

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.D.T. on the 16th day June 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

Subparagraph (b) of paragraph (27) of rule 1200-13-13-.01 Definitions (TennCare Medicaid) is deleted in its entirety and replaced with a new subparagraph (b) which shall read as follows:

- (b) An MCC's failure to provide timely prior authorization of a TennCare service. In no event shall a prior authorization decision be deemed timely unless it is granted within fourteen (14) calendar days of the MCC's receipt of a request for such authorization. A shorter period is required if a more prompt response is medically necessary in light of the enrollee's condition and the urgency of his need, as defined by a prudent lay person.

Part 2. of subparagraph (b) of paragraph (1) of rule 1200-13-13-.11 Appeal of Adverse Actions Affecting TennCare Services or Benefits (TennCare Medicaid) is amended by deleting the word and number "twenty-one (21)" and replacing them with the word and number "fourteen (14)" so as amended part 2. shall read as follows:

- 2. Written notice of an MCC's decision in response to a request by or on behalf of an enrollee for medical or related services must be provided within fourteen (14) calendar days of receipt of the request; however, a shorter period is required if a more prompt response is medically necessary in light of the enrollee's condition and the urgency of his/her need, as defined by a prudent lay person.

Subparagraph (e) of paragraph (2) of rule 1200-13-13-.11 Appeal of Adverse Actions Affecting TennCare Services or Benefits (TennCare Medicaid) is amended by adding the sentence "Oral appeals shall be

followed up with an oral filing with a written, signed appeal, however, if the enrollee does not follow up in writing, the appeal will continue for resolution or for hearing” so as amended subparagraph (e) shall read as follows:

- (e) To appeal in person, by telephone, or in writing. Reasonable accommodations shall be made for persons with disabilities who require assistance with his/her appeal, such as an appeal by TDD services or other communication device for people with disabilities. Written requests for appeals made at county TDHS offices shall be stamped, and immediately forwarded to the TennCare Bureau for processing and entry in the central registry. Oral appeals shall be followed up with an oral filing with a written, signed appeal; however, if the enrollee does not follow up in writing, the appeal will continue for resolution or for hearing;

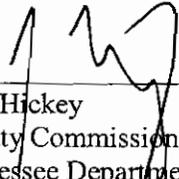
Subparagraph (a) of paragraph (7) of rule 1200-13-13-.11 Appeal of Adverse Actions Affecting TennCare Services or Benefits (TennCare Medicaid) is deleted in its entirety and replaced with a new subparagraph (a) which shall read as follows:

- (a) Subject to the provisions of subparagraphs (7)(e) and (f) below and to provisions relating to medical contraindication (paragraph (8)), the failure of an MCC to act upon a request for prior approval within fourteen (14) days as provided in (1)(b)2. above shall result in automatic authorization of the requested service.

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

D1025012

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 15th day of April, 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 29
day of April, 2005.



Riley C. Darnell
Secretary of State

BY: _____