

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, 1st Floor East Conference Room, 310 Great Circle Road, Nashville, Tennessee 37243 at 9:00 a.m. C.D.T. on the 16th July 2008.

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

Subparagraph (i) of paragraph (1) of rule 1200-13-14-.10 Exclusions is deleted in its entirety and replaced with a new subparagraph (i) which shall read as follows:

- (i) Non-emergency services that are ordered or furnished by an out-of-network provider and that have not been approved by the enrollee's MCC. An exception exists for dually eligible enrollees. In-network care ordered by out-of-network providers is covered for dually eligible enrollees unless the MCO has informed such enrollee in advance of a request for a service that the specific service requires prior authorization and an order from an in-network provider.

Paragraph (1) of rule 1200-13-14-.10 Exclusions is amended by adding a new subparagraph (p) which shall read as follows

- (p) Services delivered by a specific provider, even a provider who is an in-network provider with the enrollee's managed care plan, when the managed care plan has offered the enrollee the services of a qualified provider who is available to provide the needed services.

Paragraph (2) of rule 1200-13-14-.10 Exclusions is amended by replacing the phrase "TSOP 032" wherever it appears with the phrase "Policy BEN 08-001" so as amended paragraph (2) shall read as follows:

- (2) Exception to General and Specific Exclusions: Cost Effective Alternative. As approved by CMS and/or authorized by Policy BEN 08-001, each MCC has sole discretionary authority to provide certain cost effective alternatives when providing appropriate medically necessary care. These services are otherwise excluded and are not covered services unless the MCC has followed the procedures set forth in Policy BEN 08-001 and opts at its sole discretion to provide such requested item or service.

Subparagraph (a) of paragraph (3) of rule 1200-13-14-.10 Exclusions is amended by adding a new part 6. and the current part 6. is renumbered as part 7. and subsequent parts are renumbered accordingly so as amended the new part 6. shall read as follows:

6. Biofeedback

Part 12. to be renumbered as part 13. of subparagraph (a) of paragraph (3) of rule 1200-13-14-.10 Exclusions is amended by deleting the first word "aids" and replacing it with the word "services" so as amended the new renumbered part 13. shall read as follows:

13. Hearing services including the prescribing, fitting, or changing of hearing aids

Part 8. "Biofeedback" of subparagraph (b) of paragraph (3) of rule 1200-13-14-.10 EXCLUSIONS is deleted in its entirety and subsequent parts are renumbered accordingly.

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 30th day of May, 2008. (FS 05-22-08; DBID 560)