

Notice of Change in TennCare II Demonstration: Amendment 39

The Commissioner of the Tennessee Department of Finance and Administration is providing official notification of intent to file an amendment to the TennCare II Demonstration. This amendment, which will be known as “Amendment 39,” is being filed with the Centers for Medicare & Medicaid Services (CMS), with a proposed effective date of July 1, 2019.

Description of Amendment and Affected Populations

The TennCare program is supported in part by State funds generated from a non-recurring hospital assessment. This assessment is currently scheduled to expire on June 30, 2019. Amendment 39 outlines specific benefit changes that will be required effective July 1, 2019, in the absence of this funding. TennCare has proposed similar demonstration amendments eight times since 2010. Because the State’s hospital assessment was renewed in each of these prior years, the need to implement these changes was postponed. Should the assessment be renewed for State Fiscal Year 2019-2020, the changes contained in Amendment 39 will not be implemented.

Proposed changes. Amendment 39 will eliminate certain currently covered services and establish benefit limits on others. Children under 21 will not be affected by these changes. Eligibility for TennCare will not be affected by these changes. Pregnant women and institutionalized persons will not be affected by proposed benefit limits; however, they will be affected by the elimination of coverage for occupational therapy, speech therapy, and physical therapy.

The specific changes to be made are as follows:

- Implementation of a combined annual limit of 8 days per person for inpatient hospital and inpatient psychiatric hospital services
- Implementation of an annual limit on non-emergency outpatient hospital occasions of 8 per person (an “occasion” is a day)
- Implementation of a combined annual limit on health care practitioners’ office visits of 8 occasions per person (an “occasion” is a day)
- Implementation of an annual limit on lab and X-ray services of 8 occasions per person (an “occasion” is a day)
- Elimination of coverage for occupational therapy, speech therapy, and physical therapy

Expected Impact on Enrollment and Expenditures

Amendment 39 will not result in any increase or decrease in enrollment in the TennCare Demonstration.

Implementation of Amendment 39 would result in a decrease in aggregate annual expenditures of \$373,171,295 in State Fiscal Year 2020.

Published on March 12, 2019

Hypothesis and Evaluation Parameters

The State does not anticipate modifying the demonstration evaluation design based on these changes.

Waiver and Expenditure Authorities Requested

The State is not requesting any new waiver or expenditure authorities to effectuate these changes.

Public Notice Process

TennCare has taken a variety of steps to ensure that members of the public are aware of Amendment 39. These measures include the development and maintenance of this webpage, as well as notices to be published in the newspapers of widest circulation in Tennessee cities with 50,000 or more residents. TennCare has also addressed Amendment 39 in communications with stakeholders, including the Tennessee General Assembly. TennCare notified its Facebook friends and Twitter followers of Amendment 39 on March 12, 2019.

Public Input Process

TennCare is seeking feedback on Amendment 39 prior to its submission to CMS. Members of the public are invited to offer comments regarding Amendment 39 from March 12, 2019, through April 12, 2019.

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

- Comments may be mailed to Mr. Gabe Roberts, Director, Division of TennCare, 310 Great Circle Road, Nashville, TN 37243.
- Comments may be sent by email to public.notice.tennCare@tn.gov.

Individuals who wish to share their thoughts in person may attend either of the following events:

- A public hearing on March 26, 2019, at 9:00 a.m. CT in Conference Room 1 East A of the TennCare Building, 310 Great Circle Road in Nashville.
- A public hearing on March 27, 2019, at 11:00 a.m. CT at the Bordeaux branch of the Nashville Public Library, 4000 Clarksville Pike in Nashville.

Published on March 12, 2019

Telephonic access to the March 26 hearing (in the TennCare Building) is available for those unable to attend in person. Individuals interested in this option must register by contacting Jonathan Reeve prior to the date of the hearing 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 39, feedback must be received no later than Friday, April 12, 2019. 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 39

A draft of TennCare's proposed demonstration amendment is located at <https://www.tn.gov/content/dam/tn/tenncare/documents2/Amendment39.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.