

**RULES
OF
TENNESSEE COMMISSION ON AGING AND DISABILITY**

**CHAPTER 0030-2-2
STATE-WIDE MEDICAID HOME AND COMMUNITY BASED SERVICES WAIVER
FOR ELDERLY AND DISABLED ADULTS**

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0030-2-2-.01 PURPOSE. The purpose of this rule is to implement the Medicaid waiver long-term care home and community based services program authorized by T.C.A. Section 71-5-1408 which is intended to serve low-income nursing home eligible individuals in HCBS settings who have been pre-admission evaluation (PAE) approved by the Bureau of TennCare and certified eligible for Medicaid services by the Department of Human Services.

Authority: T.C.A. §§4-5-202, 4-5-204, 71-2-105(b) (1), and 71-5-1408(d) and (e). **Administrative History:** Original rule filed April 15, 2004; effective June 29, 2004.

0030-2-2-.02 MINIMUM REQUIREMENTS (PRINCIPLES) FOR CASE MANAGEMENT SERVICES.

- (1) Case management services offered under the long-term care services plan authorized at T.C.A. § 71-5-1408 shall meet the principles of the Older Americans Act to include the following:
 - (a) The case manager must provide each individual seeking services under the waiver a comprehensive list of agencies that are authorized to provide services within the jurisdiction of the area agency on aging and disability.
 - (b) The case manager must provide each individual enrolled in the waiver a statement specifying that the individual has a right to make an independent choice of service providers and document the receipt by each enrollee of such statement.
- (2) Case managers shall be required to act as exclusive agents for individual enrollees receiving waiver services and must not promote any agency providing such services.
- (3) The agency providing case management services shall not provide any other services to the individual receiving case management.
- (4) Case managers should seek to maximize the use of voluntary and existing services for waiver enrollees.

Authority: T.C.A. §§4-5-202, 4-5-204, 71-2-105(b) (1), 71-5-1402 (e) (10) and (11) and 71-5-1408(d) and (e), and 42 U.S.C. § 3026 (a) (8), 42 U.S.C. § 3026 (a) (8) (C) (i), 42 U.S.C. § 3026 (a) (8) (C) (ii), and 42 U.S.C. § 3026 (a) (8) (C) (iii). **Administrative History:** Original rule filed April 15, 2004; effective June 29, 2004.