

SENATE BILL 1119

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 3;
Title 4, Chapter 3; Title 37 and Title 71, relative to
the creation of select oversight committees.

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

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 15, is amended by adding the following sections as a new Part 1:

3-15-101.

(a) In order to improve planning for facilities and programs, to create a better environment for management, and to ensure implementation of proposed improvements in the correctional system, there is hereby created the select oversight committee on corrections, hereafter referred to as "the committee."

(b) The committee shall be composed of fourteen (14) members, with seven (7) members to be appointed by the speaker of the senate and seven (7) members to be appointed by the speaker of the house of representatives.

3-15-102.

(a) The committee shall elect from its membership a chair, a vice chair, and such other officers as it considers necessary.

(b) The committee may also:

(1) Create subcommittees related to its purposes;

(2) Request that standing committees of the general assembly, the fiscal review committee, or other agencies study certain aspects of the correction system and report to the committee;

(3) Conduct hearings;

(4) Employ staff, subject to the availability of funds;

(5) Enter contracts for technical or professional services, subject to the availability of funds; the speaker of the senate and the speaker of the house shall jointly determine the qualifications and task or job descriptions of any consultant or other person contracted for services, and shall jointly select any such consultant or other person on behalf of the committee; and

(6) Perform such other duties as are required.

3-15-103.

(a) The committee shall meet at least quarterly and at the call of the chair.

The first meeting of the committee shall be convened by the speaker of the senate.

(b) Members of the committee are entitled to be reimbursed for their expenses in attending meetings of the committee or any subcommittees thereof at the same rates and in the same manner as when attending the general assembly.

3-15-104. The committee shall report on its activities to each member of the general assembly.

3-15-105.

(a) It is the intent of this part that plans be made carefully and be reviewed thoroughly to help ensure that new programs will achieve their intended purposes, to help ensure that new facilities are needed and are designed properly, and to help ensure that the general assembly and the public can have confidence that the state will deliver a correctional system which is effective and efficient.

(b) To these ends, the committee shall review proposed expenditures for corrections and shall make its comments on proposed expenditures in a timely fashion according to the following:

(1) Any proposed expenditure of funds to implement new programs or expand existing programs, any administrative or management changes requiring additional expenditures, any proposed expenditure for expanding or otherwise changing the operation of any facility, or for beginning the operation of any new facility shall be filed in writing by the commissioner of correction with the committee and may be reviewed by the committee. After any such review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that any such comment shall be made within thirty (30) days after receipt by the committee of the proposal for such expenditures. If such expenditures are made before the committee has made its comments, if any, or if expenditures are made which are inconsistent with the comments of the committee, the commissioner of finance and administration shall explain in writing the reasons for making such expenditures to the committee and each other member of the general assembly; and

(2) Any proposed plans for capital expenditure for maintenance or renovations of existing facilities, construction of new facilities, or purchase of equipment to be used in such facilities shall be filed in writing by the commissioner of correction with the committee at the same time it is filed with the state building commission. The committee has the authority to review such plans and, after such review, the committee may comment to the state building commission on the proposed capital expenditure, and the commission is encouraged to consider the committee's comments, if any, in making its decisions.

3-15-106. The committee shall receive information and assistance from the department of correction, other agencies in the criminal justice system, and other agencies of state government, as necessary.

3-15-107. The committee shall review regularly the following programs, functions and activities of the department of correction:

(1) Classification and reclassification: including determinations of how inmates are assigned to various security and custody levels; how inmates are assigned to various work, education or training programs; how inmates are provided various treatment programs; how other programs are provided to inmates; or other matters related to classification and assignment of inmates;

(2) Capacity of institutions and other programs: including planning to meet future needs; consideration of alternative uses of existing facilities or programs; or other related matters;

(3) Industrial, agricultural or other programs designed to provide activity for inmates: including conditions of eligibility; performance standards and incentive programs; planning of work programs including estimating capital needs, demand for products or services produced, and determining where and how such programs will be offered; or other related matters;

(4) Education and training programs for inmates: including eligibility; performance standards and incentive programs; planning of programs and estimating capital needs and inmate demand; or other related matters;

(5) Release programs, including eligibility conditions and effects: including regular parole; early release programs such as "emergency release," "safety valve," release under contract sentencing, work release, clemency, or pardon; or other programs;

(6) Alternative sentencing programs: including community corrections; victim restitution programs; or others;

(7) Local jails, including determining costs and level of state payment for housing felons; state programs for funding renovation and construction; standards and monitoring compliance; long-term planning; or other related matters;

(8) Provision of services, facilities or programs by private contractors;

(9) Staffing within the department: including recruitment, selection, training, compensation, discipline, or other matters;

(10) Management: including planning, budgeting, information systems, organizational structure, rules and regulations, department policies and procedures, or other related matters; and

(11) Any other matters considered material.

3-15-108.

(a) When any bill is introduced in the general assembly that will impact or potentially impact upon any area within the scope of review of the committee, as set out in this chapter, the clerk shall at the same time the bill is referred to the appropriate standing committee, notify the chair of the oversight committee of the bill and transmit a copy of the bill to the oversight committee. For purposes of participating in the discussions and comments of the committee, the chair or the chair's designee of the appropriate standing committee shall be notified of the date, time, and location where the committee will meet to review legislation that has been assigned to the respective standing committee, and such chair or the chair's designee shall become an ex officio member of the committee when the legislation is considered by the committee.

(b) In order to efficiently execute the duties set out in this chapter, the committee shall review all bills transmitted to it as provided in subsection (a) and may attach committee comments to the bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee shall be to assist the standing committee in its consideration of correction-related legislation by providing appropriate background information on the bill or information concerning the impact of the bill on the correction system. The committee shall make no recommendation concerning the passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills transmitted to it pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than four (4) weeks after a bill covered by the provisions of this section has first been introduced.

(c) Upon completion of the review process within the time limitation established in subsection (b), the chair of the committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the committee has prepared committee comments on a bill, the comments shall be attached to the notification to the chair. If the committee has reviewed a bill but has no committee comments, that shall be indicated in the notification to the chair. If a bill is referred to the committee for review but has not been reviewed within the time period set out in subsection (b), the chair shall notify the appropriate chair that the bill has not been reviewed but is ready for consideration by the standing committee.

3-15-109.

(a) The committee created by this part shall continue only until the operations of the department of correction have improved substantially so that such oversight is no longer needed. It is the intent of the general assembly that improvement be accomplished in a timely fashion.

(b) To these ends, the committee created by this part shall be subject to termination every four (4) years from June 30, 2013, unless the committee is continued by the general assembly by a joint resolution during regular session.

(c) The respective speakers shall reappoint or appoint new members to the oversight committee for each subsequent regular session of the general assembly for the duration of the committee. Notwithstanding any law to the contrary, this part shall not be construed to require the speakers to appoint more than one (1) member from any standing committee of the general assembly when making reappointments or appointments to any select committee statutorily created after the effective date of this act; and, furthermore, to assure broadly based representation, the speakers may increase the total membership of any such committee by not more than one (1) senator and/or not more than one (1) representative if, as a result of such action, the committee will consist of a total of twenty (20) members evenly balanced between senators and representatives.

(d) The office of the comptroller of the treasury shall conduct a performance evaluation of the select oversight committee on corrections prior to its termination.

SECTION 2. Tennessee Code Annotated, Title 3, Chapter 15, is amended by adding the following sections as a new Part 2:

3-15-201.

(a) There is created the select committee on children and youth. The select committee shall consist of eighteen (18) members. Nine (9) senators shall be appointed by the speaker of the senate. Nine (9) representatives shall be appointed by the speaker of the house of representatives. Each member appointed shall have a desire to serve on the committee and be committed to improving the lives of Tennessee's children by putting "the best interest of each child" as the first reason to serve. During the organizational session of each general assembly, the respective speakers shall reappoint or appoint members to serve on the select committee on children and youth. Any vacancies occurring on the select committee, between organizational sessions, shall be filled by the respective speakers in accordance with the guidelines established in this subsection (a).

(b)

(1) The select committee shall meet at least eight (8) times per year and at the call of the chair. Members of the select committee shall be entitled to reimbursement for their expenses in attending meetings of the committee or any subcommittee thereof at the same rates and in the same manner as when attending the general assembly.

(2) The committee shall elect from its membership a chair, a vice chair, and such other officers as it deems necessary.

3-15-202. The select committee on children and youth is authorized to:

(1) Create subcommittees related to its purposes;

(2) Request standing committees of the general assembly, the fiscal review committee, and any agencies or entities of state government to study and report on designated policy matters relating to children and youth;

(3) Conduct such meetings and public hearings in Nashville and across the state as shall be necessary;

(4) Employ committee staff, including an executive director, subject to the availability of funding for such purpose. The executive director shall have social services experience, child welfare experience, and should have experience in a position equal to that of an executive director;

(5) Enter into contracts for technical or professional services, subject to the availability of funding for such purpose, the speaker of the senate and the speaker of the house of representatives to jointly:

(A) Determine the qualifications and task or job descriptions of any consultant or other person contracted for services; and

(B) Select any such consultant or other person on behalf of the committee;

(6) Promote interagency cooperation and policy continuity with respect to state initiatives to benefit children and youth;

(7) Provide, on behalf of the general assembly, planning and programmatic assistance to the southern legislators' conference on children and youth;

(8) Undertake appropriate actions to inform state and local officials, and the public at large, of innovative and effective model programs for children, youth, and their families; and

(9) Perform other duties as requested by joint resolution of the general assembly.

3-15-203. The select committee shall timely publish a report following the conclusion of any regular annual session occurring in an even-numbered year, which

summarizes the committee's activities, findings, recommendations, and proposals. A copy of the annual report shall be distributed to each member of the general assembly.

3-15-204. It is the duty of the select committee on children and youth to:

(1) Review current state policies on children and youth as reflected by Tennessee statutes, regulations, programs, services, budgetary priorities, and provide oversight;

(2) Study the many problems which jeopardize the development and well being of Tennessee children and youth, including, but not limited to, such persistent, interdisciplinary problems as teen pregnancy, educational underachievement, youth employment, alcohol and drug abuse, delinquency, emotional illness, birth defects, day care, homelessness, child abuse, the growing impoverishment of childhood and adolescence, child sexual abuse, and humane trafficking of minors;

(3) Define and establish the components, guidelines, and objectives of a comprehensive state policy to ensure and promote present and future health, welfare, and opportunity for all of Tennessee's children and youth;

(4) Identify any Tennessee laws, regulations, programs, services, and budgetary priorities which conflict with the components, guidelines, and objectives of such comprehensive policy;

(5) Search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of such comprehensive policy;

(6) Identify any new laws, regulations, programs, services, and budgetary priorities which are needed to ensure and promote present and future health, both physical, mental and emotional, welfare, and opportunity for all of the state's children and youth;

(7) Serve as an in-house informational resource for all members and committees of the general assembly on legislative policy matters concerning children and youth; and

(8) Perform such other activities as are reasonably related to the legislative intent of this part, including, but not necessarily limited to, improving public awareness of the special needs of Tennessee children and youth.

3-15-205. Upon completion of the duties assigned by this part, the select committee shall prepare and publish a final report. The committee shall distribute the final report to each member of the general assembly and to each library officially designated as a depository for state documents and publications. Upon distribution of such report, the committee shall terminate and shall cease to exist.

3-15-206.

(a) Until such time as the select committee on children and youth terminates pursuant to § 3-15-205, the commissioner of education shall report at least twice each year to a meeting of the select committee on children and youth concerning the performance of duties and responsibilities assigned by this part and § 49-1-520 concerning funding recommendations.

(b) Until such time as the select committee terminates, the commissioner of children's services shall report at least three (3) times each year, and as may be called upon by the committee or subcommittee thereof, concerning the performance of duties and responsibilities assigned by law to the department of children's services.

3-15-207. In view of the continuing need for legislative oversight of programs and services for children and their families, emphasized by recent concerns regarding the foster care program and the child protective services system, the select committee

on children and youth shall continue to perform legislative oversight as provided in this chapter, notwithstanding any other law to the contrary. This section shall not be construed or implemented in any way to prohibit or restrict appropriate review, inquiry, or oversight of the department of children's services by any other standing, special, or statutory committee of the general assembly.

3-15-208. The general assembly declares an urgent need to thoroughly study all relevant issues pertaining to the child protective services system. The select committee on children and youth shall study the effectiveness of the child protective services system in this state and develop recommendations for its improvement. The select committee is authorized to obtain consultation and receive advisement in this effort.

SECTION 3. Tennessee Code Annotated, Title 3, Chapter 15, is amended by adding the following sections as a new Part 5:

3-15-501.

(a) In order to improve and promote accessible and affordable health care for all Tennesseans, to create a better environment for management and to ensure the viability of TennCare, there is hereby created the select oversight committee on TennCare, hereinafter referred to as "the committee".

(b) The committee shall be composed of fourteen (14) members, with seven (7) members to be appointed by the speaker of the senate and seven (7) members to be appointed by the speaker of the house of representatives.

3-15-502.

(a) The committee shall elect from its membership a chair, a vice chair and such other officers as it considers necessary.

(b) The committee may also:

(1) Create subcommittees related to its purposes;

(2) Create an advisory panel composed of representatives including, but not limited to, business, insurance, hospitals, physicians and consumers;

(3) Request that standing committees of the general assembly, the fiscal review committee or other agencies study certain aspects of the TennCare program and report to the committee;

(4) Conduct hearings;

(5) Employ staff, subject to the availability of funds;

(6) Enter into contracts for technical or professional services, subject to the availability of funds; the speaker of the senate and the speaker of the house shall jointly determine the qualifications and task or job descriptions of any consultant or other person contracted for services, and shall jointly select any such consultant or other person on behalf of the committee; and

(7) Perform such other duties as are required.

3-15-503.

(a) The committee shall meet at least quarterly and at the call of the chair.

The first meeting of the committee shall be convened by the speaker of the senate.

(b) Members of the committee are entitled to be reimbursed for their expenses in attending meetings of the committee or any subcommittees thereof at the same rates and in the same manner as when attending the general assembly.

3-15-504. The committee shall report on its activities to each member of the general assembly.

3-15-505.

(a) It is the intent of this part that plans be made carefully and be reviewed thoroughly to help ensure that the TennCare program will achieve its intended purpose, to help ensure that access and quality of health care are maintained for TennCare enrollees, and to help ensure that the general assembly and the public can have confidence that the state will deliver a TennCare program which is effective and efficient.

(b) To these ends, the committee shall review proposed expenditures for TennCare and shall make its comments on proposed expenditures in a timely fashion according to this section.

(c) Any proposed expenditure of funds, including TennCare funds to managed care organizations (MCOs) or the distribution of supplemental pool funds to providers, any administrative or management changes requiring additional expenditures, and any proposed expenditure for expanding or otherwise changing the TennCare program, shall be filed in writing by the commissioner of health with the committee and may be reviewed by the committee. After any such review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that any such comment shall be made within thirty (30) days after receipt by the committee of the proposal for such expenditures. If such expenditures are made before the committee has made its comments, if any, or if expenditures are made which are inconsistent with the comments of the committee, the commissioner of finance and administration shall explain in writing the reasons for making such expenditures to the committee and each other member of the general assembly.

3-15-506. The committee shall receive information and assistance from the department of health, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities, and other agencies of state government, as necessary.

3-15-507.

(a) For the purposes of this part, "managed care organization" and "MCO" mean any health maintenance organization, behavioral health organization, any entity regulated pursuant to title 56, chapter 32, and contractors of such entities.

(b) The committee shall review regularly the following programs, functions and activities of the department of health and the TennCare program:

(1) Eligibility and enrollment standards, including determinations of how TennCare enrollees are assigned to MCOs, or other matters related to eligibility and assignment of TennCare enrollees;

(2) Provisions of services, facilities or programs by TennCare providers, including TennCare's standard benefit package or other related matters;

(3) Education programs for TennCare enrollees, MCOs and providers, including eligibility, access to TennCare providers and MCOs, benefit package offered, deductibles, and co-payments required or other related matters;

(4) Review and evaluation of performance of TennCare MCOs, including their compliance with contracts entered into with the state, review of MCO contracts entered into with any TennCare provider or other related matters;

(5) Compliance by the department with the TennCare federal waiver, including review of proposed amendments to the waiver for system changes, and evaluations or reports prepared for or by the federal government, or other related matters;

(6) Staffing within the department, including recruitment, selection, training, compensation, discipline, or other matters;

(7) Management, including planning, budgeting, information systems, organizational structure, rules and regulations, department policies and procedures, or other related matters; and

(8) Any other matters considered material.

3-15-508.

(a) When any bill is introduced in the general assembly that will impact or potentially impact upon any area within the scope of review of the committee, as set out in this chapter, the clerk shall at the same time such bill is referred to the appropriate standing committee, notify the chair of the oversight committee of such bill and transmit a copy of such bill to the oversight committee. For purposes of participating in the discussions and comments of the oversight committee, the oversight committee chair shall notify the chair or the chair's designee of the standing committee of the date, time, and location where the oversight committee will meet to review legislation which has been assigned to the standing committee, and such chair or the chair's designee shall become an ex officio member of the oversight committee when the oversight committee considers such legislation.

(b) In order to efficiently execute the duties set out in this part, the committee shall review all bills transmitted to it as provided in subsection (a), and

may attach committee comments to such bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee is to assist the standing committee in its consideration of TennCare related legislation by providing appropriate background information on the bill or information concerning the impact of the bill on the TennCare program. The committee shall make no recommendation concerning the passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills transmitted to it pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than four (4) weeks after a bill covered by the provisions of this section has first been introduced.

(c) Upon completion of the review process within the time limitation established in subsection (b), the chair of the oversight committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the oversight committee has prepared committee comments on a bill, such comments shall be attached to the notification to the chair. If the committee has reviewed a bill but has no committee comments, that shall be indicated in the notification to the chair. If a bill is referred to the committee for review but has not been reviewed within the time period set out in subsection (b), the chair shall notify the appropriate chair that the bill has not been reviewed but is ready for consideration by the standing committee.

(d) Before the bureau of TennCare may submit a request for an amendment to the waiver or a renewal of the waiver for the TennCare program to the United States department of health and human services, the bureau shall:

(1) Transmit such proposed amendment to the committee for comment at least thirty (30) days prior to submission of the waiver to the department of health and human services; and

(2) Notify each member of the general assembly of such proposed amendment or renewal via electronic mail or other type of electronic communication.

(e) No such amendment or renewal request subject to subsection (d) may be submitted or take effect unless the committee has been afforded the opportunity to comment. Since such amendment or renewal requests are legally enforceable when they take effect, the committee shall review such amendments or renewal requests in the same manner as proposed legislation, subject to the thirty-day period required by subsection (d).

3-15-509.

(a) The committee created by this part shall continue only until the operations of the department of health have improved substantially so that such oversight is no longer needed. It is the intent of the general assembly that improvement be accomplished in a timely fashion.

(b) To these ends, the committee created by this part shall terminate on June 30, 2014.

(c) For the One Hundred Eighth General Assembly, the speaker of the senate shall appoint seven (7) senators to be members of the committee and the speaker of the house of representatives shall appoint seven (7) representatives.

The respective speakers shall reappoint or appoint new members to the oversight committee for each subsequent regular session of the general assembly for the duration of the committee.

3-15-510.

(a) The legislative oversight committee on TennCare is directed to conduct a totally independent study of the TennCare pharmacy program, including, but not limited to, the following questions:

(1) What is the monitoring process to ensure that pharmacy programs are carefully implemented and reimbursement arranged so that patient care is not disrupted?

(2) Is the physician's judgment adequately recognized in ensuring that patients receive medically necessary treatments?

(3) Should new drugs and biologics be available and reimbursable initially in order to ascertain their ability to have an impact on the integrated costs of TennCare services?

(4) Are adequate disclosure measures in place to ensure patients are informed about the scope of the pharmaceutical benefit and of any restrictions on that benefit?

(5) By what method should the scientific and clinical integrity of health care decisions affecting TennCare enrollees be ensured?

(6) Through what process should TennCare enrollees have the opportunity to voice grievances and have access to an established process for appealing denials of care?

(7) What safeguards are in place to ensure the preservation of a competitive marketplace that will result in the continuation of critical medical research and development?

(b) The TennCare bureau, the TennCare pharmacy board, and the department of finance and administration shall provide necessary assistance to the oversight committee on TennCare in conducting its study and the oversight committee is authorized to invite the participation of TennCare managed care organizations, TennCare providers, pharmacists, pharmaceutical manufacturers, and voluntary health associations.

(c) The oversight committee on TennCare shall report its findings and recommendations to the chair of the senate health and welfare committee, and the chair of the house health committee.

(d)

(1) The TennCare bureau shall file a report at least annually setting forth data and statistics relative to health care provided to women. The report shall include data regarding women's health and prenatal care as follows:

(A) Data provided to the health care financing administration;

(B) Data collected by the Tennessee department of health re: live births and deaths sorted by MCO;

(C) Data provided by MCOs to the TennCare bureau and the Tennessee department of health; and

(D) External Quality Review Organization (EQRO) reports provided to the TennCare bureau.

(2) The report shall further include the number of women who received health care through the TennCare program, the type of care delivered, including the incidence of each type of care, the number of visits made to physician's offices as well as hospital admissions, evaluation of outcome data, and other information which would be useful to the general assembly in evaluating the manner in which health care is provided through the TennCare program to women.

(e) The TennCare bureau and the Tennessee department of health shall develop data measures to assess the effectiveness of presumptive eligibility, the distribution of providers for each MCO for TennCare enrollees within each CHA region, and the incidences of early prenatal care for TennCare recipients. The MCOs shall be required to report regularly to the TennCare bureau using the data measures developed pursuant to this section.

(f) The reports required by this section shall be provided to the TennCare oversight committee, the speakers of each house, and the select committee on children and youth. The first annual report shall be due by December 1, 2013.

(g)

(1) The TennCare bureau shall file a quarterly report for each of the first three (3) quarters of each year to include the following updates:

(A) Status of TennCare reforms and improvements, such as improving the technology and information system;

(B) Progress of annual re-verification of all TennCare recipients;

(C) Status of filling top-leadership positions in the bureau;

(D) Number of recipients on TennCare program and costs to the state;

(E) Viability of MCOs and providers in the TennCare program; and

(F) Success of fraud detection and prevention.

(2) A final report shall be submitted during the fourth quarter of each year, which shall include information for the fourth quarter and summarize information relating to each of the above areas for the entire year. A copy of such report for each quarter shall be transmitted to the TennCare oversight committee, the office of legislative budget analysis and the fiscal review committee within fifteen (15) days of the end of each quarter.

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it.