplemental transition payments that are made pursuant to § 71-5-1004 are transitioned into the medicaid per diem rates of the nursing home reimbursement system, the bureau of TennCare is authorized to adopt rules and regulations necessary to implement a new nursing home reimbursement system, subject to the following limitations:

(1) Any rules promulgated by the bureau of TennCare under this subsection (e) shall be developed in consultation with the comptroller of the Treasury and with the Tennessee Health Care Association; and

(2) Any rules or regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the bureau of TennCare shall not promulgate emergency rules under this subsection (e) as defined in § 4-5-208.

SECTION 7. This act shall take effect July 1, 2017, the public welfare requiring it.