

Amendment No. 3 to HB2350

Lynn
Signature of Sponsor

AMEND Senate Bill No. 2312

House Bill No. 2350*

by adding the language "mental health hospital;" after the language "ambulatory surgical treatment center;" in subdivision (9)(A) in SECTION 1.

AND FURTHER AMEND in SECTION 1 by deleting subdivision (9)(B)(vii); by deleting the language "or" after subdivision (9)(B)(vi); and by adding the language "or" after subdivision (9)(B)(v).

AND FURTHER AMEND by adding the following as a new appropriately designated subdivision in SECTION 1:

() "Micro mental health hospital" means a facility required to be licensed as a mental health hospital under title 33 that has no more than ten (10) beds for admitted patients;

AND FURTHER AMEND by adding the following to the amendatory language of SECTION 10 as a new subsection:

() This part does not require a certificate of need to establish or operate a micro mental health hospital in any county with a population less than one hundred fifty thousand (150,000), according to the 2010 federal census or any subsequent federal census.

AND FURTHER AMEND by deleting from SECTION 10 the language "home health agency" wherever it appears and substituting instead the language "home care organization".

AND FURTHER AMEND by deleting the amendatory language of SECTION 14 and substituting instead the following:

(i) All costs of the contested case proceeding and any appeals, including the administrative law judge's costs and deposition costs, such as expert witness fees and

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reasonable attorney's fees, must be assessed against the losing party in the contested case. If there is more than one (1) losing party, then the costs must be divided equally among the losing parties. Costs must not be assessed against the agency or against any applicant for a certificate of need who is defending the approval of the applicant's certificate of need application.

AND FURTHER AMEND by deleting SECTION 17 and substituting instead the following:

SECTION 17. Tennessee Code Annotated, Section 68-11-1614, is amended by deleting the section and substituting the following:

(a) The commissioner of health shall provide the agency with aggregate data from the hospital discharge database and ambulatory surgical treatment center discharge database within fourteen (14) business days from the commissioner's receipt of a request. The information must include aggregate data by state, county, or zip code, as requested. The information must not include any patient identifiers that would lead to a patient's identity, such as name or street address. All information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain any patient identifiers.

(b) The commissioner of mental health and substance abuse services shall provide the agency with aggregate data about nonresidential substitution-based treatment centers for opiate addiction licensed in Tennessee within fourteen (14) business days from the commissioner's receipt of a request. The information must include aggregate data about patient origin by state, county, or zip code, as requested, at licensee treatment centers in this state. The information must not include any patient identifiers that would lead to a patient's identity, such as name or street address. All

information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain any patient identifiers.

(c) The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities may submit written reports or statements and they may also send representatives to testify before the agency to inform the agency with respect to applications.

AND FURTHER AMEND by deleting SECTION 23 and substituting instead the following:

SECTION 23. Tennessee Code Annotated, Section 68-11-1623, is amended by deleting the section and substituting the following:

(a) All fees and civil penalties authorized by this part must be paid by the health services and development agency or the collecting agency to the state treasurer and deposited in the state general fund and credited to a separate account for the agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying, and contested cases. Disbursements from that account may only be made for the purpose of defraying expenses incurred in the implementation and enforcement of this part by the agency. Funds remaining in the account at the end of any fiscal year do not revert to the general fund but remain available for expenditure in accordance with law.

(b) The agency shall prescribe fees by rule as authorized by this part. The fees must be in an amount that, in addition to the fees prescribed in subsection (c), provides for the cost of administering the implementation and enforcement of this part by the agency. Fees prescribed by the agency must be adjusted as necessary to provide that the account is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.

(c) The department of health shall annually collect the following schedule of fees from healthcare providers, and the fees must be paid to the state treasurer and

deposited in the state general fund and credited to the agency's separate account. The following schedule applies:

- (1) Residential hospice \$100 per license;
- (2) Nursing homes 1-50 beds \$500 per license;
- (3) Nursing homes 51-100 beds \$1,500 per license;
- (4) Nursing homes 101+ beds \$2,500 per license;
- (5) Hospitals 1-100 beds \$2,000 per license;
- (6) Hospitals 101-200 beds \$3,500 per license;
- (7) Hospitals 201+ beds \$5,000 per license;
- (8) Ambulatory surgical treatment centers \$1,000 per license;
- (9) Outpatient diagnostic centers \$1,000 per license;
- (10) Home care organizations authorized to provide home health services or hospice services \$500 per license;
- (11) Birthing Centers..... \$50 per license;
- (12) Nonresidential substitution-based treatment centers for opiate addiction \$500 per license;
- (13) Intellectual disability institutional habilitation facilities \$100 per license.

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION __. Section 23 of this act shall take effect July 1, 2020, the public welfare requiring it. The remainder of this act shall take effect January 1, 2021, the public welfare requiring it, and applies to certificate of need applications filed on or after that date.