



State of Tennessee

PUBLIC CHAPTER NO. 182

SENATE BILL NO. 1178

By Akbari, Haile, Massey, Yarbrow, Campbell, Hatcher, Reeves

Substituted for: House Bill No. 712

By Hale, Sherrell, Bricken, Behn, Grills, Freeman, Vital, Parkinson, Hardaway, Reneau, Helton-Haynes, Clemmons, Camper, Doggett, Hawk, Davis

AN ACT to amend Tennessee Code Annotated, Title 52 and Title 71, relative to family caregiving.

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

SECTION 1. Tennessee Code Annotated, Title 52, Chapter 2, Part 10, is amended by adding the following as a new section:

(a) The commissioner shall develop guidelines for service providers for hiring a qualified family member as a family caregiver. The guidelines must be:

- (1) Disseminated to medicaid-participating service provider agencies annually;
- and
- (2) Published on the department's website.

(b) The department shall not:

(1) Prohibit otherwise qualified individuals from employment as a family caregiver at a service provider agency based on:

(A) A family relation between a family caregiver and individual with a disability receiving services;

(B) Place of residence of the family caregiver or individual with a disability receiving services;

(C) The age of the individual with a disability receiving services;

(D) The parental or spousal relationship between the family caregiver and the individual with a disability receiving services;

(E) The guardianship or conservatorship status of the family caregiver unless explicitly permitted in guardianship or conservatorship documents;

(F) The waiver program in which the individual with a disability receiving services is enrolled or participating which includes all waiver programs operating under the division of TennCare and waiver authorities granted by the federal centers for medicare and medicaid services including:

- (i) Employment and community first choices;
- (ii) Choices;
- (iii) The Katie Beckett program;
- (iv) The self-determination waiver;
- (v) The comprehensive aggregate cap waiver; and

(vi) The statewide waiver; and

(G) The separate and additional employment of an unrelated caregiver also providing services to an individual with a disability through employment with a medicaid-participating service provider agency;

(2) Prevent or dissuade medicaid-participating service provider agencies from hiring family caregivers to provide long-term services and support or home and community based services to an individual with a disability receiving services; or

(3) Reduce or otherwise alter the type or extent of benefits granted to an individual with a disability based on the familial status of the individual providing the services without engaging in the person-centered planning process.

(c) A family caregiver shall not be compensated for care provided in excess of the amount of long-term supports and services or home and community based services or benefits designated to an individual with a disability within the person receiving support's person-centered practice.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The director of TennCare shall develop guidelines for providers for hiring a qualified family member as a family caregiver. The guidelines must be:

- (1) Disseminated to medicaid-participating provider agencies annually; and
- (2) Published on the bureau of TennCare's website.

(b) The bureau of TennCare, and any provider that delivers TennCare services under contract with the bureau, shall not:

(1) Prohibit otherwise qualified individuals from employment as a family caregiver at a provider agency based on:

(A) A family relation between a family caregiver and individual with a disability receiving services;

(B) Place of residence of the family caregiver or individual with a disability receiving services;

(C) The age of the individual with a disability receiving services;

(D) The parental or spousal relationship between the family caregiver and the individual with a disability receiving services;

(E) The guardianship or conservatorship status of the family caregiver unless explicitly permitted in guardianship or conservatorship documents;

(F) The waiver program in which the individual with a disability receiving services is enrolled or participating which includes all waiver programs operating in this state under the bureau of TennCare and waiver authorities granted by the federal centers for medicare and medicaid services, including:

(i) Employment and community first choices;

(ii) Choices;

(iii) The Katie Beckett program;

(iv) The self-determination waiver;

(v) The comprehensive aggregate cap waiver; and

(vi) The statewide waiver; and

(G) The separate and additional employment of an unrelated caregiver also providing services to an individual with a disability through employment with a medicaid-participating provider agency;

(2) Prevent or dissuade medicaid-participating provider agencies from hiring family caregivers to provide long-term services and support or home and community based services to an individual with a disability receiving services; and

(3) Reduce or otherwise alter the type or extent of benefits granted to an individual with a disability based on the familial status of the individual providing the services without engaging in the person-centered planning process.

(c) A family caregiver shall not be compensated for care provided in excess of the amount of long-term services and supports or home and community based services or benefits designated to an individual with a disability within the person receiving support's person-centered practice.

SECTION 3. The department of disability and aging and the director of TennCare are authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. For the purposes of promulgating rules, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2025, the public welfare requiring it.

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PASSED: March 31, 2025



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of April 2025



BILL LEE, GOVERNOR