

2011 Bills of Interest:

State Budget ([SB2091 Norris/](#)[HB2138 McCormick](#)) – Eliminated funds for EPSDT (Provider education) grant for FY2012; closes Governor's Office of Children's Coordinated Care (GOCCC); funds Perinatal Grants/Relative Caregiver/Regional Study. **Passed**

Medimmune Bill [SB616](#) Kelsey [HB1601](#) Maggart - Directs the Perinatal Advisory Committee within the Department of Health to study issues and policy options relating to hospital discharge and follow-up care procedures for premature infants born less than 37 weeks gestational age to ensure standardized and coordinated processes are followed as premature infants leave the hospital and transition to follow-up care by a health care provider in the community. The Committee shall report its findings and recommendations to the House Health Committee and the Senate Health Committee by January 31, 2012. **Passed as amended, based on recommendations from TNAAP**

Hearing Aids for Children [SB 0607](#) Overbey/[HB 0761](#) Montgomery. Requires group health insurance policies issued or renewed after January 1, 2012 to provide child coverage for up to \$1000 per individual hearing aid, per ear. **Passed**

Tort Reform ([SB 1522](#) Norris/[HB 2008](#) McCormick) Tennessee Civil Justice Act of 2011. Limits noneconomic damages to \$750,000 per individual in all civil actions including healthcare liability actions and applies the limitation to all occurrences that were or could have been asserted. Limits the amount of non-economic damages in a catastrophic injury to \$1,000,000 and limits punitive damages to the greater of two times the compensatory damages or \$500,000. **Passed**

Psychologists Prescribing ([SB390](#) Summerville/[HB749](#) Shipley) Authorizes psychologists to prescribe medicines to patients. **Action deferred until 2012.**

Alcoholic Beverages [SB 0316](#) Ketrone/[HB 406](#) Lundberg) Creates an additional class of licenses allowing the sale of wine at retail food stores. Limits the issuance of such licenses to retail food stores located in a city or county that has authorized the sale of alcoholic beverages by local option election. **Deferred to 2012**

Alcoholic Beverages [SB1832](#) Herron/[HB 2058](#) Fitzhugh) Creates a Class A misdemeanor offense for the manufacture, sale, offer for sale, advertisement, or distribution of any caffeinated alcohol drinks. **Deferred to 2012**

Child Safety [SB1690](#) Burks/[HB1975](#) Curtiss) Increases to a maximum of \$250, from a maximum of \$100, the fine for first offense of violating "Katie Beth's Law", which requires pool alarms in single-family residential swimming pools. **Deferred to 2012**

Guns [SB 0051](#) Campfield/[HB 2014](#) Holt) Authorizes full-time faculty and staff at public post-secondary institutions to carry handguns on the premises of such institutions upon receipt of a directive from the head of the institution and upon completing an annual firearms training program. **Summer Study Committee on Guns**

Tobacco Products Bills [SB300](#) Ketrone/[HB1287](#) Butt) Prohibits sale of any cigarette, cigar, tiparillo, cigarillo or other tobacco product singly or in packages fewer than three. Also prohibits the sale of such products if they are not in the original sealed package from the manufacturer that has the health warning required by federal law. Makes exception for certain hotels, restaurants and retail tobacco stores by allowing them to sell small quantity cigars with a retail price of at least a \$1.00 per cigar. Prohibits sales of other tobacco products, including cigar or cigarette rolling papers. Also prohibits sales of certain tobacco products and drug paraphernalia within 500 feet of a school, church, day care center, recreation center or community center. **Deferred to 2012**

[SB910](#) Overbey/[HB1729](#) Armstrong) Prohibits the sale of electronic cigarettes to minors. **Passed**

[SB1936](#) McNally/[HB1470](#) Haynes) Allows a local government to prohibit smoking by a distance of up to 50 feet from a hospital's

entrance unless this would place patients in a potentially unsafe condition.

Passed

Inhalation of Bath Salts [SB396](#)

Burks/[HB457](#) Williams R.

Creates Class A misdemeanor of producing, manufacturing, selling or offering to sell any product containing any of six listed synthetic derivatives or analogues of methcathinone.

Passed

Education [SB49](#)

Campfield/[HB229](#) Dunn

“Don’t say Gay”. Prohibits a public elementary school or middle school from the teaching of or furnishing of materials on human sexuality other than heterosexuality. **Passed**

Cyber-bullying [SB488](#)

Ketron/[HB301](#) Curtiss

Defines cyber-bullying. Requires each school to implement policies against cyber-bullying and send a copy of the policy to the commissioner of education. Encourages school employees, students, and volunteers to report cyber-bullying, in addition to other forms of intimidation.

Concussion bills

[SB589](#) Finney/[HB312](#)

Fitzhugh

Requires the department of education to develop and distribute to LEAs guidelines concerning educational policies for coaches, student-athletes and their parents regarding the identification and handling of concussions and head injuries. Allows the department to collaborate with and seek assistance from TN Secondary School Athletic Association and governmental agencies such as the department of health. Requires each coach, school employee and volunteer coach working with an athletic team to sign a statement acknowledging receipt and review of such information. Requires that a student athlete and the athlete's parent sign a statement acknowledging receipt of such information. **Deferred to 2012**

[SB841](#) Campfield/[HB978](#)

ShIPLEY **TNAAP Bill**

Requires the department of education to develop an athletic concussion policy for adoption by each LEA to identify students at risk for concussions during the course of athletic activities. Requires any insurance policy issued to a school or organization providing youth recreational activities to require the school or organization to adopt an athletic concussion policy. **Rescheduled for 2012**

[SB1120](#) Marrero/

[HB1753](#) Turner M.

Requires the department of health and the department of education to develop and post on their websites, guidelines and other relevant materials to inform and educate students, their parents, and their coaches, about the nature and risk of concussion and closed head injury, including the risks associated with continuing to play or practice after a concussion or head injury. **Deferred to 2012**

Child Autopsies [SB22](#)

Watson/[HB4](#) McCormick

Requires the state to allow a parent supervised visitation with a child before the state performs an autopsy on the child, if the parent requests such visit. Prevents the parent from holding the child's entire body if the parent is reasonably suspected of contributing to the child's death. **Deferred to 2012 in exchange for National Association of Medical Examiners implementation of national standards**

Mental Health [SB166](#)

Extends life of the council on children's mental health care until June 30, 2014. **Passed**

Watson/**HB248** Cobb J.

[SB194](#) Watson/**HB621** Cobb J. Extends the termination date of the commission on children youth from June 30, 2011 to June 30, 2015. Orders the commission to report to the appropriate joint subcommittee in July 2012 on the progress of the commission's responses to audit findings and does not require a new audit prior to the report. **Passed**

Child Safety SB75 Overbey/[HB39](#) Montgomery Adds go-karts, climbing walls, inflatable houses, slides and other inflatable devices to amusement devices subject to inspection and review by the elevator and amusement device safety board. **Deferred to 2012**

Newborn Screening SB 65 Overbey/**HB 0373** Haynes As introduced, required that a child born in a hospital or other birthing facility be screened for critical cyanotic congenital heart disease prior to discharge. **Passed w/amendment directs the Genetic Advisory Committee to develop a screening program for critical cyanotic congenital heart disease (CCCHD) for newborns, using pulse oximetry, on or before January 1, 2012.**

Autism Awareness Recognition Day SB72 Overbey/**HB389** Montgomery Requires the governor to designate one day each year as "Autism Awareness Recognition Day." **Passed**

Breastfeeding SB83 Faulk/**HB871** Brooks Permits breastfeeding, regardless of age rather than only if twelve months or younger, in any location, public or private, where the mother and child are otherwise authorized to be present. **Passed**

Pertussis SB538 McNally/[HB186](#) Maggart Requires each hospital to provide parents of newborns with educational information on Pertussis disease and the availability of a vaccine to protect against Pertussis. **Passed**

Non-compete agreements SB611 Overbey/**HB832** Hensley Removes the present law six-year limitation on the duration of non-compete agreements between a healthcare provider and an employing or contracting entity. Law also applies the current limitations on non-compete agreements for physicians to such agreements for osteopathic physicians. **Passed**

Peds Treatment Information SB919 Overbey/**HB1230** Stewart Defines "essential treatment information" as information pertaining to patients younger than 18 who are diagnosed with any form of cancer. Requires an institution that desires to participate in such program to write to the commissioner of health and post such intent on a website accessible by the public. Requires a participating institution to maintain all essential treatment information of patients admitted for care after January 1, 2012. Creates an advisory board with appointees that must be selected as follows: 2 members from Saint Jude's

Children's Hospital (if participating institution), 2 members by the Monroe Carroll Children's Hospital at Vanderbilt (if participating institution), 1 by each additional participating institution located in TN, and 2 selected by the governor to represent patients and other interested members of the public. **Deferred to 2012**

Pain management clinics
SB1258 Yager/[HB1040](#)
Ramsey

Establishes regulations for pain management clinics and requires such clinics to apply for certification with the Department of Health (DOH). Defines a "pain management clinic" as a privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to a majority of the patients through prescription of opioids, benzodiazepines, barbiturates, or carisoprodol, but not including suboxone, and the physician treats the patients for more than 90 days in a year. **Passed**

Fluoride SB1642
Campfield/[HB1873](#)
Niceley

Encourages the department of health to conduct a study concerning exposure to fluoride, to the extent funds are specifically provided in the general appropriations act. **Deferred to 2012**

Scope of practice SB1935
McNally/[HB1896](#)
Hensley

Specifies that an advanced practice nurse and a physician assistant can only perform invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves or block of major peripheral nerves under the supervision of a licensed physician certified in certain medical specialties, including anesthesiology, neurological surgery, orthopedic surgery, or physical medicine and rehabilitation. **Deferred to summer study committee**

Insurance SB361
Johnson/[HB303](#)
Curtiss

Assignment of benefits to a health care provider. Alters conditions regarding contracts of assignment of benefits to a health care provider. Requires an assignment of benefits to a health care provider be disregarded if the health care facility fails to include the changed language in its written notice to the insured. **Passed**

Coverage for ectodermal dysplasia, cleft lip & palate
SB718 Berke/[HB723](#) Dean

Requires insurance coverage for dental, oral surgical, and orthodontic services that are medically necessary for the treatment of medically diagnosed cleft lip, cleft palate or ectodermal dysplasia for children. **Deferred to 2012**

Insurance SB1119
Woodson/[HB682](#) Marsh

Promotional incentives for health insurance policies. Authorizes insurers to use incentives and rewards to encourage or reward participation in a health promotion program. **Passed**

Grievance/External Review
[SB1538](#) Norris/
HB2004 McCormick

Grants the commissioner of commerce and insurance emergency rulemaking authority to implement random assignments of external review organizations if it is required by the U.S. Department of Health & Human Resources. Otherwise, retains present law provisions. **Passed**

Utilization Review SB1988
Stewart/[HB1754](#) Turner M.

Specifies that after the initial utilization review, additional information or follow-up utilization review for outpatient mental health or chemical dependency patients shall be limited to no more than 18% of the total number of outpatient mental health and chemical dependency patients' reviews performed by the utilization review agent for the previous calendar year

adjusted for the difference of covered lives in this state for the present calendar year, or as otherwise required by the utilization review accreditation commission (URAC) or the national committee for quality assurance (NCQA). **Passed**

Chemicals [SB246](#) Marrero/HB
190 Richardson

Prohibits sale of baby food and infant formula in containers containing bisphenol A and sale of all food and beverages in reusable containers containing bisphenol A beginning 1/1/ 2012. Requires manufacturers to replace bisphenol A with the least toxic alternative. **Deferred to 2012**

Child protective restraints **SB**
2053 Ford/[HB112](#) Hardaway

Requires in shopping carts. Requires a seller who provides shopping carts with child to ensure that all carts placed into commercial use on or after July 1, 2011 be equipped with a child restraint system meeting ASTM F2372-04. Establishes that failure to comply violates the Tennessee Consumer Protection Act. **Deferred to 2012**

Primary care **SB1856**
Crowe/[HB1146](#) Casada

Requires the commissioner of finance and administration to seek a federal waiver from the federal secretary of health to require adult individuals receiving medical assistance through TennCare to utilize clinics associated with local health departments as the exclusive provider of primary care before seeking care at a hospital-based emergency room for nonemergent care. **Deferred to 2012**

Children and motorcycles [SB74](#)
Overbey/HB153 Ramsey

Prohibits the operator of a motorcycle from carrying a passenger under the age of five. Specifies that a violation is a Class C misdemeanor punishable by a fine of \$50.00. **Deferred to summer study committee**

Bicycles **SB1171** Berke/[HB1007](#)
Stewart

Broadens requirement that drivers exercise due care to apply to bicyclists; enhances penalty for certain traffic violations that cause serious bodily injury or death. **Passed**

Motorcycle helmet bills [SB1290](#)
Southerland/HB1810 Tidwell

Requires any nonresident who is 21 years of age operating a motorcycle registered in another state to comply with the mandatory motorcycle equipment laws of the state in which such motorcycle is registered. **Deferred to 2012**

SB1291 Southerland/[HB1811](#)
Tidwell

Exempts nonresidents, 21 years of age or older who are from states that do not require motorcycle helmets, from having wearing a helmet while driving in this state. **Deferred to 2012**

SB1466 Overbey/[HB1673](#) Matheny

Allows persons who are 21 years of age and who possess proof of comprehensive medical coverage providing at least \$15,000 in medical benefits for injuries from a crash to ride a motorcycle without a helmet. **Deferred to summer study committee**

For additional information on these or any other bills, please visit the Tennessee General Assembly website: www.capitol.tn.gov. or contact our executive Director, Ruth Allen At 615-383-6004 / ruth.allen@tnaap.org or lobbyist Theo Morrison, at 615-353-1089t theo@morrisoncs.com. Thanks goes out to our TNAAP Legislative Committee, lead by Chairman, John Hill, MD. and other TNAAP members for their efforts during the session and to all our members who contacted their legislators about our issues. Your support and participation in the legislative process is vital to our success.