

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 Nashville Public Library Auditorium, 1st Floor, 615 Church Street, Nashville, Tennessee 37219 at 9:30 a.m. C.D.T. on the 16th day August 2005.

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 (a) of paragraph (3) of rule 1200-13-14-.05 Enrollee Cost Sharing is amended by adding the sentence "Effective August 1, 2005, there is no Out of Pocket Maximum for enrollee copays" at the end of the subparagraph so as amended the last paragraph in subparagraph (a) shall read as follows:

Managed care organizations participating in the TennCare program shall be specifically prohibited from waiving, or discouraging TennCare enrollees from paying, the amounts described in this provision. Effective August 1, 2005, there is no Out of Pocket Maximum for enrollee copays.

Subparagraph (a), (b), (d), (e), and (f) of paragraph (7) of rule 1200-13-14-.05 Enrollee Cost Sharing is amended by adding the sentence "Effective August 1, 2005, there is no Out-of-Pocket Maximum for enrollee copays" at the end of each subparagraph so as amended the subparagraphs shall read as follows:

- (a) For enrollees in families with incomes equal to or above two hundred (200%) percent of the poverty level, the annual out-of-pocket maximum is two thousand (\$2,000) dollars per individual and four thousand (\$4,000) dollars per family. Effective August 1, 2005, there is no Out-of-Pocket Maximum for enrollee copays.
- (b) For enrollees in families with incomes below two hundred (200%) percent of the poverty level, the annual out-of-pocket maximum is one thousand (\$1,000) dollars per individual and two thousand (\$2,000) dollars per family. Effective August 1, 2005, there is no Out-of-Pocket Maximum for enrollee copays.

- (d) Effective August 1, 2002, the poverty levels for out-of-pocket maximum will be the poverty levels used by the Tennessee Department of Human Services. Effective August 1, 2005, there is no Out-of-Pocket Maximum for enrollee copays.
- (e) Effective January 1, 2003, included in the annual out-of-pocket maximums are monthly out-of-pocket maximums for pharmacy services only. The monthly out-of-pocket maximum for pharmacy services for all TennCare Standard enrollees is one hundred-fifty (\$150.00) dollars per enrollee per month. Effective August 1, 2005, there is no Out-of-Pocket Maximum for enrollee copays.
- (f) TennCare Standard enrollees are responsible for requesting a review of his/her out-of-pocket expenditures by TennCare if s/he believes s/he has reached, or is close to reaching, his/her out-of-pocket maximum. Effective August 1, 2005, there is no Out-of-Pocket Maximum for enrollee copays.

Subparagraphs (l) and (m) of paragraph (7) of rule 1200-13-14-.05 Enrollee Cost Sharing is deleted in their entirety and replaced with new subparagraphs (l) and (m) which shall read as follows:

(l) Pharmacy and Psychiatric Pharmacy Copayments

1. Effective August 1, 2005, all TennCare Standard enrollees with incomes at or above poverty who receive pharmacy services will have nominal copayments on these services. The copays will be \$3.00 for each branded drug and \$0 for each covered generic drug. Generic drugs which exceed the limit of five (5) prescriptions or refills per enrollee per month are not covered. Family planning drugs and emergency services are exempt from copay.
2. The following groups (adults and children) are exempt from copay:
 - (i) Individuals receiving hospice services who provide verbal notification of such to the provider at the point of service;
 - (ii) Individuals who are pregnant who provide verbal notification of such to the provider at the point of service; and
 - (iii) Individuals who are receiving services in a Nursing Facility, an Intermediate Care Facility for the Mentally Retarded, or a Home and Community Based Services waiver.

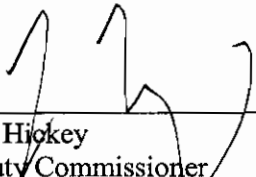
(m) Effective August 1, 2005, there is no maximum out-of-pocket maximum on pharmacy services.

(n) The three (3) day supply requirements of the *Grier Revised Consent Decree* do not affect the pharmacy copay requirements. Every prescription for all TennCare Standard enrollees will require a copayment as described herein. In the event the three (3) day supply represents less than a full prescription, the entire copayment will be required.

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

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I certify that this is an accurate complete representation of the intent and scope of rulemaking proposed by the Tennessee Department of Finance and Administration.



J. D. Hickey
Deputy Commissioner
Tennessee Department of Finance and
Administration

Subscribed and sworn to me this the 30th day of June, 2005.



Notary Public

My Commission Expires on the 14th day of March, 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30 day of July, 2005.



Riley C. Darnell
Secretary of State

BY: 

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