

SENATE BILL 2419

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 71, relative to TennCare.

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

SECTION 1. This act is known and may be cited as "Emma's Bill."

SECTION 2. Tennessee Code Annotated, Section 71-5-144(b)(3), is amended by deleting the language "It must be the least costly alternative" and substituting "Except as provided in subsection (g), it must be the least costly alternative".

SECTION 3. Tennessee Code Annotated, Section 71-5-144, is amended by adding the following as a new subsection:

(g) Notwithstanding this section to the contrary, when making a determination of medical necessity, the bureau shall take into consideration the patient's overall condition and use such overall condition as a factor to determine the level of funding and what medical items and services the patient receives, even if such determination does not result in the least costly course of diagnosis or treatment. Consideration of a patient's overall condition requires a comprehensive medical review of the patient and includes, but is not limited to, consideration of:

- (1) The patient's mobility or ability to move or turn;
- (2) The patient's cognitive awareness and ability to communicate;
- (3) The patient's need for constant nursing supervision; and
- (4) The patient's need for a ventilator or other life-sustaining equipment, regardless of the number of hours per day the patient uses the ventilator or other life-sustaining equipment.

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.