

Notice of Change in TennCare II Demonstration: Amendment 44

Published February 13, 2020

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 44," will be filed with the Centers for Medicare & Medicaid Services (CMS).

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, 2020. Amendment 44 outlines specific benefit changes that will be required effective July 1, 2020, in the absence of this funding. TennCare has proposed similar demonstration amendments nine 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 2020-2021, the changes contained in Amendment 44 will not be implemented.

Proposed changes. Amendment 44 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 44 will not result in any increase or decrease in enrollment in the TennCare demonstration. TennCare eligibility, cost sharing, and service delivery systems are not affected by Amendment 44.

Implementation of Amendment 44 would result in a decrease in aggregate annual expenditures of \$397,922,685 in State Fiscal Year 2021.

Hypothesis and Evaluation Parameters

The state is not proposing to modify its evaluation design as part of this amendment.

Waiver and Expenditure Authorities Requested

All waiver and expenditure authorities currently approved for the TennCare demonstration will continue to be in effect. 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 notified of Amendment 44. 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 44.

Public Input Process

TennCare is seeking feedback on Amendment 44 prior to its submission to CMS. Members of the public are invited to offer comments regarding Amendment 44 from February 13, 2020, through March 14, 2020.

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



Aaron Butler, Director of Policy
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 44:

- A public hearing on February 26, 2020, at 12:00 p.m. CT in Conference Room 1 East A of the TennCare Building, 310 Great Circle Road in Nashville.
- A public hearing on February 28, 2020, at 2:00 p.m. CT in the Large Meeting Room of the Bellevue branch of the Nashville Public Library, 720 Baugh Road in Nashville.

Telephonic access to the February 26 hearing (in the TennCare Building) is available for individuals unable to attend in person. To register to participate in this hearing by telephone, please contact Jonathan Reeve by phone at (615) 507-6449 or by email at Jonathan.Reeve@tn.gov prior to the date of the hearing.

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 prior to the date of the hearing.

TennCare always appreciates input. In order to be considered for the final draft of Amendment 44, comments must be received no later than March 14, 2020. 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 44

A draft of TennCare's proposed demonstration amendment is located at <https://www.tn.gov/content/dam/tn/tenncare/documents2/Amendment44.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 at <https://www.tn.gov/tenncare/policy-guidelines/waiver-and-state-plan-public-notice.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.

