

**Department of State  
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Sequence Number: 02-14-18  
Rule ID(s): 6677  
File Date: 2/12/18  
Effective Date: 5/13/18

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Tennessee Department of Finance and Administration
<b>Division:</b>	Division of TennCare
<b>Contact Person:</b>	George Woods
<b>Address:</b>	Division of TennCare 310 Great Circle Road Nashville, TN 37243
<b>Phone:</b>	(615) 507-6446
<b>Email:</b>	george.woods@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-13-20	TennCare Technical and Financial Eligibility
Rule Number	Rule Title
1200-13-20-.09	Redetermination and Termination

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to

[http://sos-tn-gov-files.s3.amazonaws.com/forms/Rulemaking%20Guidelines\\_September2016.pdf](http://sos-tn-gov-files.s3.amazonaws.com/forms/Rulemaking%20Guidelines_September2016.pdf).

Part 12 of Subparagraph (c) of Paragraph (1) of Rule 1200-13-20-.09 Redetermination and Termination is deleted in its entirety and replaced with a new Part 12 which shall read as follows:

12. Renewal packets returned after ninety (90) days will not be considered and the individual must file a new application in accordance with Rule .05.

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Division of TennCare (board/commission/ other authority) on 01/11/2018 (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: 10/13/17

Rulemaking Hearing(s) Conducted on: (add more dates). 12/07/17

Date: 1/11/18

Signature: Wendy Long MD

Name of Officer: Wendy Long, M.D., M.P.H.

Division of TennCare

Title of Officer: Tennessee Department of Finance and Administration



Subscribed and sworn to before me on: 1/11/18

Notary Public Signature: Robin A Page

My commission expires on: 11/3/2020

Agency/Board/Commission: Division of TennCare

Rule Chapter Number(s): 1200-13-20

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.

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter  
2/8/2018  
Date

**Department of State Use Only**

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Tre Hargett  
Tre Hargett  
Secretary of State

## Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The state received two comments on this rule. Both comments were substantively the same. The commenters objected to the proposed change to TennCare's rules, clarifying that renewal packets returned 90 days after the due date will not be processed, on the grounds that this change would increase the burden on individuals attempting to renew their TennCare coverage.

In its response to both commenters, TennCare noted that no change to TennCare's policies or processes is occurring as a result of this rule. This change is intended to clarify TennCare's rules so that they more clearly reflect TennCare's eligibility renewal process. TennCare also noted specific steps it is taking to help ensure that eligible individuals are able to maintain coverage.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

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://publications.tnsosfiles.com/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;

This rule is being amended to clarify TennCare's existing policy that renewal packets for redetermination of eligibility returned after ninety (90) days will not be considered and individual must file a new application.

- (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 T.C.A. §§ 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 and entities most directly affected by this rule amendment are TennCare enrollees, providers, and managed care contractors. The governmental entity most directly affected by this rule amendment is the Division of TennCare, Tennessee Department of Finance & Administration.

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

The rule amendment 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 adoption of this rule amendment is not anticipated to have a fiscal impact 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;

Donna K. Tidwell  
Deputy General Counsel

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

Donna K. Tidwell  
Deputy General Counsel

- (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) 507-6852  
donna.tidwell@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.



GW10117319ab

**Rules  
of  
Tennessee Department of Finance and Administration  
Bureau of TennCare  
Chapter 1200-13-20  
TennCare Technical and Financial Eligibility**

1200-13-20-.09 Redetermination and Termination.

(1) Redetermination of eligibility for CoverKids, TennCare Medicaid's Core Medicaid Population, and TennCare Standard.

(c) An enrollee's TennCare Medicaid, TennCare Standard or CoverKids eligibility shall be redetermined as required by the appropriate category of medical assistance as described in this Rule, unless otherwise agreed to by the Single State Agency and CMS. Prior to the termination of TennCare Medicaid, TennCare Standard or CoverKids eligibility, eligibility will be redetermined according to the following process:

12 ~~Renewal packets returned after ninety (90) days will be considered new applications and processed in compliance with Rule .05.~~

Renewal packets returned after ninety (90) days will not be considered and the individual must file a new application in accordance with Rule .05.