

Rulemaking Hearing Rules
of the
Tennessee Commission on Aging and Disability

Chapter 0030-2-2
State-Wide Medicaid Home and Community Based Services Waiver
for Elderly and Disabled Adults

New Rules

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0030-2-2-.01 Purpose

0030-2-2-.02 Minimum Requirements (Principles) for Case Management Services

0030-2-2-.01 Purpose. The purpose of this rule is to implement the Medicaid waiver long-term care home and community based services program authorized by T.C.A. Section 71-5-1408 which is intended to serve low-income nursing home eligible individuals in HCBS settings who have been pre-admission evaluation (PAE) approved by the Bureau of TennCare and certified eligible for Medicaid services by the Department of Human Services.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 71-2-105(b) (1), and 71-5-1408(d) and (e).

0030-2-2-.02 Minimum Requirements (Principles) for Case Management Services.

- (1) Case management services offered under the long-term care services plan authorized at T.C.A. § 71-5-1408 shall meet the principles of the Older Americans Act to include the following:
 - (a) The case manager must provide each individual seeking services under the waiver a comprehensive list of agencies that are authorized to provide services within the jurisdiction of the area agency on aging and disability.
 - (b) The case manager must provide each individual enrolled in the waiver a statement specifying that the individual has a right to make an independent choice of service providers and document the receipt by each enrollee of such statement.
- (2) Case managers shall be required to act as exclusive agents for individual enrollees receiving waiver services and must not promote any agency providing such services.
- (3) The agency providing case management services shall not provide any other services to the individual receiving case management.

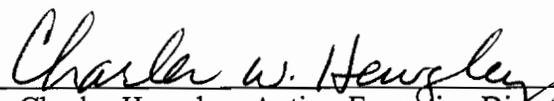
- (4) Case managers should seek to maximize the use of voluntary and existing services for waiver enrollees.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 71-2-105(b) (1), 71-5-1402 (e) (10) and (11) and 71-5-1408(d) and (e), and 42 U.S.C. § 3026 (a) (8), 42 U.S.C. § 3026 (a) (8) (C) (i), 42 U.S.C. § 3026 (a) (8) (C) (ii), and 42 U.S.C. § 3026 (a) (8) (C) (iii).

Legal Contact and/or party who will approve final copy: Charles Hewgley, Acting Executive Director, Tennessee Commission on Aging and Disability, Andrew Jackson Building, 500 Deaderick Street, Suite 825, Nashville, TN 37243-0860 Phone (615) 741-2056.

Contact for disk acquisition: Nancy Brode, Supervisor of Planning, Tennessee Commission on Aging and Disability, Andrew Jackson Building, 500 Deaderick Street, Suite 825, Nashville, TN 37243-0860 Phone (615) 741-2056.

Signature of the agency officer directly responsible for proposing and/or drafting these rules:



Charles Hewgley, Acting Executive Director
Tennessee Commission on Aging and Disability

The roll-call vote by the Tennessee Commission on Aging on Aging and Disability was as follows:

Commission Members	Aye	No	Abstain	Absent
Ginny Acree	<u>X</u>	_____	_____	_____
Robert Brandon	<u>X</u>	_____	_____	_____
Geneva Burns	_____	_____	_____	<u>X</u>
Sun-Hwan Chu	<u>X</u>	_____	_____	_____
Diane Cornell	<u>X</u>	_____	_____	_____
Bettie Davis	<u>X</u>	_____	_____	_____
John Fisher	<u>X</u>	_____	_____	_____
Connie Griffitts	_____	_____	_____	<u>X</u>
Bonnie Howard	<u>X</u>	_____	_____	_____
Martin L. Kresge	_____	_____	_____	<u>X</u>
Leonard Price	<u>X</u>	_____	_____	_____
Ruth M. Robinson	<u>X</u>	_____	_____	_____
Merritt Smith	<u>X</u>	_____	_____	_____
Ruby Stewman	<u>X</u>	_____	_____	_____
Elizabeth Stovall	<u>X</u>	_____	_____	_____
Donald Woodlee	<u>X</u>	_____	_____	_____
Tam Gordon	_____	_____	_____	<u>X</u>
Judy Eads	<u>X</u>	_____	_____	_____
Deborah Neill	<u>X</u>	_____	_____	_____
Roberta Simms	_____	_____	_____	<u>X</u>
Dennis Wenner	_____	_____	_____	<u>X</u>
Wanda Willis	<u>X</u>	_____	_____	_____
Vacant	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Vacant	_____	_____	_____	_____

I certify that this is an accurate and complete copy of rulemaking hearing rules lawfully promulgated and adopted by the Tennessee Commission on Aging and Disability on the 10th day of February, 2004.

Further, I certify that the provisions of T.C.A. § 4 -5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 30th day of September, 2003 and such notice of rulemaking hearing having been published in the October 15, 2003 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 19th day of November, 2003.

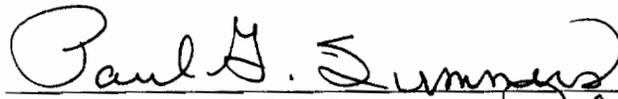

Kenneth S. Robinson, M.D., Commissioner
Tennessee Department of Health

Subscribed and sworn to before me this the 17th day of March, 2004.

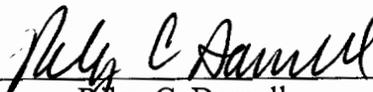

Notary Public

My commission expires on the 25th day of March, 2006.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter, 5.


Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 15 day of April, 2004. *effective 6/29/04*


Riley C. Darnell
Secretary of State

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By: 

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