

Notice of Change in TennCare II Demonstration: Amendment 36

The Commissioner of the Tennessee Department of Finance & Administration is providing official notification of intent to file an amendment to the TennCare II Demonstration. This amendment, which will be known as “Amendment 36,” is being filed with the Centers for Medicare & Medicaid Services (CMS). The State intends to request that the proposed amendment become effective immediately upon CMS approval.

Description of Amendment and Affected Populations

TennCare is a comprehensive managed care program that provides the full range of Medicaid benefits to approximately 1.4 million Medicaid and demonstration eligibles in Tennessee. This includes family planning services, which are a mandatory Medicaid benefit.

On April 12, 2018, the Tennessee General Assembly enacted Public Chapter No. 682, establishing that it is the policy of the state of Tennessee to favor childbirth and family planning services that do not include elective abortions within the continuum of care or services, and to avoid the direct or indirect use of state funds to promote or support elective abortions.

The objective of Amendment 36 is to implement this state policy. In this amendment, TennCare proposes to establish state-specific criteria for providers of family planning services that reflect this policy, and to limit participation in the TennCare Demonstration to providers that meet these state criteria. Specifically (and in accordance with Public Chapter No. 682), TennCare intends to exclude any entity that performed, or operated or maintained a facility that performed, more than 50 abortions in the previous year, including any affiliate of such an entity.

TennCare enrollees will continue to have access to family planning services from other providers within the TennCare Demonstration that meet the state’s proposed criteria.

Expected Impact on Enrollment and Expenditures

Amendment 36 will not result in any increase or decrease in enrollment in the TennCare Demonstration.

Amendment 36 is not expected to have a material impact on expenditures under the demonstration, or to materially affect the state’s overall budget neutrality demonstration. All services currently covered under the demonstration will continue to be covered.

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Hypothesis and Evaluation Parameters

The state will work with CMS to identify or develop appropriate evaluation measures for this demonstration amendment. The demonstration will focus on beneficiary access to family planning services. The state intends to demonstrate that establishing reasonable provider participation criteria for providers of family planning services will not have a negative impact on the state's ability to ensure an adequate network of providers.

Waiver and Expenditure Authorities Requested

All waiver and expenditure authorities currently approved for the TennCare demonstration will continue to be in effect. To implement Amendment 36, the state will request to modify its existing waiver of Section 1902(a)(23) of the Social Security Act (and associated regulations) to the extent necessary to enable the state to establish provider participation criteria for providers of family planning services and supplies who furnish services under the TennCare Demonstration.

Public Notice Process

TennCare has taken a variety of steps to ensure that members of the public are notified of Amendment 36. These measures include the development and maintenance of this webpage, as well as notices published in the newspapers of widest circulation in Tennessee cities with 50,000 or more residents. TennCare has disseminated information about the proposed amendment via its social media accounts (e.g., Facebook, Twitter). TennCare has also notified members of the Tennessee General Assembly of its intent to submit Amendment 36.

Public Input Process

TennCare is seeking feedback on Amendment 36 prior to its submission to CMS. Members of the public are invited to offer comments regarding Amendment 36 from June 13, 2018, through July 13, 2018.

Members of the public who wish to comment on the proposed amendment may do so through either of the following options:

- Comments may be sent by email to public.notice.tennCare@tn.gov.
- Comments may be mailed to

Dr. Wendy Long, Director
Division of TennCare
310 Great Circle Road
Nashville, TN 37243.

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Individuals who wish to make their comments in person may attend either of the following events:

- A public hearing on June 22, 2018, at 3:00 p.m. CT in the Large Meeting Room of the Green Hills branch of the Nashville Public Library, 3701 Benham Avenue in Nashville.
- A public hearing on June 25, 2018, at 2:00 p.m. CT in House Hearing Room II on the first floor of the Cordell Hull State Office Building, 425 5th Avenue North in Nashville.

Telephonic access to the June 25 hearing is available for those unable to attend in person. Individuals interested in this option must register by contacting Jonathan Reeve—no later than June 22—at (615) 507-6449 or by email at jonathan.reeve@tn.gov. Individuals with disabilities or individuals with limited English proficiency who wish to participate in one or both hearings and who may require language or communication assistance to do so should contact Talley Olson of TennCare’s Office of Civil Rights Compliance by phone at (855) 857-1673 or by email at HCFA.fairtreatment@tn.gov prior to the date of the hearing.

TennCare always appreciates input. In order to be considered for the final draft of Amendment 36, feedback must be received no later than July 13, 2018. Individuals wishing to view comments submitted by members of the public may submit their requests to the same physical address and/or email address at which comments are being accepted.

Draft of Amendment 36

A draft of TennCare’s proposed demonstration amendment is located at <https://www.tn.gov/content/dam/tn/tenncare/documents2/Amendment36.pdf>. Copies of the draft amendment are also available in each county office of the Tennessee Department of Health. Once comments received during the public input period have been reviewed and considered, a final draft of the amendment will be prepared. The final draft will be submitted to CMS and will then be made available through this webpage.

TennCare Page on CMS Web Site

As the federal agency with oversight authority over all Medicaid programs, CMS offers its own online resources regarding the TennCare Demonstration. Interested parties may view these materials at https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/waivers_faceted.html.