

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 Room 16 of the Legislative Plaza, 6th Avenue North, Nashville, Tennessee, at 9:00 a.m. C.S.T. on the 18th day March 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, 729 Church Street, Nashville, Tennessee 37247-6501 or by telephone at (615) 741-0155 or 1-800-342-3145.

For a copy of this notice of rulemaking hearing, contact George Woods at the Bureau of TennCare, 729 Church Street, Nashville, Tennessee 37247-6501 or call (615) 741-0145.

Substance of Proposed Rules

Rule 1200-13-13-.01 Definitions (TennCare Medicaid) is amended by adding a new paragraph (39) and renumbering the present paragraph (39) as (40) and the following paragraphs renumbered accordingly so as amended the new paragraph (39) shall read as follows:

- (39) Handicapping Malocclusion, for the purposes of determining eligibility under these regulations shall mean the presence of abnormal dental development that has at least one of the following:
- (a) A medical condition and/or a nutritional deficiency with medical physiological impact, that is documented in the physician progress notes that predate the diagnosis and request for orthodontics. The condition must be non-responsive to medical treatment without orthodontic treatment.
 - (b) The presence of a speech pathology, that is documented in speech therapy progress notes that predate the diagnosis and request for orthodontics. The condition must be non-responsive to speech therapy without orthodontic treatment.
 - (c) Palatal tissue laceration from a deep impinging overbite where lower incisor teeth contact palatal mucosa. This does not include occasional biting of the cheek.

Anecdotal information is insufficient to document the presence of a handicapping malocclusion. Anecdotal information is represented by statements that are not supported by professional

progress notes that the patient has difficulty with eating, chewing, or speaking. These conditions may be caused by other medical conditions in addition to the misalignment of the teeth.

Dental services of subparagraph (a) of paragraph (7) of rule 1200-13-13-.04 Covered Services (TennCare Medicaid) is amended by deleting the last paragraph and replacing it with a new paragraph so as amended "Dental Services" shall read as follows:

| | |
|------------------------|---|
| <p>Dental Services</p> | <p>Preventive, diagnostic and treatment services for enrollees under age 21. Services for enrollees age 21 or older limited to cases of accidental injury to or neoplasms of the oral cavity, life threatening infections that include, but are not limited to, individuals with severely compromised immune systems, organ donor recipients, or individuals with or scheduled to receive a prosthetic heart valve(s), accidental injury to natural teeth including their replacement (limited to the cost of bridgework or the replacement of teeth injured in an accident unless teeth implants are medically necessary) and the removal of impacted wisdom teeth. (The adult dental "accident" must be caused by some external force, like a car accident, not by some normal act of mastication, or grinding of teeth while sleeping, or any other naturally occurring circumstance and must have occurred during a period of TennCare eligibility and within twelve (12) months from the date service is requested.)</p> <p>Orthodontic services are limited to individuals under age 21. There must be authorization for treatment and the treatment must have begun at least six (6) months prior to the enrollees 21st birthday. Treatment begun at least six (6) months prior to the enrollees 21st birthday may continue past age 21 as long as the individual remains eligible.</p> <p>For individuals under age 21, orthodontic services are limited to individuals diagnosed with: 1) a severe handicapping malocclusion or another developmental anomaly or injury resulting in severe malalignment or severe handicapping malocclusion of teeth, documented by at least 28 points on the Salzmann Scale, or any other method that is approved by TennCare, or 2) following repair of an enrollee's cleft palate. Orthodontic treatment will not be authorized for cosmetic purposes.</p> |
|------------------------|---|

Paragraph (1) of rule 1200-13-13-.10 Exclusions (TennCare Medicaid) is amended by adding subparagraph (o) which shall read as follows:

- (o) Orthodontic services except under the conditions set out at rule 1200-13-13-.04 (7)(a) (Dental Services).

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

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.

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

Subscribed and sworn to me this the 27th day of JANUARY, 2005.

[Signature]
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 31 day of Jan., 2005.

[Signature]
Riley C. Darnell
Secretary of State

BY: [Signature]

RECEIVED
2005 JAN 31 PM 12: 26
SECRETARY OF STATE
PUBLICATIONS
D103524

RECEIVED
2005 FEB -1 PM 12: 25
SECRETARY OF STATE
PUBLICATIONS