

SENATE BILL 21

By Walley

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 16, relative to certificates of need.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 16, is amended by adding the following as a new section:

- (a) Notwithstanding this part, a certificate of need is not required for a facility if:
 - (1) The facility, facility site service area, or proposed facility site service area previously operated pursuant to a certificate of need;
 - (2) The facility is located in a county:
 - (A) Designated by the department of economic and community development as a tier 2, tier 3, or tier 4 enhancement county pursuant to § 67-4-2109; or
 - (B) With a population less than forty-nine thousand (49,000), according to the 2010 federal census or any subsequent census;
 - (3) The last date of operations at the facility, the facility site service area, or proposed facility site service area was no more than fifteen (15) years prior to the date on which the facility submits information to the agency pursuant to subsection (b); and
 - (4) The facility applies for a certificate of need from the agency or applies to renew its prior certificate of need pursuant to subsection (b) within twelve (12) months of the date on which the facility submits information to the agency pursuant to subsection (b);

(b)

(1) Notwithstanding this part, the agency may renew a certificate of need for a facility meeting the criteria in subdivisions (a)(1)-(3) upon application by the owner or operator of the facility and finding that the facility will operate in a manner that is substantially similar to the manner authorized under the facility's certificate of need at the time of the facility's closure.

(2) The agency shall review and make a determination on an application submitted pursuant to subdivision (b)(1) and notify the applicant in writing of the determination within sixty (60) days of the date the applicant submits a completed application to the agency. If the agency determination is to deny the application, then the agency must also provide to the applicant a written explanation detailing the reasons for the denial.

SECTION 2. The agency is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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