

**Department of State
Division of Publications**

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Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 10-13-10
Rule ID(s): 4846
File Date: 10/26/2010
Effective Date: 01/24/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Department of Finance and Administration
Division:	Bureau of TennCare
Contact Person:	George Woods
Address:	Bureau of TennCare 310 Great Circle Road Nashville, Tennessee
Zip:	37243
Phone:	(615) 507-6446
Email:	George.woods@tn.gov

Revision Type (check all that apply):

☒ Amendments
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1200-13-13	TennCare Medicaid
Rule Number	Rule Title
1200-13-13-.04	Covered Services
1200-13-13-.10	Exclusions
1200-13-13-.11	Appeal of Adverse Actions Affecting TennCare Services or Benefits

Chapter 1200-13-13
TennCare Medicaid

Part 5. of Subparagraph (c) of Paragraph (1) of Rule 1200-13-13-.04 Covered Services is deleted in its entirety and replaced with a new Part 5. which shall read as follows:

5. Agents to promote smoking cessation, except such agents shall be covered for pregnant women in accordance with 42 U.S.C. § 1396d.

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

Subpart (v) of Part 20. of Subparagraph (a) of Paragraph (3) of Rule 1200-13-13-.10 Exclusions is deleted in its entirety and replaced with a new Subpart (v) which shall read as follows:

- (v) Agents when used to promote smoking cessation, except such agents shall be covered for pregnant women in accordance with 42 U.S.C. § 1396d

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

Subpart (v) of Part 2. of Subparagraph (b) of Paragraph (5) of Rule 1200-13-13-.11 Appeal of Adverse Actions Affecting TennCare Services or Benefits is deleted in its entirety and replaced with a new Subpart (v) which shall read as follows:

- (v) agents to promote smoking cessation, except such agents shall be covered for pregnant women in accordance with 42 U.S.C. § 1396d;

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Finance and Administration (board/commission/ other authority) on 8/30/2010 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 06/25/2010

Rulemaking Hearing(s) Conducted on: (add more dates). 08/17/2010



Date: 8/30/2010

Signature: D. J. Gordon

Name of Officer: Darin J. Gordon

Director, Bureau of TennCare

Title of Officer: Tennessee Department of Finance and Administration

Subscribed and sworn to before me on: 8/30/10

Notary Public Signature: Cheryl D. Kline

My commission expires on: 9/30/2012

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter
10-24-10
Date

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Filed with the Department of State on: 10/26/10

Effective on: 1/24/11

Tre Hargett
Secretary of State

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PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments on these rules.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Not applicable.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rules are not anticipated to have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These rules are being promulgated to point out that agents to promote smoking cessation shall be covered for pregnant women in accordance with the Patient Protection and Affordable Care Act of 2010 codified as 42 U.S.C. § 1396d.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The rules are lawfully promulgated and adopted by the Department of Finance and Administration in accordance with Tennessee Code Annotated §§ 4-5-202, 71-5-105 and 71-5-109.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The persons and governmental entity most directly affected by these rules are the enrollees and the Tennessee Department of Finance and Administration.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The rules were approved by the Tennessee Attorney General. No additional opinion was given or requested.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The promulgation of these rules is anticipated to have a minimal fiscal impact on state and local government revenues and expenditures.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Darin J. Gordon
Director, Bureau of TennCare

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Darin J. Gordon
Director, Bureau of TennCare

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

310 Great Circle Road
Nashville, TN 37243
(615)507-6443
Darin.J.Gordon@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

None

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Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-13-14	TennCare Standard
Rule Number	Rule Title
1200-13-14-.04	Covered Services
1200-13-14-.10	Exclusions
1200-13-14-.11	Appeal of Adverse Actions Affecting TennCare Services or Benefits

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-13-14
TennCare Standard

Part 5. of Subparagraph (c) of Paragraph (1) of Rule 1200-13-14-.04 Covered Services is deleted in its entirety and replaced with a new Part 5. which shall read as follows:

5. Agents to promote smoking cessation, except such agents shall be covered for pregnant women in accordance with 42 U.S.C. § 1396d.

~~5. Agents to promote smoking cessation.~~

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

Subpart (v) of Part 20. of Subparagraph (a) of Paragraph (3) of Rule 1200-13-14-.10 Exclusions is deleted in its entirety and replaced with a new Subpart (v) which shall read as follows:

(v) Agents when used to promote smoking cessation, except such agents shall be covered for pregnant women in accordance with 42 U.S.C. § 1396d

~~(v) Agents when use to promote smoking cessation~~

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

Subpart (v) of Part 2. of Subparagraph (b) of Paragraph (5) of Rule 1200-13-14-.11 Appeal of Adverse Actions Affecting TennCare Services or Benefits is deleted in its entirety and replaced with a new Subpart (v) which shall read as follows:

(v) agents to promote smoking cessation, except such agents shall be covered for pregnant women in accordance with 42 U.S.C. § 1396d;

~~(v) agents to promote smoking cessation;~~

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.