

### **Notice of Change in TennCare II Demonstration: Amendment 38**

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 38,” is being filed with the Centers for Medicare & Medicaid Services (CMS).

#### 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. One of the core objectives of the TennCare demonstration is to improve health outcomes for individuals enrolled in TennCare. A growing body of evidence points to a link between productive work or meaningful community engagement and improved health outcomes.

Accordingly, Amendment 38 is designed to promote improved health outcomes for TennCare members, and to support member efforts to achieve their education- and employment-related goals. To this end, Amendment 38 will establish workforce participation and community engagement as an expectation for some program enrollees.

The workforce participation and community engagement requirement will be applicable to non-pregnant, non-disabled, non-elderly adults enrolled in TennCare in the parent/caretaker relative eligibility category described at 42 CFR § 435.110 without dependent children under the age of six.

Impacted adults will be required to engage in qualifying work or community engagement activities for an average of 20 hours per week. Qualifying activities can include paid employment, certain educational activities, job search or job skills training activities, and community service in approved settings. TennCare will also seek to link individuals to resources and supports whenever possible to help members achieve their education- and employment-related goals. Impacted members who fail to comply with the requirement will be subject to suspension of benefits until compliance is demonstrated.

This proposed waiver amendment is consistent with guidance released by CMS on promoting work and community engagement among Medicaid beneficiaries, and is submitted in accordance with Public Chapter No. 869, enacted by the Tennessee General Assembly in 2018.

#### Expected Impact on Enrollment and Expenditures

Amendment 38 is not expected to have an impact on enrollment in the TennCare demonstration. As described above, certain eligible members may be subject to suspension of benefits if they fail to comply with the work and community engagement requirement.

Published on September 24, 2018

In accordance with Public Chapter No. 869, the state will seek federal approval to use funds from the state's Temporary Assistance for Needy Families (TANF) program to fund any costs associated with the work and community engagement initiative. The state is not requesting any new expenditure authorities under the Medicaid program to implement Amendment 38.

#### Hypothesis and Evaluation Parameters

The state will work with CMS to identify or develop appropriate evaluation measures for this demonstration amendment. The state's evaluation will focus on 1) the extent to which the demonstration is associated with improved education, employment, and community engagement outcomes for impacted members, and 2) the extent to which the demonstration is associated with improved health outcomes for impacted members.

#### 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 38, the state will request to waive the requirements of Title XIX of the Social Security Act to the extent necessary to suspend benefits for, and not make medical assistance available to, beneficiaries who fail to comply with the work and community engagement requirement.

#### Public Notice Process

TennCare has taken a variety of steps to ensure that members of the public are notified of Amendment 38. 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 38.

#### Public Input Process

TennCare is seeking feedback on Amendment 38 prior to its submission to CMS. Members of the public are invited to offer comments regarding Amendment 38 from September 24, 2018, through October 26, 2018.

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

Published on September 24, 2018

- Comments may be sent by email to [public.notice.tennCare@tn.gov](mailto:public.notice.tennCare@tn.gov).
- Comments may be mailed to

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

Individuals who prefer to make their comments in person may attend one of the following public hearings to comment on Amendment 38:

Monday, October 8, 2018  
11:00 a.m. CT  
Bordeaux Branch of the Nashville Public Library, Large Meeting Room  
4000 Clarksville Pike  
Nashville, Tennessee

Tuesday, October 9, 2018  
1:00 p.m. ET  
Burlington Branch of the Knox County Library, Community Meeting Room  
4614 Asheville Highway  
Knoxville, Tennessee

Thursday, October 11, 2018  
11:00 a.m. CT  
Jackson-Madison County Library, Program Center  
433 East Lafayette Street  
Jackson, Tennessee

Individuals with disabilities or individuals with limited English proficiency who wish to participate in one of the 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](mailto: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 38, feedback must be received no later than October 26, 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.

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### Draft of Amendment 38

A draft of TennCare's proposed demonstration amendment is located at <https://www.tn.gov/content/dam/tn/tenncare/documents2/Amendment38.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 the webpage located at <https://www.tn.gov/tenncare/policy-guidelines/waiver-and-state-plan-public-notices.html>.

### 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](https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/waivers_faceted.html).