

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 471

SENATE BILL NO. 851

By Black, Johnson, Woodson, Ford, Gresham, Harper, Marrero, Tracy

Substituted for: House Bill No. 1114

By Shepard, Evans, Hackworth, Stewart, Hardaway, Barker, Maggart

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, relative to home health care services.

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

SECTION 1. Tennessee Code Annotated, Section 71-5-107(a)(12), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(12) Home health care services provided in the recipient's home. Such services may follow the recipient into the community subject to the following:

(A) Home health nurses or aides may accompany a recipient outside the home during the course of delivery of prior approved home health nurse or home health aide services if all of the following criteria are met:

(i) The home health nurse or home health aide shall not transport the recipient;

(ii) The home health agency shall have discretion as to whether or not to accompany a recipient outside the home. The circumstance under which a home health agency may exercise such discretion shall include without limitation when the home health agency has concern regarding any of the following:

(a) The scheduling or safety of the transportation;

(b) The health or safety of their employee or the recipient;

(c) The ability to safely and effectively deliver services in the alternative setting;

(d) The additional expense that would be required to accompany a patient outside the home.

(iii) Additional visits or hours of care will not be approved for coverage for the purpose of accompanying a recipient outside the home. Services will be limited to services to which the

recipient would be entitled if the services were provided exclusively at the recipient's place of residence.

(iv) No additional reimbursement shall be paid to the home health agency in association with the decision of a home health agency to accompany a patient outside the home.

(B) Nothing in this subdivision is intended to create an entitlement to services outside the home.

(C) A home health agency shall not be subject to any claims or cause of action as result of exercising its discretion under this subdivision.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 1, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR