

Notice of  
Rulemaking Hearing

Tennessee Department of Finance and Administration

Bureau of TennCare

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated, 71-5-105 and 71-5-109. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Bureau of TennCare, 1<sup>st</sup> Floor East Conference Room, 310 Great Circle Road, Nashville, Tennessee 37243 at 9:00 a.m. C.S.T. on the 19<sup>th</sup> day March 2007.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Finance and Administration, Bureau of TennCare, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Bureau of TennCare to determine how it may reasonably provide such aid or service. Initial contact may be made with the Bureau of TennCare's ADA Coordinator by mail at the Bureau of TennCare, 310 Great Circle Road, Nashville, Tennessee 37243 or by telephone at (615) 507-6474 or 1-800-342-3145.

For a copy of this notice of rulemaking hearing, contact George Woods at the Bureau of TennCare, 310 Great Circle Road, Nashville, Tennessee 37243 or call (615) 507-6446.

Substance of Proposed Rules

Part 5. (Convalescent Care) of subparagraph (b) of paragraph (1) of rule 1200-13-14-.04 Covered Services is amended by adding the sentence "Effective February 1, 2007 not covered" in the "Benefit for Persons Under Age 21" column so as amended part 5. shall read as follows:

<b>SERVICE</b>	<b>BENEFIT FOR PERSONS UNDER AGE 21</b>	<b>BENEFIT FOR PERSONS AGE 21 AND OLDER</b>
5. Convalescent Care {defined as care provided in a nursing facility after a hospitalization}.	<p>Upon receipt of proof that an enrollee has incurred medically necessary expenses related to convalescent care, TennCare shall pay for up to an including the one hundredth (100<sup>th</sup>) day of confinement during any calendar year for convalescent facility room, board, and general nursing care, provided that: (A) a physician recommends confinement for convalescence; (B) the enrollee is under the continuous care of a physician during the entire period of convalescence; and (C) the confinement is required for other than custodial care.</p> <p>Effective February 1, 2007 not covered.</p>	Not covered.

Part 40. (Sitter Services) of subparagraph (b) of paragraph (1) of rule 1200-13-14-.04 Covered Services is amended by adding the sentence "Effective February 1, 2007 not covered" in the "Benefit for Persons Under Age 21" column so as amended part 40. shall read as follows:

<b>SERVICE</b>	<b>BENEFIT FOR PERSONS UNDER AGE 21</b>	<b>BENEFIT FOR PERSONS AGE 21 AND OLDER</b>
40. Sitter Services {defined as nursing services provided in the hospital by a nurse who is not an employee of the hospital}.	Covered as medically necessary when a sitter who is not a relative is needed for an enrollee who is confined to a hospital as a bed patient. Certification must be made by a network physician that an R.N. or L.P.N. is needed, and neither is available.  Effective February 1, 2007 not covered.	Not covered.

Part 7. (Convalescent care) of subparagraph (a) of paragraph (3) of rule 1200-13-14-.10 Exclusions is deleted in its entirety and part 8. renumbered as part 7. and subsequent parts renumbered accordingly.

Part 28. (Sitter services) of subparagraph (a) of paragraph (3) of rule 1200-13-14-.10 Exclusions is deleted in its entirety and subsequent parts renumbered accordingly.

Subparagraph (b) of paragraph (3) of rule 1200-13-14-.10 Exclusions is amended by adding a new part 19. and current part 19. renumbered as part 20. and subsequent parts renumbered accordingly so as amended the new part 19. shall read as follows:

19. Convalescent care

Subparagraph (b) of paragraph (3) of rule 1200-13-14-.10 Exclusions is amended by adding a new renumbered part 71. and subsequent renumbered parts are renumbered accordingly so as amended the new renumbered part 71. shall read as follows:

71. Sitter services

Statutory Authority: T.C.A. 4-5-202, 4-5-203, 71-5-105, 71-5-109, Executive Order No. 23.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of January, 2007. (01-42-07, DBID 562)