



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
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October 5, 2018

Ms. Robin A. Saxon
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Ascension Health
102 Woodmont Blvd., Suite 600
Nashville, TN 37215

RE: Request for Interpretive Opinion
Meaning of department within Tenn. Code Ann. §§ 56-7-120 and 68-11-243

Dear Ms. Saxon:

The Insurance Division ("Division") of the Tennessee Department of Commerce and Insurance ("Department") is in receipt of your request for an interpretive opinion regarding Tenn. Code Ann. §§ 56-7-120(d)(2)(B)(vi) and 68-11-243(f).

Ascension Health has asked for an interpretive opinion as to what Tennessee department is referred to in Tenn. Code Ann. §§ 56-7-120(d)(2)(B)(vi) and 68-11-243(f), as recently enacted in 2018 Tenn. Public Acts Ch. 840.

56-7-120(d)(2)(B)(vi) Contains a telephone number for the department and a clear and concise statement that the insured may call the department to complain about any out-of-network charges.

68-11-243(f) A bill to an insured from a healthcare provider or healthcare facility must contain a telephone number for the department and a clear and concise statement that the insured may call the department to complain about any out-of-network charges.

Pursuant to Tenn. Code Ann. § 56-1-102(3), department, when used in Tenn. Code Ann., Title 56, would refer to the Department of Commerce and Insurance. Therefore, it is the opinion of the Department that the telephone number required by Tenn. Code Ann. § 56-7-120(d)(2)(B)(vi) would be the telephone number for the Tennessee Department of Commerce and Insurance; specifically, the Consumer Insurance Services section telephone number, (615) 741-2218.

The language of Tenn. Code Ann. §§ 56-7-120(d)(2)(B)(vi) and 68-11-243(f) is nearly identical. The intent of the language is to provide patients one location to complain about any out-of-network charges. Where § 68-11-243(f) refers to the department, both the Department of Commerce and Insurance and the Department of Health agree it was the intent of the bill to have all complaints about out-of-network charges made to the Tennessee Department of Commerce and Insurance.

Please note that the Division has not made an independent investigation of the facts to determine the accuracy or completeness of the information supplied but has instead relied solely upon the information you have provided. If such information is incorrect or changes substantially, it would be necessary for the Division to reconsider the matter and the position stated herein would be void. The position is furnished solely for the benefit and use of the entities described herein. Please be advised that further publication or use of this position may only be made with the Division's prior written consent.

This response by the Division is to a specific fact situation and should not be construed as a legal position or opinion of the Commissioner of the Tennessee Department of Commerce and Insurance or of any other official in the Department. Please note that the conclusions contained herein are based upon the representations that have been made to the Division, and any different facts or conditions might require a different response. As each inquiry is reviewed on the specific facts presented, this response is based only on such facts and may not be used as precedent by any person or entity. Any variation in the facts presented to the Division could result in a different conclusion than asserted herein.

If you have further questions or concerns regarding this letter, please feel free to contact me.

Sincerely,



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