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Sequence Number: 02-21-09
 Rule ID(s): 4126
 File Date: 02/25/2009
 Effective Date: 05/11/2009

Rulemaking Hearing Rule(s) Filing Form

Agency/Board/Commission: Tennessee Department of Finance and Administration
Division: Bureau of TennCare
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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Chapter Number	Chapter Title
1200-13-13	TennCare Medicaid
Rule Number	Rule Title
1200-13-13-.08	Providers

Chapter 1200-13-13
TennCare Medicaid

Amendment

Paragraph (2) of rule 1200-13-13-.08 Providers is deleted in its entirety and replaced with a new paragraph (2) which shall read as follows:

- (2) Non-participating providers.
 - (a) In situations where a MCC authorizes a service to be rendered by a provider who is not a participating network provider with the MCC, payment to the provider shall be no less than eighty percent (80%) of the lowest rate paid by the MCC to equivalent participating network providers for the same service.
 - (b) Covered medically necessary outpatient emergency services, when provided to Medicaid managed care enrollees by non-contract hospitals in accordance with Section 1932(b)(2)(D) of the Social Security Act (42 U.S.C.A. § 1396u-2(b)(2)(D)), shall be

reimbursed at seventy-four percent (74%) of the 2006 Medicare rates for these services.
Emergency care to enrollees shall not require preauthorization.

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

GW1018345

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules.

Darin J. Gordon
Darin J. Gordon
Director, Bureau of TennCare
Tennessee Department of Finance and Administration

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 on 12/18/08 (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: 08/04/08

Notice published in the Tennessee Administrative Register on: 09/15/08

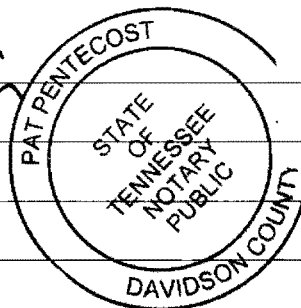
Rulemaking Hearing(s) Conducted on: (add more dates). 10/16/08

Date: 12/18/08

Signature: [Handwritten Signature]

Name of Officer: M. D. Goetz, Jr.

Title of Officer: Commissioner



Subscribed and sworn to before me on: 12/18/08

Notary Public Signature: [Handwritten Signature]

My commission expires on: 1-3-2011

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.

[Handwritten Signature]

Robert E. Cooper, Jr.
Attorney General and Reporter

2-23-09

Date

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Filed with the Department of State on: 2/25/09

Effective on: 5/11/09

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[Handwritten Signature]
Tre Hargett
Secretary of State

Rule: 1200-13-13-.08(2) Providers – TennCare Medicaid

State of Economic Impact to Small Businesses

1. Name of Bureau: Bureau of TennCare
2. Rulemaking hearing date: October 16, 2008
3. Types of small businesses that will be directly affected by, bear the cost of, and/or directly benefit from the proposed rules: None
4. A description of how small businesses will be adversely impacted: NA
5. Whether, and to what extent, alternative means exist for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses, and why such alternatives are not being proposed: NA
6. A comparison of the proposed rule with federal or state counterparts: A recent change in Tennessee's Medicaid State Plan was approved by CMS for the purpose of reimbursing hospitals, which are not participating in TennCare, for the provision of medically necessary outpatient emergency services to TennCare enrollees. This change in the rules is needed to correspond to the state plan amendment.

GW1038210

Agency Rule Review

Rule 1200-13-13-.08(2) Providers.

1. The rule is being promulgated to conform the TennCare Medicaid rules to the Medicaid state plan as it relates to reimbursing hospitals, which are not participating in TennCare, for the provision of medically necessary outpatient emergency services to TennCare enrollees.
2. Rule 1200-13-13-.08(2) is lawfully promulgated and adopted by the Department of Finance and Administration in accordance with Tennessee Code Annotated §§4-5-202, 71-5-105 and 71-5-109.
3. The persons or entities most directly affected by these rules are the recipient, the provider, Managed Care Contractor, and the Tennessee Department of Finance and Administration.
4. Rule 1200-13-13-.08(2) was reviewed and approved by the Tennessee Attorney General. No additional opinion was given or requested.
5. The promulgation of this rule is not anticipated to have an affect on state and local government revenues and expenditures.
6. Agency representative shall be:

Name: Darin J. Gordon
Director, Bureau of TennCare
310 Great Circle Road
Nashville, TN 37243
Phone (615) 507-6443
7. Person explaining rule at GOC:

Name: Darin J. Gordon
Director, Bureau of TennCare
310 Great Circle Road
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Phone (615) 507-6443
8. None.

GW1048284

Summary of Public Comments
Rule 1200-13-13-.08(2) Providers

There were no public comments on this rule.