

SENATE BILL 2235
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 50; Title 56;
Title 68 and Title 71, relative to the health care coverage of
certain persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by
adding the following as a new section to be appropriately designated:

Section 71-5-192.

(a)

(1) In addition to other persons to whom the bureau of TennCare determines to be uninsurable, a person, who is otherwise eligible for medical assistance under this chapter, with a high-cost condition shall be eligible for medical assistance under the terms of the TennCare waiver or any successor federal waiver as an uninsurable. The bureau is authorized to require appropriate proof of the condition as a part of the application process. In addition to other proof deemed necessary by the bureau, such proof shall include letters of declination unless the bureau deems such proof to be unnecessary in individual cases.

(2) For the purposes of this section "high-cost condition" means acquired immune deficiency syndrome (AIDS), angina pectoris, ascites, chemical dependency, cirrhosis of the liver, coronary insufficiency, coronary occlusion, cystic fibrosis, Friedreich's ataxia, hemophilia, Hodgkin's disease, Huntington's chorea, juvenile diabetes, leukemia, metastatic cancer, motor or sensory aphasia, multiple sclerosis, muscular dystrophy, myasthenia gravis, myotonia, open-heart surgery, Parkinson's disease, polycystic kidney, psychotic disorders, quadriplegia, stroke, syringomyelia, Wilson's disease, chronic renal failure, malignant neoplasm of the trachea, malignant neoplasm of the bronchus, malignant neoplasm of the lung, malignant neoplasm of the colon, short gestation period for a newborn child, and low birth weight of a newborn child. The bureau of TennCare is authorized to add by rule additional medical conditions which it determines to be high-cost conditions suitable for constituting uninsurability. Such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b) The provisions of this section shall take effect to the extent that all required approvals have been obtained from the federal department of health and human services under the terms of the federal TennCare waiver or any successor waiver.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following language as a new section to be appropriately designated.

Section 71-5-193. In addition to any other information required by the bureau of TennCare in determining the eligibility for medical assistance of an individual as an uninsurable under the provisions of this part, the bureau shall require such individual's

application to include two (2) letters of declination of health insurance or health coverage from entities authorized to provide such insurance or coverage pursuant to the provisions of Title 56. The declination letter shall indicate the medical condition that makes the individual uninsurable. For good cause the bureau may waive the requirement of two (2) declination letters for an individual, if the bureau determines that the individual has a high-cost condition, as defined in Section 1, that would render the individual uninsurable.

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it.