

Rulemaking Hearing Rules  
of  
The Tennessee Commission on Aging and Disability

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

Rule 0030-2-1-.03 Intrastate Allocation Formula is amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, and is further amended by deleting paragraph (3) in its entirety, so that as amended, the new paragraphs (1) and (2) shall read:

- (1) Each Area Agency on Aging and Disability shall receive a base award of \$50,000. The remainder of the funds will be equitably distributed between urban and rural areas. The formula for fund distribution will be 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 planning and service area would receive less funding than received in Fiscal Year 2001, subject to the availability of appropriated funds.
- (2) The formula will be reviewed at least every three (3) years and updated when new information of the target population becomes available.

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

New Rule

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0030-2-1-.04 Maximum Unit Cost for Services

0030-2-1-.04 Maximum Unit Cost for Services. In each planning and service area, the contract average cost of a unit of service for home and community based long-term care services authorized by T.C.A. § 71-5-1408 can not exceed one hundred-twenty percent (120 %) of the cost of that unit amount as approved by the Bureau of TennCare under a Section 1915(c) statewide waiver of the Medicaid State Plan for an identical service as described by the Waiver.

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

Legal Contact: Richard Russell, Assistant 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 Manger, Division of Health Related Boards, First Floor  
 Cordell Hull Building, 425 5th 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:

  
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 James S. Whaley, Executive Director  
 Commission on Aging and Disability

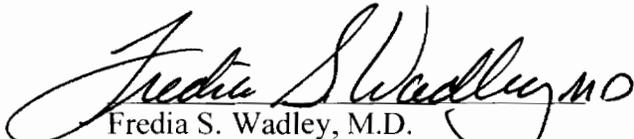
The roll call vote by the Commission on Aging and Disability on these rulemaking  
 hearing rules was as follows:

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>	_____	_____	_____
Bettie Davis	<u>  X  </u>	_____	_____	_____
John Fisher	<u>  X  </u>	_____	_____	_____
Judy L. Gilley	_____	_____	_____	<u>  X  </u>
Bonnie Howard	<u>  X  </u>	_____	_____	_____
Phil B. King	<u>  X  </u>	_____	_____	_____
Martin L. 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>	<u>      </u>	<u>      </u>	<u>      </u>
Garland P. Watkins	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jay C. Ballard	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Pamela Sylakowski	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Judy Eads	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Marilyn Whalen	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Commissioner Wendell Gilbert	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Wanda Willis	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated by the Commissioner of Health and adopted by the Commission on Aging and Disability on the 12<sup>th</sup> day of February, 2002.

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 30<sup>th</sup> day of November, 2001 and such notice of rulemaking hearing having been published in the December 14<sup>th</sup>, 2001 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 22<sup>nd</sup> day of January, 2002.

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

Subscribed and sworn to before me this the 29<sup>th</sup> day of May, 2002.

  
Notary Public

My commission expires on the 25<sup>th</sup> day of March, 2006.

