

Rulemaking Hearing Rules  
of the  
Tennessee Commission on Aging

Chapter 0030-2-1  
State-Funded Home and Community Based Services for Elderly  
and Disabled Adults

New Rules

Table of Contents

- 0030-2-1-.01 Purpose
- 0030-2-1-.02 Cost Sharing and Participant Contribution Requirements
- 0030-2-1-.03 Intrastate Allocation Formula

0030-2-1-.01 Purpose.

The purpose of this rule is to implement the state-funded long-term care home and community based services program authorized by T.C.A. Section 71-5-1408 which is intended to serve individuals who are at least sixty (60) years of age or adults who have a disability due to a physical impairment, who do not qualify for long-term care services under the state medical assistance program, who are found to be at risk of losing their independence and for which there is no other resource available. Adult protective service clients have priority for these services.

0030-2-1-.02 Cost Sharing and Participant Contribution Requirements.

- (1) Each Area Agency on Aging shall adhere to these cost sharing requirements for recipients of services funded in whole or in part through the Home and Community Based Services for Elderly and Disabled Adults Program funded through the Commission on Aging who can pay all or a portion of the cost of the services rendered.
- (2) Each Area Agency on Aging shall utilize a sliding fee scale to determine the amount a consumer of service must pay toward the cost of services the recipient receives, except that no cost sharing shall be required for home-delivered meals which are eligible for USDA reimbursement or for services funded in part with monies from a federal funding source that prohibits mandatory cost sharing.
- (3) Except as otherwise provided, the cost sharing policies developed by the Commission on Aging shall utilize the following sliding fee scale:

- (a) Consumers with income less than 200% of the Federal Benefit Rate shall not be required to contribute toward the cost of services they receive.
  - (b) Consumers with income at or above 200% of the Federal Benefit Rate shall be required to contribute a percentage of the cost of the services they receive (see Cost Share guidelines), but the cost share requirement shall not exceed 45% of their income.
  - (c) Recipients with incomes greater than 600% of the Federal Benefit Rate may receive information and assistance, including referrals to service providers, but shall be required to contribute 100% of the cost of any additional services they receive.
- (4) These cost sharing policies shall ensure that each Area Agency on Aging will:
- (a) Provide applicants of service with a written description of the cost sharing guidelines prior to the commencement of any services;
  - (b) Determine the cost share amount based solely on the self-declaration of income with no consideration of assets;
  - (c) Collect consumer's cost share obligations utilizing an invoice format at least quarterly;
  - (d) Issue a receipt of payment to any consumer of service making a payment pursuant to these policies;
  - (e) Safeguard all funds collected through the cost sharing process including a record of accounts receivable for each consumer;
  - (f) Use methods for receiving cost share payments and contributions that protect the privacy of each consumer with respect to the amount contributed;
  - (g) Make a good faith effort to collect cost sharing obligations from consumers of service where feasible and cost effective. If the Area Agency on Aging finds that collecting a given amount is not cost effective, the Area Agency on Aging may waive this amount;
  - (h) Ensure that consumers who refuse to comply with cost share policies will not be served. If a consumer is unable to comply with the cost share policy, the Area Agency on Aging may temporarily adjust the cost share responsibility for that individual. This policy will be implemented on a case by case basis.

- (i) Ensure that consumers of service who are not required to pay a part of the cost share amount be given an opportunity to make a voluntary contribution toward the cost of service being provided.
- (5) All income collected in accordance with these rules shall be utilized by Area Agencies on Aging to provide additional home and community based services.

0030-2-1-.03 Intrastate Allocation Formula.

- (1) In Fiscal Year 2001, each Area Agency on Aging shall be allocated \$43,888 for provision of information and assistance service. The remainder of funds will be awarded on the formula set out in 0030-1-10-.01(3).
- (2) Beginning in Fiscal Year 2002, and thereafter, each Area Agency shall receive a base award of \$50,000. The remainder of the funds will be distributed according to each region's share of the state's population age 18 and over with self-care limitations, using the best available data, provided that no planing and service area would receive less funding than received in Fiscal Year 2001.
- (3) The formula will be reviewed at least every three (3) years and updated when new information on the target population becomes available.

Authority: T.C.A. §§ 4-5-201, et seq., 71-2-105(b)(1), 71-5-1408, and 71-5-1707(i).

Legal Contact: Peggy D. DePriest, General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120 615-741-1611.

Contact for disk acquisition and/or party who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

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

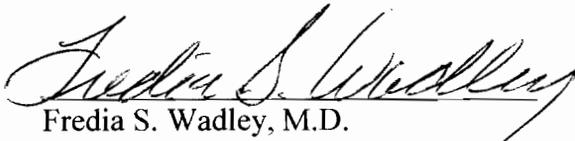
  
James S. Whaley  
Executive Director  
Tennessee Commission on Aging

The role call vote by the Tennessee Commission on Aging on these rulemaking hearing rules was as follows:

Commission Member	Aye	No	Abstain	Absent
Robert Brandon	<u>X</u>	_____	_____	_____
Geneva Burns	<u>X</u>	_____	_____	_____
Jane B. Carr	<u>X</u>	_____	_____	_____
Ida M. Cotter	<u>X</u>	_____	_____	_____
John Fisher	<u>X</u>	_____	_____	_____
Judy L. Gilley	_____	_____	_____	<u>X</u>
Ronald C. Hamdy	_____	_____	_____	<u>X</u>
Bonnie Howard	<u>X</u>	_____	_____	_____
Phil B. King	_____	_____	_____	<u>X</u>
Martin Luther Kresge	_____	_____	_____	<u>X</u>
Martha McCord	<u>X</u>	_____	_____	_____
Ruth M. Robinson	<u>X</u>	_____	_____	_____
Merritt Smith	<u>X</u>	_____	_____	_____
Ruby Stewman	<u>X</u>	_____	_____	_____
Edith Taylor	<u>X</u>	_____	_____	_____
Garland P. Watkins	_____	_____	_____	<u>X</u>
James Floyd for Jay C. Ballard	<u>X</u>	_____	_____	_____
Pamela Sylakowski	<u>X</u>	_____	_____	_____
Fredia Wadley, M.D.	_____	_____	_____	<u>X</u>
Marilyn Whalen	<u>X</u>	_____	_____	_____
Wendell H. Gilbert	_____	_____	_____	<u>X</u>

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Commission on Aging on the 13th day of February, 2001.

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 29th day of November, 2000 and such notice of rulemaking hearing having been published in the December, 2000 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 17th day of January, 2001.

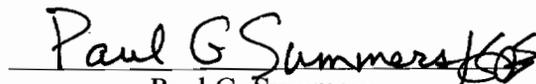
  
Fredia S. Wadley, M.D.  
Commissioner  
Department of Health

Subscribed and sworn to before me this the 16<sup>th</sup> day of March, 2001.

  
Notary Public

My commission expires on the 26<sup>th</sup> day of May, 2002.

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 18 day of July, 2001 and will become effective on the 4 day of May, 2001.

  
Riley C. Darnell  
Secretary of State

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