

SENATE BILL 1609

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 56;  
Title 63 and Title 68, relative to certain practices of  
health insurance issuers and similar entities  
concerning durable medical equipment.

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

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by  
adding the following as a new section:

**56-7-2369.**

(a) For purposes of this section, "durable medical equipment" has the  
same meaning as defined in § 67-6-102.

(b) No health insurance issuer, as defined in § 56-7-2802, and no  
managed health insurance issuer, as defined in § 56-32-128(a), may:

(1) Deny any provider of durable medical equipment the right to  
participate as a participating provider in any policy, contract, or plan on  
the same terms and conditions as are offered to any other provider of  
durable medical equipment services under the policy, contract, or plan;  
provided, that nothing in this subdivision (b)(1) prohibits a managed  
health insurance issuer or health insurance issuer from establishing rates  
or fees that may be higher in non-urban areas, or in specific instances  
where a managed health insurance issuer or health insurance issuer  
determines it necessary to contract with a particular provider in order to  
meet network adequacy standards or patient care needs; and

(2) Prevent any person who is a party to or beneficiary of any  
policy, contract, or plan from selecting a durable medical equipment

provider of the person's choice to furnish the durable medical equipment services offered under any contract, policy, or plan; provided, that the durable medical equipment provider is a participating provider under the same terms and conditions of the contract, policy, or plan as terms and conditions offered any other provider of durable medical equipment services.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to contracts entered into or renewed on or after July 1, 2018.