



**of Tennessee**

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September 23, 2015

Malaka Watson, Assistant General Counsel  
Tennessee Department of Health  
510 James Robertson Parkway  
Nashville, Tennessee 37243

VIA ELECTRONIC MESSAGE

**RE: PROPOSED RULE 1200-38-01**

Dear Ms. Watson,

BlueCross BlueShield of Tennessee (BCBST) appreciates the Tennessee Department of Health's review and promulgation of the proposed rules Tenn. Comp. R. & Regs. 1200-38-01 in response to the Tennessee General Assembly's recent amendments of the Hospital Cooperation Act of 1993. The below represents comments on behalf of BCBST that are being submitted pursuant to Tenn. Code Ann. § 4-5-204. The comments are as follows:

*Rule 1200-38-01-.03(2)* – The proposed rule sets forth the guidelines that the Department of Health will consider when determining “Public Advantage”. BCBST suggests adding “of application” after the word “Evaluation” and before “by”.

*Rule 1200-38-01-.03* – The proposed rule outlines a process wherein the Advisory Group's role is to create an evaluation index for the Department of Health to use after the cooperative agreement is issued. BCBST suggests expanding the role of the Advisory Group to assist in analyzing whether the issuance of a Certificate of Public Advantage (COPA) should occur.

*Rule 1200-38-01-.03(3)* – The proposed rule outlines the “Ongoing Supervision...” and provides guidelines for the Advisory Group. However, the ongoing supervision and the utilization of the Advisory Group do not occur until *after* the issuance of a COPA. BCBST suggests that the regulation should follow the sequential order of the intention of the regulations: letter of intent; submission of application; issuance of the COPA; and subsequent evaluation and monitoring of the COPA. As such, this subdivision should be incorporated in the Rule after proposed Rule 1200-38-01-.05.

Thank you for your time and attention to this matter.

Sincerely,

Tony Hullender  
Senior Vice President and  
General Counsel