

Proposed Rules  
of  
The Tennessee Department of Labor and Workforce Development  
Division of Workers' Compensation

Chapter 0800-2-18  
Medical Fee Schedule

Presented herein are proposed amendments of the Tennessee Department of Labor and Workforce Development submitted pursuant to T.C.A. Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Labor and Workforce Development to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the Workers' Compensation Division, Second Floor of the Andrew Johnson Tower located at 710 James Robertson Parkway, Nashville, TN 37243-0661 and in the Department of State, Eighth Floor, Tennessee Tower, William Snodgrass Building, 312 8<sup>th</sup> Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rules, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of these proposed rule amendments, contact: Rhonda Hutt, Administrative Secretary, Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, Andrew Johnson Tower, Second Floor, 710 James Robertson Parkway, Nashville, TN 37243-0661, (615) 532-1471.

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0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges)

The text of the proposed amendments is as follows:

Amendments

0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges)

Subparagraph (b) of paragraph (1) of rule 0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges) is amended by deleting the following current language in the last sentence, "(subject to wage-price index adjustment)," so that as amended the subparagraph shall read:

- (b) The CMS has implemented the Outpatient Prospective Payment System ("OPPS") under Medicare for reimbursement for hospital outpatient services at most hospitals. All services paid under the new OPPS are classified into groups called Ambulatory Payment Classifications ("APC"). Services in each APC are similar clinically and in terms of the resources they require. The CMS has established a payment rate for each APC. Current APC Medicare allowable payment amounts and guidelines are available online at: <http://www.cms.hhs.gov/HospitalOutpatientPPS>. The payment rate for each APC group is the basis for determining the maximum total payment to which an ASC or hospital will be entitled.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Subparagraph (e) of paragraph (1) of rule 0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges) is amended by deleting the current language in its entirety and replacing it so that as amended the subparagraph shall read:

- (e) Reimbursement for all outpatient services is based on the Medicare Ambulatory Payment Classification (“APC”) national unadjusted base rates, which can be obtained from the Centers for Medicare and Medicaid Services. There are no adjustments for wage-price indices and these are not hospital-specific APC rate calculations. Reimbursements for Critical Access Hospitals (“CAH”) are not based on CAH methodology but on the national unadjusted APC base rates as described in the preceding sentence.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Legal contact and/or party who will approve final copy for publication:

E. Blaine Sprouse, Assistant Administrator  
Division of Workers’ Compensation  
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Contact for disk acquisition:  
Rhonda Hutt, Administrative Secretary  
TN Dept. of Labor & Workforce Development  
Division of Workers’ Compensation  
Andrew Johnson Tower, Second Floor  
Nashville, TN 37243-0661  
Telephone: (615) 532-1471

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rule amendments:

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E. Blaine Sprouse, Assistant Administrator  
Division of Workers’ Compensation

I certify that this is an accurate and complete copy of the proposed amendments lawfully promulgated and adopted by the Tennessee Department of Labor and Workforce Development on the \_\_\_\_\_ day of \_\_\_\_\_, 2006. The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

\_\_\_\_\_  
James Neeley  
Commissioner

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

All proposed amendments 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.

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Paul G. Summers  
Attorney General and Reporter

The rules set out herein were properly filed in the Department of State on the 27th day of April, 2006, and will become effective on the 27th day of April, 2006.