

TennCare Policy Manual	Section: Providers
Policy No: PRO 23-001	Date: January 19, 2023

Enrollment of Providers with Out-of-Country Ownership

Purpose

The Division of TennCare (TennCare) occasionally receives requests to enroll, as providers of services, entities whose ownership resides outside the borders of the United States and its territories.¹ The purpose of this policy is to present the procedures that must be followed by such entities to be enrolled as Tennessee Medicaid providers. Following enrollment, such entities must still contract with one or more TennCare managed care contractors in order to provide services to TennCare enrollees and to be compensated for properly presented claims.

Definitions/Abbreviations

- **ITIN** – Individual Taxpayer Identification Number
- **MCCs** – managed care contractors; encompassing managed care organizations, a pharmacy benefits manager, and a dental benefits manager
- **SSN** – Social Security number, i.e., an identification number assigned to individuals by the Social Security Administration
- **TIN** – Taxpayer Identification Number

Discussion

Federal law and regulation require the disclosure of certain information about the ownership and control of Medicaid providers and fiscal agents (referred to as “disclosing entities”), fiscal agents, and managed care entities. Consistent with 42 CFR Part 455 Subpart B, this includes the TIN/ITIN/SSN of all entities and individuals with an ownership or control interest in the disclosing entity, fiscal agent, or managed care entity and all managing employees. If TennCare receives an initial, reactivation, revalidation, or change of ownership application from a provider and the provider fails to disclose the TIN/ITIN/SSN of a particular organization or individual with an ownership or control interest, TennCare will follow normal development procedures for requesting the TIN/ITIN/SSN.

Policy

Upon receiving a request to enroll a provider entity whose ownership falls outside the United States or its territories, TennCare will follow the procedures identified in this policy to determine whether the provider entity is eligible for participation in the program.

¹ The U.S. territories are Puerto Rico, Guam, Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands.

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Procedures

I. Determination of a TIN/ITIN/SSN of the Requesting Entity

1. Upon receipt of an application lacking a TIN/ITIN/SSN, TennCare will ask the applying provider, via an email or letter, whether the person or entity is able to obtain a TIN or, in the case of individuals, an ITIN/SSN. Only one inquiry will be made.
2. If the provider fails to respond to TennCare's inquiry within 10 business days, TennCare will deny the application.
3. If the provider states that the person or entity is able to obtain a TIN/ITIN/SSN, TennCare will send an email or letter to the provider stating (a) that the person or entity must obtain a TIN/ITIN/SSN and (b) that the provider must furnish the TIN/ITIN/SSN to TennCare.
4. If the provider states that the person or entity is unable to obtain a TIN/ITIN/SSN, TennCare will send an email or letter to the provider stating that a signed letter on company letterhead must be submitted to TennCare explaining why the person or entity cannot legally obtain a TIN/ITIN/SSN.
5. When submitting the signed letter described above, the provider must also include a list of all managing employees located in the United States, along with their ITINs/SSNs.
6. If the provider submits the signed letter described above, TennCare will determine whether the rationale for not being able to obtain a TIN/ITIN/SSN is satisfactory. TennCare may choose to vet the entity or individual via other sources. If the rationale offered in the signed letter is not satisfactory, TennCare may deny the application as described below.
7. If the rationale offered in the signed letter is determined to be satisfactory, TennCare will notify the provider by email or letter.
8. If approved for enrollment in the TennCare program, the provider must still contract with one or more TennCare MCCs in order to receive reimbursement for services rendered.

II. Denial of Enrollment for Individuals/Entities without TINs

If the provider fails to timely respond to TennCare's inquiry as described above, or fails to timely furnish the requested TIN/ITIN/SSN, the application will be denied, unless TennCare determines that termination or denial of enrollment is not in the best interests of the program and its enrollees. At its discretion, TennCare may allow additional time for the provider to complete the enrollment process. Such a determination will be documented in writing and placed in the provider's file.

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Office of Primary Responsibility

Office of Provider Services – Provider Registration

References

42 CFR Part 455 Subpart B

<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-455/subpart-B>

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