

Tennessee Department of Finance and Administration

Bureau of TennCare

Chapter 1200-13-13  
TennCare Medicaid

Statement of Necessity Requiring Public Necessity Rules

I am herewith submitting amendments to the rules of the Tennessee Department of Finance and Administration, Bureau of TennCare, for promulgation pursuant to the public necessity provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-209 and the Medical Assistance Act, T.C.A. § 71-5-134.

The State of Tennessee has received federal approval for certain eligibility amendments to the TennCare Demonstration Project (No. 11-W-0015 1/4). Approval of the project modification is granted under the authority of Section 1115 (a) of the Social Security Act. The amendments are approved through the period ending June 30, 2007. The TennCare program is a managed care program for both the Medicaid population and the expansion population.

The amendments enable the State to close enrollment for the Aged, Blind, Disabled, and Caretaker Relative Medically Needy categories, as defined in the State plan, to persons who are age 21 or older and not pregnant. Non-pregnant individuals age 21 and older who have filed an application in one of these categories prior to the close of business of the offices of the State of Tennessee on April 29, 2005, and who are subsequently determined to have met all eligibility criteria for one of these categories as of the close of business of the offices of the State of Tennessee on April 29, 2005, shall be enrolled in such category and shall continue in the category until the expiration of their current eligibility period.

Tennessee Code Annotated, Section 71-5-134, states that in order to comply with or to implement the provisions of any federal waiver or state plan amendment obtained pursuant to the Medical Assistance Act as amended by Acts 1993, the Commissioner of Finance and Administration is authorized to promulgate public necessity rules pursuant to Tennessee Code Annotated, Section 4-5-209.

I have made a finding that these amendments are required to conform the current TennCare Medicaid rules to reflect changes resulting from the amendment of the TennCare waiver.

For a copy of this public necessity rule, contact George Woods at the Bureau of TennCare by mail at 729 Church Street, Nashville, Tennessee 37247-6501 or by telephone at (615) 741-0145.

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

Public Necessity Rules  
of  
Tennessee Department of Finance and Administration  
Bureau of TennCare  
Chapter 1200-13-13  
TennCare Medicaid  
Amendments

Paragraph (3) of rule 1200-13-13-.02 Eligibility is amended by adding subparagraph (c) which shall read as follows:

- (c) Notwithstanding anything in these rules or in the Department of Human Services rules to the contrary, specifically including Chapter 1240-3-2 concerning eligibility of individuals in a Medically Needy category, effective at the close of business of the offices of the State of Tennessee on April 29, 2005, enrollment in the Medically Needy category is closed to all enrollees except for: (a) individuals under the age of twenty-one (21) and (b) pregnant women. Individuals who have filed an application for a Medically Needy category that is open for enrollment prior to the close of business of the offices of the State of Tennessee on April 29, 2005, will be allowed to enroll in such category if it is determined that they have met the eligibility criteria for such category prior to the close of business of the offices of the State of Tennessee on April 29, 2005, even if such determination is made after the close of business of the offices of the State of Tennessee on April 29, 2005. Any individual whose application is approved for enrollment in a Medically Needy category will be enrolled in the Medically Needy category for a period of twelve (12) months from the latter of: (a) the date of his or her application or (b) the date spenddown eligibility is met, so long as both (a) and (b) occur prior to the close of business of the offices of the State of Tennessee on April 29, 2005.

Subpart (iii) of part 2. of subparagraph (l) of paragraph (1) of rule 1200-13-13-.03 Enrollment, Disenrollment, Re-enrollment, and Reassignment is deleted in its entirety and replaced with a new subpart which shall read as follows:

- (iii) If the individual is no longer TennCare Medicaid-eligible, s/he will then be screened for eligibility as a Medicaid "Rollover". Such enrollees submitting an application to TDHS will have forty-five (45) additional days to complete the process (from the date the application is received at TDHS). This includes scheduling an appointment with the TDHS office in the county where s/he resides and completing the application process. An enrollee under age nineteen (19) who submits an application prior to the end date of Medicaid eligibility and who is found eligible as a Medicaid "Rollover" may be enrolled in TennCare Standard during periods of closed enrollment if s/he meets the technical and financial requirements found at 1200-13-14-.02 of the Rules of TennCare Standard.

Paragraph (1) of rule 1200-13-13-.03 Enrollment, Disenrollment, Re-enrollment, and Reassignment is amended by adding subparagraph (m) which shall read as follows:

- (m) Notwithstanding anything in these rules or in the Department of Human Services rules to the contrary, specifically including Chapter 1240-3-2 concerning eligibility of individuals in a Medically Needy category, effective at the close of business of the offices of the State of Tennessee on April 29, 2005, enrollment in the Medically Needy category is closed to all enrollees except for: (a) individuals under the age of twenty-one (21) and (b) pregnant women. Individuals who have filed an application for a Medically Needy category that is open for enrollment prior to the close of business of the offices of the State of Tennessee on April 29, 2005, will be allowed to enroll in such category if it is determined that they have met the eligibility criteria for such category prior to the close of business of the offices of the State of Tennessee on April 29, 2005, even if such determination is made after the close of business of the offices of the State of Tennessee on April 29, 2005. Any individual whose application is approved for enrollment in a Medically Needy category will be enrolled in the Medically Needy category for a period of twelve (12) months from the latter of: (a) the date of his or her application or (b) the date spenddown eligibility is met, so long as both (a) and (b) occur prior to the close of business of the offices of the State of Tennessee on April 29, 2005.

Statutory Authority: T.C.A. 4-5-209, 71-5-105, 71-5-109, Executive Order No. 23.

The Public Necessity rules set out herein were properly filed in the Department of State on the 29th day of April, 2005, and will be effective from the date of filing for a period of 165 days. The Public Necessity rules remain in effect through the 11th day of October, 2005.