

Rulemaking Hearing Rules
of
Tennessee Department of Finance and Administration

Bureau of TennCare

Chapter 1200-13-13
TennCare Medicaid

Amendments

Paragraph (44) Home Health Services of rule 1200-13-13-.01 Definitions is amended by deleting subparagraph (c) in its entirety and replacing it with a new subparagraph (c) so as amended paragraph (44) shall read as follows:

(44) HOME HEALTH SERVICES shall mean:

- (a) Any of the following services ordered by a treating physician and provided by a licensed home health agency pursuant to a plan of care at an enrollee's place of residence:
 - 1. Part-time or intermittent nursing services;
 - 2. Home health aide services; or
 - 3. Physical therapy, occupational therapy, or speech pathology and audiology services.
- (b) Medical supplies, equipment, and appliances ordered by a treating physician and suitable for use at an enrollee's place of residence.
- (c) Home health providers shall only provide services to the recipient that have been ordered by the treating physician and are pursuant to a plan of care and shall not provide other services such as general child care services, cleaning services or preparation of meals, or services to other household members. Because children typically have non-medical care needs which must be met, to the extent that home health services are provided to a person under 18 years of age, a responsible adult (other than the home health care provider) must be present at all times in the home during provision of home health services unless all of the following criteria are met:
 - 1. The child is non-ambulatory; and
 - 2. The child has no or extremely limited ability to interact with caregivers; and
 - 3. The child shall not reasonably be expected to have needs that fall outside the scope of medically necessary TennCare covered benefits (e.g. the child has no need for general supervision or meal preparation) during the time the home health provider is present in the home without the presence of another responsible adult; and

4. No other children shall be present in the home during the time the home health provider is present in the home without the presence of another responsible adult.

Paragraph (80) Private Duty Nursing Services of rule 1200-13-13-.01 Definitions is deleted in its entirety and replaced with a new paragraph (80) which shall read as follows:

- (80) Private Duty Nursing Services shall mean nursing services for recipients who require continuous skilled nursing care. Skilled nursing care is provided by a registered nurse or licensed practical nurse under the direction of the recipient's physician to the recipient and not to other household members. An individual who needs eight (8) or more hours of skilled nursing care during a 24-hour period shall be determined to need continuous skilled nursing care. As a general rule, only an individual who is dependent on technology-based medical equipment requiring frequent interventions will be determined to need continuous care. An individual who needs less than eight (8) hours of skilled nursing care will receive those services as an intermittent service under home health. If it is determined by the MCO to be cost effective, non-skilled services may be provided by a nurse rather than a home health aide. Furthermore, if it is determined by the MCO to be cost effective, the nurse may remain in the home during the intervals between the delivery of intermittent services, rather than traveling back and forth to the home. However, it is the total number of hours of skilled nursing services, not the number of hours that the nurse is in the home, which determines whether the nursing services shall be considered continuous or intermittent. General childcare services and other non-hands-on assistance such as cleaning and meal preparation shall not be provided by a private duty nurse. Because children typically have non-medical care needs which must be met, to the extent that private duty nursing services are provided to a person under 18 years of age, a responsible adult (other than the private duty nurse) must be present at all times in the home during the provision of the private duty nursing services unless all of the following criteria are met:
- (a) The child is non-ambulatory; and
 - (b) The child has no or extremely limited ability to interact with caregivers; and
 - (c) The child shall not reasonably be expected to have needs that fall outside the scope of medically necessary TennCare covered benefits (e.g. the child has no need for general supervision or meal preparation) during the time the private duty nurse is present in the home without the presence of another responsible adult; and
 - (d) No other children shall be present in the home during the time the private duty nurse is present in the home without the presence of another responsible adult.

Statutory Authority: T.C.A. 4-5-202, 71-5-105, 71-5-109, Executive Order No. 23.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 11th day of October, 2007 and will become effective on the 12th day of December, 2007. (FS 10-09-07; DBID 2725)

