

CHAPTER NO. 272

HOUSE BILL NO. 700

By Representatives Caldwell, Bowers, Hargett

Substituted for: Senate Bill No. 1524

By Senators Rochelle, Kurita

AN ACT to amend Tennessee Code Annotated, Section 68-11-201, relative to assisted-care living facilities and residents.

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

SECTION 1. Tennessee Code Annotated, Section 68-11-201(5), is amended by deleting subitems (5)(A), (B) and (C) in their entireties and by substituting instead new subitems(5)(A), (B), (C) and (D) as follows:

(A) Except as provided in subdivisions (B) and (C), an assisted-care living facility shall not admit nor permit the continued stay of any person or assisted-care living facility resident if any of the following conditions exists:

- (i) The person is in the latter stages of Alzheimer's disease or related disorders;
- (ii) The person requires physical or chemical restraints;
- (iii) The person poses a serious threat to such person or to others;
- (iv) The person requires nasopharyngeal or tracheotomy aspiration;
- (v) The person requires initial phases of a regimen involving administration of medical gases;
- (vi) The person requires a nasogastric tube;
- (vii) The person requires arterial blood gas monitoring;
- (viii) The person is not able to communicate such person's needs;
- (ix) The person requires gastrostomy feedings;
- (x) The person requires intravenous or daily intramuscular injections or intravenous feedings;
- (xi) The person requires insertion, sterile irrigation and replacement of catheters, except for routine maintenance of Foley catheters;
- (xii) The person requires sterile wound care; or

(xiii) The person requires treatment of extensive stage 3 or stage 4 decubitus ulcer or exfoliative dermatitis;

(B) So long as (1) a person does not otherwise fall outside the definition of an assisted care living facility resident, and (2) the person's medical condition and overall health status are stable, and (3) the person is able to care for their condition without the assistance of facility personnel or home health care, and (4) the person has a documented history of self-care for their medical condition for at least one (1) year, which is documented by the patient's treating physician and made part of their medical record, then any assisted care living facility may accept for admission and allow the continued stay of such person who:

(i) has in place a gastrostomy or percutaneous endoscopic gastrostomy (PEG) tube;

(ii) requires a nasopharyngeal suctioning or has a tracheostomy tube;

(iii) has in place a catheter that is their sole physical means of elimination of waste; or

(iv) requires the routine administration of oxygen.

If any person admitted to an assisted care living facility under this subsection no longer meets the requirements listed above and/or is no longer able to self care for their medical condition, the assisted care living facility must transfer the person immediately to a licensed nursing home or hospital. Nothing in this subsection shall be construed to prevent facility staff from responding to an emergency situation;

(C) An assisted care living facility resident with any of the conditions listed below may be retained by the facility for a period not to exceed twenty-one (21) days. A resident may continue as a resident in the facility for an additional twenty-one (21) day period if, within the first twenty-one (21) days (or by the first business day thereafter, if the twenty-first (21st) day is a Saturday, Sunday or holiday), or earlier if same becomes apparent to the facility, the extension of the initial twenty-one (21) day period is approved by the commissioner of health, or the commissioner's designee, so long as the individual approving the extension is a physician licensed in Tennessee. The department must respond to a request for an extension of stay within five (5) working days of its receipt of same.

(i) The person requires intravenous or daily intramuscular injections or intravenous feedings.

(ii) The person requires insertion, sterile irrigation and replacement of catheters, except for routine maintenance of Foley catheters; or

(iii) The person requires sterile wound care; and

(D) Under no circumstances shall a person be eligible to continue as an assisted care living facility resident if after a twenty-one (21) day period the individual requires four (4) or more skilled nursing visits per week for conditions other than those listed in subdivision (5)(C);

SECTION 2. Tennessee Code Annotated, Section 68-11-201(4)(B)(ii), is amended by adding the following language immediately after the word "organization" at the end of the item: "or by the appropriate licensed staff of a nursing home if the assisted care living facility is located on the same physical campus as the licensed nursing home, in which case the assisted care living facility shall provide the individual with written notice that such services may be available to the individual as a Medicare benefit through a licensed home care organization."

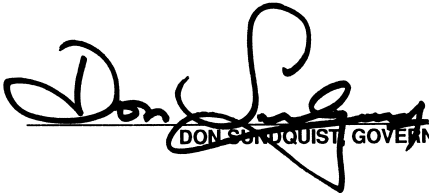
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 16, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2001


DON SUNDQUIST, GOVERNOR