

CHAPTER NO. 282

HOUSE BILL NO. 1234

By Representative Caldwell

Substituted for: Senate Bill No. 326

By Senator Clabough

AN ACT to amend Tennessee Code Annotated, Title 33; Title 68 and Title 71, and Chapter 985 of the Public Acts of 2000, relative to the licensure and regulation of home care and independent living support services.

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

SECTION 1. Tennessee Code Annotated, Section 33-2-402, is amended by adding a new, item as follows:

(__) "Personal support services" means nursing consultation, education services, therapy services and other personal assistance services as defined by rule, which are provided to individuals with substantial limitation in two or more major life activities in either their regular or temporary residences, but does not mean direct nursing services or direct therapy services provided in connection with an acute episode of illness or injury.

SECTION 2. Tennessee Code Annotated, Section 33-2-401, is amended by deleting the phrase "Mental Health and Developmental Disabilities Licensure Law" and substituting instead the phrase "Mental Health, Developmental Disability, and Personal Support Services Licensure Law".

SECTION 3. Tennessee Code Annotated, Section 33-2-403, is amended by deleting from subsection (a) the phrase "mental health and developmental disabilities services" wherever it appears and substituting instead the phrase "mental health, developmental disability, and personal support services"; and by deleting from paragraph (d)(2)(F) the phrase "Four (4)" and substituting instead the phrase "Five (5)"; and by adding to paragraph (d)(2) the following subdivision to be appropriately designated:

(__) a representative of a personal support services agency.

SECTION 4. Tennessee Code Annotated, Section 33-2-405, is amended by deleting the phrase "mental health or developmental disability service" and substituting instead the phrase "mental health, developmental disability, or personal support service".

SECTION 5. Tennessee Code Annotated, Section 33-2-406, is amended by deleting from subsection (a) the phrase "mental health or developmental disability services" and substituting instead the phrase "mental health, developmental disability, or personal support services"; and by deleting from subsection (b) the phrase "mental health or developmental disability service" and substituting instead the phrase "mental health, developmental disability, or personal support services".

SECTION 6. Tennessee Code Annotated, Section 33-2-411, is amended by deleting from subsections (a) and (b) the phrase "mental health or developmental disabilities services" and substituting instead the phrase "mental health, developmental disability, or personal support services".

SECTION 7. Tennessee Code Annotated, Section 33-2-416, is amended by deleting from subsection (a) the phrase "mental health or developmental disabilities services" wherever it appears and substituting instead the phrase "mental health, developmental disability, or personal support services".

SECTION 8. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by adding the following new section to be appropriately designated:

Section 33-2-____.

(a) Any individual employed by a personal support services agency to provide personal support services must complete standardized training and continuing education under department rules.

(b) The department may create classifications for personal support services agencies specializing in a type of service or care and may require additional training and continuing education for such classifications.

SECTION 9. Tennessee Code Annotated, Title 33, Chapter 2, Part 4 is amended by adding the following section:

Section 33-2-____.

If an agency is licensed as a personal support services agency under this title, it does not have to be licensed under Title 68, Chapter 11, Part 2, as a home care organization to provide personal support services. If an agency is licensed under Title 68, Chapter 11, Part 2, as a home care organization, it does not have to be licensed under this title to provide personal support services.

SECTION 10. Tennessee Code Annotated, Section 68-11-201(15)(D)(ii)(a), is amended by inserting the following text after the word "agencies": "that are registered participants in divisional programs and that are".

SECTION 11. Chapter 985 of the Public Acts of 2000 is amended in Section 3 by deleting the language "July 1, 2001" and by substituting instead the language "July 1, 2002".

SECTION 12. This act shall take effect as follows:

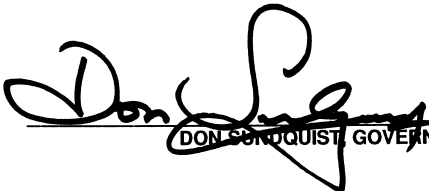
- (1) Section 11 shall take effect on July 1, 2001, the public welfare requiring it;
- (2) For rulemaking purposes only, this act shall take effect on becoming law, the public welfare requiring it;
- (3) For all other purposes, this act shall take effect on July 1, 2002.

PASSED: May 14, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2001


DON SPANG, GOVERNOR