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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:	Department of Commerce and Insurance
Division:	Insurance Division
Contact Person:	Elliott Webb, Associate Counsel
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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:	Don Coleman
Address:	500 James Robertson Parkway, Nashville, TN 37243
Phone:	(615) 741-6500
Email:	Don.Coleman@tn.gov

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

Address 1:	500 James Robertson Parkway
Address 2:	Conference Room 1-A
City:	Nashville, TN
Zip:	37243
Hearing Date:	10/26/2026
Hearing Time:	9:00 a.m. ☒ CST/CDT ☐ EST/EDT

Additional Hearing Information:

N/A

Revision Type (check all that apply):

☐ Amendment
☒ 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
0780-01-96	Step Therapy
Rule Number	Rule Title
0780-01-96-.01	Scope
0780-01-96-.02	Applicability
0780-01-96-.03	Exclusions

Department of Commerce and Insurance
Insurance Division

Chapter 0780-01-96
Step Therapy
New Rules

Table of Contents

0780-01-96-.01	Scope	0780-01-96-.03	Exclusions
0780-01-96-.02	Applicability		

Chapter 0780-01-96 is a new chapter and shall be titled “Step Therapy” so it shall read:

Chapter 0780-01-96 Step Therapy.

Authority: T.C.A. §§ 56-6-703, 56-7-3503, and 56-61-102.

Rule 0780-01-96-.01 Scope is a new rule and shall read:

0780-01-96-.01 Scope.

This chapter applies to a health carrier, health benefit plan, or utilization review organization that provides coverage for a prescription drug from or into the State of Tennessee pursuant to a policy that meets the definition of a step therapy protocol under T.C.A. § 56-7-3504 as determined by the Commissioner, regardless of whether the policy is described, titled, or referred to as a step therapy protocol.

Authority: T.C.A. §§ 56-6-703, 56-7-3501 through 56-7-3504, and 56-61-102.

Rule 0780-01-96-.02 Applicability is a new rule and shall read:

0780-01-96-.02 Applicability.

- (1) Any health carrier, health benefit plan, or utilization review organization, operating in the State of Tennessee, that denies coverage for a prescription drug for the treatment of a medical condition through the use of a step therapy protocol, shall provide access to a clear, prominent, and readily accessible step therapy exception form that can be submitted on a form or through an electronic process for a patient or prescribing practitioner to request a step therapy exception on the health carrier's, health benefit plan's, or utilization review organization's website.
- (2) A health carrier, health benefit plan, and utilization review organization, shall include the following in its step therapy exception request form:
 - (a) Electronic hyperlink on the website of the health carrier, health benefit plan, or utilization review organization, and step therapy exception request form is clearly titled as “Step Therapy Exception Request”;
 - (b) Step therapy exception request form is provided in a format that can be submitted on a form or through an electronic process from the health carrier, health benefit plan, or utilization review organization's website;
 - (c) Step therapy exception request form provides an area to mark that the step therapy request exception is an urgent care request from a healthcare provider or patient; and
 - (d) Step therapy exception request form provides phone, fax number, mailing address, and email address to the appropriate department of the health carrier, health benefit plan, or utilization review organization for review of the step therapy exception request.

Authority: T.C.A. §§ 56-6-703, 56-7-3501, 56-7-3502, 56-7-3503, and 56-61-102.

Rule 0780-01-96-.03 Exclusions is a new rule and shall read:

0780-01-96-.03 Exclusions.

- (1) This chapter does not apply to the following:
 - (a) TennCare program provided for in title 71, chapter 5, or successor program;
 - (b) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11; or
 - (c) The Access Tennessee Act of 2006, compiled in title 56, chapter 7, part 29.

Authority: T.C.A. §§ 56-6-703, 56-7-3501, 56-7-3503, 56-7-3504, and 56-61-102.

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: _____

Signature: _____

Name of Officer: Elliott Webb

Title of Officer: Associate Counsel

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State