

**RULES
OF
TENNESSEE DEPARTMENT OF HEALTH
BUREAU OF HEALTH SERVICES**

**CHAPTER 1200-17-2
RULES AND REGULATIONS GOVERNING FEES FOR SERVICES**

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1200-17-2-.01 DEFINITIONS. Unless otherwise specifically indicated by the context, for the purposes of these rules and regulations, the terms used herein are defined as follows:

- (1) Bureau - The Bureau of Health Services.
- (2) Commissioner - The Commissioner of the Tennessee Department of Health or the Commissioner's designee.
- (3) Department - The Tennessee Department of Health including all regional and rural county health departments.
- (4) Federal Poverty Guidelines - Guidelines established by the U.S. Department of Health and Human Services and published annually in the Federal Register that determine a patient's or family's income relative to the federal poverty level.
- (5) Medicaid - The federal medical assistance program.
- (6) Metropolitan Health Department - The Davidson, Hamilton, Knox, Shelby, Madison, and Sullivan County health departments.
- (7) Patients/Client - All individuals, agencies, corporations, or others requesting or receiving services from the Department.
- (8) TennCare - The State medical assistance program.

Authority: T.C.A. §§68-1-103, 68-1-106, 68-1-301 et seq., 68-1-401, 68-1-702, 68-1-804(7), 68-2-601, 68-5-105, 68-5-603, 68-9-112, 68-12-103, 68-12-104, 68-41-104, 68-49-103, 4-3-1802, 4-3-1803(1), 4-3-1803(6), 4-3-1803(9), 4-3-1803(10), 4-3-1803(11), and 4-5-202. **Administrative History:** Original rule filed January 26, 1990; effective March 12, 1990. Amendment filed August 29, 1991; effective October 13, 1991. Amendment filed July 22, 1992; effective October 28, 1992. Repealed and new rule filed September 29, 1999; effective December 8, 1999. (Formerly rule 1200-17-2-.02).

1200-17-2-.02 SCOPE.

- (1) These rules and regulations apply to all patients/clients requesting or receiving public health services provided by the bureau and are consistent with federal regulations.
- (2) All patients/clients will be billed the fee for the particular service provided unless exempted by section 1200-17-2-.04 of these rules. The Department may enter into contractual agreements with governmental

(Rule 1200-17-2-.02, continued)

and/or non-governmental agencies for health-related services at contractual rates which must be approved by the Commissioner.

Authority: T.C.A. §§68-1-103, 68-1-301 et seq., 68-1-401, 68-1-702, 68-1-804(7), 68-5-105, 68-5-603, 68-9-112, 68-12-103, 68-12-104, 68-41-104, 68-49-103, 4-3-1802, 4-3-1803(1), 4-3-1803(6), 4-3-1803(9), 4-3-1803(10), 4-3-1803(11), and 4-5-202. **Administrative History:** Original rule filed January 26, 1990; effective March 12, 1990. Repealed and new rule filed September 29, 1999; effective December 8, 1999. (Formerly rule 1200-17-2-.03).

1200-17-2-.03 ESTABLISHMENT OF FEES.

- (1) Fees will be established by the Department according to determinable costs incurred in providing services. If the determinable costs cannot be established, fees will be based upon a reasonable alternative method approved by the Commissioner.
- (2) The Commissioner may establish a minimum charge which shall be applied to some or all services, regardless of the sliding fee scale established in section 1200-17-2-.05. A metropolitan health department may establish a minimum charge which shall be applied to some or all services.
- (3) Fees may be waived by the Commissioner, if doing so would promote and protect the health, safety, or welfare of the public.
- (4) A metropolitan health department may establish fees that are different from those set by the Commissioner in accordance with these rules and regulations, if the fees are established according to the following standards:
 - (a) the fees established do not exceed the cost of providing the services;
 - (b) the fees are established by an ordinance enacted by the appropriate municipal and/or county legislative governing body or the fees are adopted by the County Board of Health in accordance with T.C.A. §68-2-601;
 - (c) the listing of fees is submitted to the Department; and
 - (d) the fee structure includes a sliding fee scale based on the patient or family income as a percentage of the federal poverty guidelines.

Authority: T.C.A. §§68-1-103, 68-1-301 et seq., 68-1-401, 68-1-702, 68-1-804(7), 68-2-601, 68-5-105, 68-5-603, 68-9-112, 68-12-103, 68-12-104, 68-41-104, 68-49-103, 4-3-1802, 4-3-1803(1), 4-3-1803(6), 4-3-1803(9), 4-3-1803(10), 4-3-1803(11), and 4-5-202. **Administrative History:** Original rule filed January 26, 1990; effective March 12, 1990. Amendment filed August 29, 1991; effective October 13, 1991. Repealed and new rule filed September 29, 1999; effective December 8, 1999. (Formerly rule 1200-17-2-.04).

1200-17-2-.04 EXEMPTIONS FROM FEES.

- (1) The following patients/clients shall be exempt from fees as a personal obligation:
 - (a) those receiving any vaccine provided by the Department's Immunization Program (This exemption applies only to the vaccine and not to other charges associated with the visit.);
 - (b) those with active tuberculosis or those participating in Tuberculosis Control case-finding activities and treatment;

(Rule 1200-17-2-.04, continued)

- (c) those receiving treatment for sexually transmitted diseases or those participating in sexually transmitted disease case-finding activities and treatment;
 - (d) those receiving treatment for other communicable diseases designated as reportable or those participating in case-finding activities and treatment for reportable communicable diseases;
 - (e) those who have been certified by the Tennessee Department of Human Services or the Social Security Administration as eligible for Medicaid shall be exempt from all fees for TennCare covered services; and
 - (f) those enrolled in TennCare as uninsured or uninsurable with incomes below the federal poverty level and who have no responsibility for co-insurance shall be exempt from all fees for TennCare covered services.
- (2) The established fees for these exempt patients/clients may be collected from any third party insurance, benefits, or funding that may be available.

Authority: T.C.A. §§68-1-103, 68-1-301 et seq., 68-1-401, 68-1-702, 68-1-804(7), 68-5-105, 68-5-603, 68-9-112, 68-12-103, 68-12-104, 68-41-104, 68-49-103, 4-3-1802, 4-3-1803(1), 4-3-1803(6), 4-3-1803(9), 4-3-1803(10), 4-3-1803(11), and 4-5-202. **Administrative History:** Original rule filed January 26, 1990; effective March 12, 1990. Amendment filed August 29, 1991; effective October 13, 1991. Repealed and new rule filed September 29, 1999; effective December 8, 1999. (Formerly rule 1200-17-2-.05).

1200-17-2-.05 SLIDING SCALE FOR FEES.

- (1) For patients/clients not otherwise exempt from payment of fees for services, a sliding fee scale established by the bureau and approved by the Commissioner shall apply. This scale will be based upon patient or family income as a percentage of the federal poverty guidelines. The Commissioner may waive the sliding fee scale for certain services established in health departments to address an identified health need of the area for which there are no funds mandated for the service.

Authority: T.C.A. §§68-1-102(b), 68-1-103, 68-1-301 et seq., 68-1-401, 68-1-702, 68-1-804(7), 68-5-105, 68-5-603, 68-9-112, 68-12-103, 68-12-104, 68-41-104, 68-49-103, 4-3-1802, 4-3-1803(1), 4-3-1803(6), 4-3-1803(9), 4-3-1803(10), 4-3-1803(11), and 4-5-202. **Administrative History:** Original rule filed January 26, 1990; effective March 12, 1990. Amendment filed August 29, 1991; effective October 13, 1991. Repealed and new rule filed September 29, 1999; effective December 8, 1999. (Formerly rule 1200-17-2-.06).

1200-17-2-.06 PUBLICATION OF FEES.

- (1) All fees shall be published annually and shall be available in the public area of each local, regional, or metropolitan health department. A sign shall be posted in each health department informing patients that the listing of fees is available.

Authority: T.C.A. §§4-5-202 and 68-1-103. **Administrative History:** Original rule filed September 29, 1999; effective December 8, 1999.

1200-17-2-.07 REPEALED.

Authority: T.C.A. §§4-3-1803, 4-5-202, 68-1-102(b)(2), 68-2-103, 68-2-607, 71-5-102, 71-5-104, 71-5-105, 71-5-106, and 71-5-134. **Administrative History:** Original rule filed June 22, 1994; effective October 28, 1994. Repealed and new rule filed September 29, 1999; effective December 8, 1999.

1200-17-2-.08 REPEALED.

Authority: T.C.A. §§4-3-1803, 4-5-202, 68-1-102(b)(2), 68-2-103, 68-2-607, 71-5-102, 71-5-104, 71-5-105, 71-5-106, and 71-5-134. **Administrative History:** Original rule filed January 26, 1990; effective March 12, 1990. (Formerly 1200-17-2-.07). Amendment filed June 22, 1994; effective October 28, 1994. Repeal filed September 29, 1999; effective December 8, 1999.