

2022 Legislative Summary

The 112th Tennessee General Assembly adjourned on April 28, capping an eventful two-year term that saw legislators convene a total of five times due to three special sessions. Below is a summary of TMA legislative activity and how its top priorities fared during session.

Bills Reviewed: 1,467 Bills Tracked: 248 Bills Amended: 13 Bills Defeated: 11 Bills Passed: 7

AUDIO-ONLY TELEHEALTH (PC 807) – PASSED

SB1846 Sen. Bo Watson (R-Hixson)

HB1843 Rep. Bryan Terry, MD (R-Murfreesboro)

Expands Telemedicine Coverage

Expands the definition of provider-based telemedicine to include coverage for HIPAA-compliant audio-only encounters when access to audio-video is unavailable. Specifies that “unavailable” means a patient does not own the technology to conduct an audio-video encounter; the encounter cannot take place due to lack of service; or the patient has a physical disability which inhibits the use of video technology.

TELEHEALTH PAYMENT PARITY (PC 766) – PASSED

SB2453 Sen. Ken Yager (R-Kingston)

HB2655 Rep. David Hawk (R-Greeneville)

Removes Payment Parity Repeal Date

Removes the sunset date of April 1, 2022 to enable payment parity for telehealth services to continue beyond the pandemic. Clarifies that the 16-month requirement for telemedicine encounters does not apply during a declared state of emergency.

ELIMINATION OF PROFESSIONAL PRIVILEGE TAX – PASSED

SB884 Sen. John Stevens (R-Huntingdon)

HB519 Rep. Ron Gant (R-Rossville)

Eliminates Physicians from the Professional Privilege Tax

Exempts osteopathic and medical physicians from the annual \$400 tax. The repeal is set to take effect in the 2022-23 fiscal year, starting on July 1, 2022. Physicians will still be responsible for paying their professional privilege tax this fiscal year, due June 1, 2022.

STEP THERAPY REFORM (PC 1020) – PASSED

SB1310 Sen. Joey Hensley, MD (R-Hohenwald)

HB677 Rep. Mark Hall (R-Cleveland)

Reforms Step Therapy Protocols

Requires health plans and utilization review organizations to provide a clear, readily accessible, and convenient process for a patient or prescribing practitioner to request a step therapy exception. Specifies conditions in which an exception must be granted including when the drug is contraindicated or may cause an adverse reaction; the drug is expected to be ineffective; the patient has already gone through step therapy under a different health plan; or the patient is stable on a drug covered by a previous health plan. TMA provided an amendment to clarify that only one, not all, requirements must be met in order to obtain an exemption from step therapy. The bill will not apply to TennCare or state-funded plans but will apply to all commercial plans.

ELIMINATION OF LOCAL PREEMPTION – PASSED

SB2219 Sen. Richard Briggs, MD (R-Knoxville)

HB2705 Rep. Michele Carringer (R-Knoxville)

Authorizes Local Ordinances on Smoking Products

Authorizes local governments to regulate smoking and the use of vapor products, including prohibiting, by passing a resolution or ordinance, in age restricted venues that are not retail tobacco stores, retail vapor product stores, or cigar bars. Present law preempts local government regulation of tobacco products and vapor products, with certain limited exceptions. This legislation has been introduced for several years and finally gained the needed support to pass this session.

