

SENATE BILL 2117

By Massey

AN ACT to amend Tennessee Code Annotated, Title 68,
relative to group homes.

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

SECTION 1. Tennessee Code Annotated, Section 68-11-201(23), is amended by
deleting the subdivision and substituting:

(23)

(A) "Home for the aged" means a home represented and held out to the general public as a home which primarily accepts aged persons for relatively permanent, domiciliary care and provides room, board, and personal services. A home for the aged that houses three (3) or fewer nonrelated persons is a tier 1 home for the aged. A home for the aged that houses four (4) or more nonrelated persons is a tier 2 home for the aged;

(B) A tier 1 home for the aged is subject to licensure by and must meet such requirements and minimum standards as the department of intellectual and developmental disabilities may prescribe by rule pursuant to title 33, chapter 2, part 4. The department of intellectual and developmental disabilities has sole authority to issue and revoke licenses for tier 1 homes for the aged. The department may determine whether or not an institution or agency comes within the scope of this part, and the department's decisions in that regard are subject only to such rights of review as the courts may exercise with respect to administrative actions;

(C) A tier 1 home for the aged that is licensed by the department of intellectual and developmental disabilities in accordance with subdivision (23)(B) is authorized to

permit an unlicensed employee to administer medication to a resident, as long as the unlicensed employee meets the requirements of § 68-1-904(c)(1);

(D) A tier 2 home for the aged is subject to licensure and must meet such requirements and minimum standards as the commission may prescribe by rule pursuant to § 68-11-209. The commission shall, after consultation with the state fire marshal, include in the rules fire safety standards that afford reasonable protection to tier 2 homes for the aged residents without unduly disturbing the residential atmosphere to which residents are accustomed. The commission shall not issue a license to operate a tier 2 home for the aged if the home is not approved to provide residential custodial care by the local zoning, building, and fire safety authorities in the local governmental jurisdiction where the home is located. The commission shall employ one (1) or more fire safety experts who are certified annually to be qualified in fire safety by the state fire marshal. Notwithstanding the approval of a tier 2 home for the aged by local government fire safety authorities, the commission shall consider any recommendation of its certified fire safety expert. In the absence of local authority and when deemed necessary by the commission, approval of a tier 2 home for the aged by the commission's certified fire safety expert is required. The commission has the sole authority to issue and revoke licenses for tier 2 homes for the aged and to establish fees for such licensure. The commission may determine whether or not an institution or agency comes within the scope of this part, and the commission's decisions in that regard are subject only to such rights of review as the courts may exercise with respect to administrative actions;

(E) A tier 2 home for the aged that is licensed by the commission in accordance with subdivision (23)(D) is authorized to administer medications to residents only if the

home employs or contracts with a physician, an advanced practice registered nurse, or a physician assistant to administer medications to residents;

SECTION 2. This act takes effect at 12:01 a.m. on July 1, 2024, the public welfare requiring it.