



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-5065

DON SUNDQUIST
GOVERNOR

DOUGLAS M. SIZEMORE
COMMISSIONER

BULLETIN

BY FACSIMILE AND REGULAR MAIL

To: All Health Maintenance Organizations Conducting Business in Tennessee

From: Douglas M. Sizemore *DMS/bb*
Commissioner

Date: June 19, 1998

Re: Effect of Tenn. Code Ann. § 56-32-210 on Medicare Health Maintenance Organization
("HMO") Enrollees

Please be advised that the United States Department of Health and Human Services ("HHS") has taken the position that Tenn. Code Ann. § 56-32-210 is preempted to the extent this statute requires this Department to review enrollee grievances or other complaints relating to Medicare plans issued by a licensed HMO. This Department concurs in this analysis. Do note that, under federal guidelines and T.C.A. § 56-32-210, this Department still has the responsibility to review and approve an HMO's internal grievance procedures for enrollees in Medicare plans. However, an enrollee's attempt to obtain review of any HMO decision on such a grievance is governed exclusively by federal Medicare standards.

If you have any further questions, please do not hesitate to contact either Deputy Commissioner Bill Young at (615) 741-2677 or Compliance Analyst Vicky Stotzer at (615) 741-2825.

Thank you as always for your assistance and cooperation.