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Sequence Number: 02-36-13
 Notice ID(s): 1975
 File Date: 2/20/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

| | |
|---------------------------------|--|
| Agency/Board/Commission: | Tennessee Department of Finance and Administration |
| Division: | Bureau of TennCare |
| Contact Person: | George Woods |
| Address: | Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 |
| Phone: | (615) 507-6446 |
| Email: | george.woods@tn.gov |

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

| | |
|---------------------|--|
| ADA Contact: | ADA Coordinator |
| Address: | Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 |
| Phone: | (615) 507-6474 |
| Email: | helen.moore@tn.gov |

Hearing Location(s) (for additional locations, copy and paste table)

| | | | |
|----------------|-----------------------|---|----------------------------------|
| Address 1: | 310 Great Circle Road | | |
| Address 2: | | | |
| City: | Nashville, TN | | |
| Zip: | 37243 | | |
| Hearing Date : | 04/24/2013 | | |
| Hearing Time: | 9:00 a.m. | <input checked="" type="checkbox"/> CST/CDT | <input type="checkbox"/> EST/EDT |

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendments
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

| Chapter Number | Chapter Title |
|----------------|-------------------|
| 1200-13-14 | TennCare Standard |

| Rule Number | Rule Title |
|----------------|------------------|
| 1200-13-14-.01 | Definitions |
| 1200-13-14-.04 | Covered Services |

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Paragraph (51) Handicapping Malocclusion of Rule 1200-13-14-.01 Definitions is deleted in its entirety and replaced with a new Paragraph (51) which shall read as follows:

(51) Handicapping Malocclusion shall mean a malocclusion which causes one of the following medical conditions:

- (a) A nutritional deficiency that has proven non-responsive to medical treatment without orthodontic treatment. The nutritional deficiency must have been diagnosed by a qualified treating physician and must have been documented in the qualified treating physician's progress notes. The progress notes that document the nutritional deficiency must predate the treating orthodontist's prior authorization request for orthodontics.
- (b) A speech pathology that has proven non-responsive to speech therapy without orthodontic treatment. The speech pathology must have been diagnosed by a qualified speech therapist and must have been documented in the qualified speech therapist's progress notes. The progress notes that document the speech pathology must predate the treating orthodontist's prior authorization request for orthodontics.
- (c) Laceration of soft tissue caused by a deep impinging overbite. Occasional cheek biting does not constitute laceration of soft tissue. Laceration of the soft tissue must be documented in the treating orthodontist's progress notes and must predate the treating orthodontist's prior authorization request for orthodontics.

Anecdotal information is insufficient to document the presence of a handicapping malocclusion. The presence of a handicapping malocclusion must be supported by the treating professional's progress notes and patient record.

Part 5. Dental Services of Subparagraph (b) of Paragraph (1) of Rule 1200-13-14-.04 Covered Services is deleted in its entirety and replaced with a new Part 5. which shall read as follows:

| SERVICE | BENEFIT FOR PERSONS UNDER AGE 21 | BENEFIT FOR PERSONS AGED 21 AND OLDER |
|---|--|---------------------------------------|
| Part 5. Dental Services [defined at 42 CFR §440.100]. | Preventive, diagnostic, and treatment services covered as medically necessary. Dental services under EPSDT are provided in accordance with the state's periodicity schedule as determined after consultation with recognized dental organizations and at other intervals as medically necessary. Orthodontic services must be prior authorized by the Dental Benefits Manager (DBM). Orthodontic services are only covered for individuals under age 21. TennCare reimbursement for orthodontic services begun before age 21 will end on the individual's 21 st birthday. | Not covered. |

| | | |
|--|---|--|
| | <p>Orthodontic treatment is not covered unless it is medically necessary to treat a handicapping malocclusion.</p> <p>A TennCare-approved Malocclusion Severity Assessment (MSA) will be conducted to measure the severity of the malocclusion. An MSA score of 28 or higher, as determined by the DBM's dentist reviewer(s) will be used for making orthodontic treatment determinations of medical necessity. However, an MSA score alone cannot be used to deny orthodontic treatment.</p> <p>Orthodontic treatment will not be authorized for cosmetic purposes. Orthodontic treatment will be paid for by TennCare only as long as the individual remains eligible for TennCare.</p> <p>The MCO is responsible for the provision of transportation to and from covered dental services, as well as the medical and anesthesia services related to the covered dental services.</p> | |
|--|---|--|

Statutory Authority: T.C.A. §§ 4-5-202, 4-5-203, 71-5-105 and 71-5-109.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

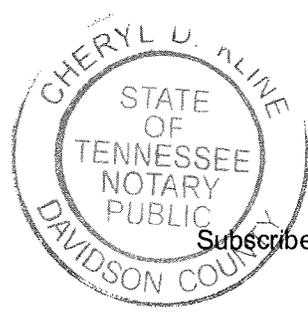
Date: 2/20/2013

Signature: *D. J. Gordon*

Name of Officer: Darin J. Gordon

Director, Bureau of TennCare

Title of Officer: Tennessee Department of Finance and Administration



Subscribed and sworn to before me on: 2/20/13

Notary Public Signature: *Cheryl D Kline*

My commission expires on: 8/23/16

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Filed with the Department of State on: 2/20/13

Tre Hargett
Tre Hargett
Secretary of State

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