

HOUSE BILL 3059
By McDaniel

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 4, relative to charges for mental health and mental retardation services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-4-101, is amended by deleting it entirely and substituting the following:

(a) The commissioner, with the approval of the comptroller and the commissioner of finance and administration, shall establish by rule a method for determination at least annually of charges for services provided to persons in programs operated by the department, including the charges for all institutional and/or professional services received by a person.

(b) Charges shall be calculated using generally accepted accounting principles.

SECTION 2. Tennessee Code Annotated, Section 33-4-102, is amended by deleting the words "patients and residents" from subsection (a) and substituting instead "recipients of service" and by deleting subsection (b) and substituting the following:

(b) Periodic payments by the recipient of service or the responsible relative shall be based on ability to pay as determined by such factors that the commissioner considers relevant.

SECTION 3. Tennessee Code Annotated, Sections 33-4-103 and 104, are amended by deleting them entirely and substituting the following:

33-4-103.

IF

(1)(A) A person receives services in a program operated by the department, OR

(B) A person is the spouse of a recipient of services in a program operated by the department, OR

(C) A person is the parent of an unmarried recipient of services in a program operated by the department who is less than eighteen years old,

THEN

(2) The person is liable for the charges for the services provided.

SECTION 4. Tennessee Code Annotated, Sections 33-4-105 and 106, are amended by deleting them entirely and substituting the following:

33-4-105.

IF

(1) A person who is not indigent receives service from a program operated by the department,

THEN

(2) The department shall at least annually establish an amount to be paid periodically by the person and each responsible relative.

SECTION 5. Tennessee Code Annotated, Section 33-4-107, is amended by deleting it entirely and substituting the following:

(a) The person who receives services, the person's conservator or guardian, and persons who are legally liable for charges for services shall furnish all information which the department deems necessary to determine the person's financial liability.

(b) If a person willfully refuses to provide such information or knowingly provides false information which results in an underassessment of liability, the person is liable for the total charges for services provided and for the amount of the state's expenses incurred in recovering such amounts, including attorneys' salaries or fees.

SECTION 6. Tennessee Code Annotated, Section 33-4-108, is amended by deleting it entirely and substituting the following:

If a person receives services under a court order from a program operated by the department, the department may demand any of the person's money which is in the custody of the court and credit it to the person's account.

SECTION 7. Tennessee Code Annotated, Sections 33-4-109 and 110, are amended by deleting them entirely and substituting the following:

33-4-109. The state has a continuing claim against the recipient of service from a program operated by the department and his estate and against responsible relatives for any unpaid difference between what the department determines the person owes and what was paid for the service provided. If (1) the recipient of service dies or (2) a responsible relative of the recipient of service dies, and the commissioner presents a claim for a sum unpaid and owing to the state on account of the recipient of service, then the claim shall be paid from the estate of the deceased person.

SECTION 8. Tennessee Code Annotated, Section 33-4-111, is amended by deleting it entirely and substituting the following:

If a person who is not legally responsible to pay for a person's care contributes funds voluntarily for the person's care, the department may accept such funds.

SECTION 9. Tennessee Code Annotated, Section 33-4-112, is amended by deleting the section entirely and substituting the following:

No person may receive care at the expense of the state in a program operated by the department except: (i) an indigent person; or (ii) a person subject to evaluation, diagnosis, or treatment under §§33-7-301(a) or 33-7-303(a); or (iii) a person whose care is paid for, in part, by state or federal government and the payment is conditioned on the department's acceptance of it as full satisfaction of the person's liability; or (iv) a person whose care is paid for by the person or another person or a third party and the department determines, under standards approved by the commissioner of finance and administration and the comptroller of the treasury, that the state's interests are best served by accepting payment offered as full satisfaction of the person's liability. Item (iv) does not apply to any claim for payment for which the state has a suit pending to recover payment.

SECTION 10. Tennessee Code Annotated, Section 33-4-113, is amended by (1) deleting the words "admissions for" and substituting the words "provision of services based on" and (2) by deleting the words "patient or resident" and substituting the words "recipient of services."

SECTION 11. This act shall take effect July 1, 1996.

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