Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

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<th>Agency/Board/Commission:</th>
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<td>George Woods</td>
</tr>
<tr>
<td>Address:</td>
<td>310 Great Circle Road</td>
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<td>Zip:</td>
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<tr>
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<td>Email:</td>
<td><a href="mailto:george.woods@tn.gov">george.woods@tn.gov</a></td>
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Revision Type (check all that apply):
- X Amendment
- ___ New
- ___ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

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<th>Chapter Number</th>
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<tr>
<td>1200-13-13</td>
<td>TennCare Medicaid</td>
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<tr>
<td>Rule Number</td>
<td>Rule Title</td>
</tr>
<tr>
<td>1200-13-13-.09</td>
<td>Third Party Resources</td>
</tr>
</tbody>
</table>
Rule 1200-13-13-.09 Third Party Resources is amended by adding new Paragraphs (8), (9) and (10) following existing Paragraph (7) as follows:

(8) Upon enrollment in TennCare Medicaid or TennCare Standard an individual assigns to the Bureau any rights to third party insurance benefits to which the individual may be entitled.

(9) Upon accepting medical assistance, an enrollee in TennCare Medicaid or TennCare Standard shall be deemed to have made an assignment to the Bureau of the right to third party insurance benefits to which the enrollee may be entitled.

(10) The Bureau shall utilize direct billing when it is determined that a previously paid service may have been covered by a third party.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Finance and Administration (board/commission/other authority) on 10/09/2012 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/08/12

Rulemaking Hearing(s) Conducted on: (add more dates). 09/27/12

Date: 10/9/2012

Signature:

Name of Officer: Darin J. Gordon
Title of Officer: Director, Bureau of TennCare

Tennessee Department of Finance and Administration

Subscribed and sworn to before me on: 10/9/2012

Notary Public Signature: Cheryl D. Kline

My commission expires on: 8/23/14

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter
1-14-13

Department of State Use Only

Filed with the Department of State on: 1/15/13

Effective on: 4/15/13

Dave Hargett
Secretary of State

SS-7039 (October 2011) 3 RDA 1693
Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments on this rule.
Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The rule is not anticipated to have an effect on small businesses.
Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local governments.
Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule is being promulgated to preserve language in existing TennCare rules which are being repealed because much of the content is outdated. It points out that upon enrollment in TennCare Medicaid or TennCare Standard enrollees are obligated to assign any rights to third party insurance benefits to the Bureau of TennCare. The rule also points out that the Bureau shall use direct billing when it is determined that a previously paid service may have been covered by a third party.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The rule is lawfully adopted by the Bureau of TennCare in accordance with §§ 4-5-202, 71-5-105 and 71-5-109.

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The persons, organizations, corporations or governmental entities most directly affected by this rule are the enrollees and the Bureau of TennCare, Tennessee Department of Finance and Administration.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The rule was approved by the Tennessee Attorney General. No additional opinion was given or requested.

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency’s annual budget or five hundred thousand dollars ($500,000), whichever is less;

The promulgation of this rule is not anticipated to have an effect on state and local government revenues and expenditures.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Darin J. Gordon
Director, Bureau of TennCare

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Darin J. Gordon
Director, Bureau of TennCare

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

310 Great Circle Road
Nashville, TN 37243
(615) 507-6443
Darin.J.Gordon@tn.gov
Any additional information relevant to the rule proposed for continuation that the committee requests.
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Date: ___________________________________________________________________
Signature: __________________________________________________________________

Name of Officer: Darin J. Gordon
Title of Officer: Director, Bureau of TennCare
Tennessee Department of Finance and Administration

Subscribed and sworn to before me on: ___________________________________________________________________

Notary Public Signature: ___________________________________________________________________
My commission expires on: ___________________________________________________________________

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Robert E. Cooper, Jr.
Attorney General and Reporter

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Department of State Use Only

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Effective on: ___________________________________________________________________

Tre Hargett
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