



CAPITOL & 5TH
PUBLIC STRATEGIES

2023 LEGISLATIVE OVERVIEW

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Disclosure of Conflicts of Interest

Courtney Atnip has no real or apparent financial relationships to disclose.



SESSION RECAP

Governor Lee's priority transportation legislation was a large discussion this session. Additionally, school safety and gun reform came swiftly into the spotlight in the waning weeks, with the Governor calling upon the Tennessee General Assembly to pass "order of protection" legislation.

Choice Lanes Bill SB273/HB32

The new law introduces public-private partnerships that enable private investors to invest in the creation of road lanes called "Choice Lanes." The lanes will be owned by TDOT and leased to investors. Intended for faster travel, Tennesseans who would like to utilize these lanes will pay a fee to that investor.

Executive Order 100

Governor Lee issued Executive Order 100 a few weeks ago. The order enhances protective procedures for firearm purchases through stronger background check and establishing a 72-hour reporting requirement to the Tennessee Instant Checks System (TICS). This system is monitored by the TBI and includes criminal history and court mental health information.



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PRIOR AUTHORIZATION



Prior Authorization Reform

Prior Authorization Fairness Act: SB666/HB885

This bill enacts the *Prior Authorization Fairness Act* which makes various changes to the prior authorization approval process. The bill received unanimous support from both legislative bodies. Among other things, this legislation:

- Requires utilization review organizations perform: (1) non-urgent prior authorization reviews within seven calendar days; and (2) urgent prior authorizations with 72 hours.
- Prohibits health carriers from requiring prior authorization for coverage of emergency services.
- Requires a health carrier or utilization review organization to pay a healthcare provider at the contracted payment rate for a healthcare service provided by the healthcare provider per an approved prior authorization, including prior authorization approvals of service obtained by another healthcare provider.
- Requires a health carrier to provide reimbursement for healthcare services retroactively deemed medically necessary regardless of when prior authorization was approved.

* This legislation does not apply to the TennCare program, the CoverKids program, or to policies of insurance issued pursuant to a contract with the Division of TennCare. *

Abortion Exceptions



Exceptions Added to Abortion Statute

Abortion Exceptions: SB745/HB883

In the healthcare space, legislation relative to women's health dominated the first weeks of session. Several bills were introduced to amend the state's "Abortion Trigger Law", considered broadly as one of the most restrictive abortion statutes in the nation. Doctors and advocates frequented legislative offices to voice their concerns and were able to convince legislators of a few needed changes.

This legislation ultimately passed both chambers and creates **exemptions** to the state's abortion ban, replacing the former "affirmative defense" language. The new law allows doctors to perform abortions in cases of:

- ectopic pregnancies
- molar pregnancies
- removal of a dead fetus
- to prevent death of the pregnant woman
- to prevent substantial and irreversible impairment of a bodily function of a pregnant woman



Additional Health Care Legislation

- **Balance Billing and Network Adequacy: SB 1345/HB 1503** Dubbed the “Surprise Billing Consumer Protection Act”, the bill would have created a state-based arbitration system to handle payment disputes for out-of-network care at in-network hospitals. Unfortunately, this balance billing provision was removed from the bill. This bill ultimately passed with just the network adequacy provisions. These provisions require health benefit plans to report the total percentage of physicians within certain specialties in each network hospital. Among these specialties are emergency medicine, anesthesiology, radiology and radiation oncology, pathology, and hospitalists practicing in the hospital. While no state-based arbitration system passed with the bill, the legislation does direct the Commissioner of Commerce and Insurance to conduct a study on the implementation of the federal “No Surprise Act” to be submitted to the chairs of the Senate Commerce & Labor Committee and House Insurance Committee by November 1st, 2023.
- **White Bagging: SB 502/HB 916** This bill was rolled to the first calendar of 2024 in both the House Insurance and Senate Commerce & Labor committees. It seeks to ease the burden of white bagging practices on patients and providers through various means, including implementation of an open specialty pharmacy network and prohibiting insurance ownership in a specialty pharmacy.
- **Physician Assistant Independent Practice: SB 1170/HB 1457** Grants physician assistants statutory authority to diagnose and treat patients without physician delegation. Though it initially gained some momentum in the Senate, the legislation has been rolled to the first calendars of 2024 in Senate Health & Welfare and House Health Subcommittee.



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HOW TO BE INVOLVED IN THE “OFF SEASON”



Do Your Part

Voting is the best way to influence change at the Tennessee State Legislature. Registering to vote is a straightforward process that takes no more than 5 minutes!

Prior to elections, make sure your registration is up to date here:

<https://ovr.govote.tn.gov/>

Pay attention to your local county election commissions for information on local elections and candidates. A simple google search can lead you to local information! **Be an informed voter:**

- Sign up for email newsletters from a few trusted sources. These sources might include local and national news organizations and non-profit organizations.
- Engage in peaceful discussions with people who believe differently than you.
- Follow politically-engaged accounts that you trust on social media.

Here are a few additional ways to influence political change:

- Email your legislator asking them to support/oppose legislation you care about.
- Organize a letter-writing campaign. Gather your friends and family to write to your representatives about an issue you are particularly passionate about!
- Be involved with a non-profit organization.
- Organize a peaceful protest, or join one!