

HOUSE BILL 1756

By Hensley

AN ACT to amend Tennessee Code Annotated, Section 68-34-105, relative to disposition of family planning funds.

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

SECTION 1. Tennessee Code Annotated, Section 68-34-105, is amended by adding the following as new subsections (c) and (d):

(c)

(1) In effectuating this chapter, the commissioner shall adopt rules specifying eligibility standards that a women's health program must meet as a precondition to receiving state funding. The commissioner shall provide reasonable methods by which an applicant wishing to be eligible for federal funding may comply with the eligibility standards for state funding without losing its eligibility for federal funding. The commissioner shall also adopt criteria for documentation through which each applicant for state funding shall provide assurance satisfactory to the commissioner, of compliance with all of the following:

(A) The program shall not discriminate in the provision of services based on an individual's religion, race, color, national origin, disability, age, sex, number of pregnancies, or marital status;

(B) The program shall provide services without subjecting individuals to any coercion to accept services or to employ any particular method of family planning;

(C) Acceptance of services shall be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from, or participation in, any other program of the service provider; and

(D) Any charges for services provided by the program shall be based on the patient's ability to pay and priority in the provision of services shall be given to persons from low-income families. A low-income family means a family whose total annual income does not exceed one hundred percent (100%) of the most recent poverty guidelines issued pursuant to 42 U.S.C. § 9902(2), and also includes members of families whose annual family income exceeds this amount, but who, as determined by the project director, are unable, for good reasons, to pay for family planning services.

(2) In distributing these funds, the commissioner shall issue a single request for proposals for all funding, public or private, for women's health services. The commissioner shall send a notification of this request for proposals to every public women's health services provider in this state and shall place a notification on the department's web site. The commissioner shall allow at least thirty (30) days after issuing this notification before closing the period to receive applications. After the closing date for receiving funding applications, the commissioner shall first consider funding requests from public women's health services providers that apply for funding for women's health services to be provided directly and exclusively by its own personnel, in accordance with the regulations of 42 CFR Part 59 under Title X of the federal Public Health Services Act. When reviewing qualifications for funding, the commissioner shall not

exclude from consideration public women's health services providers that do not provide all of the required Title X women's health services at the time of application for such funding, However, public women's health services providers that do not provide all of the required Title X women's health services at the time of application for funding must provide documentation demonstrating their ability to commence providing such services no more than thirty (30) days from the receipt of such funding. Acceptance of such funding shall constitute an obligation under this section to continue providing such services throughout the funding period covered by their application.

(d) If funds remain after awarding funding to all public departments of health, the commissioner may make funding available to private applicants in a manner consistent with this section.

SECTION 2. This act shall take effect January 1, 2010, the public welfare requiring it.