

David L. McGuffey, CELA* (Licensed in GA&TN)
Elder Law | Special Needs Law | Estate Planning
**Certified Elder Law Attorney by the National Elder Law Foundation*

July 13, 2022

Via Fax: (855) 315-0669
TennCare Connect
P.O. Box 305240
Nashville, TN 37230-5240

Via Email: amos.bailey@tn.gov
Amos Bailey
Member Services, Eligibility Appeals
310 Great Circle Road
Nashville, TN 37243

Via Email: HCFA.fairtreatment@tn.gov
Talley A. Olson, Esq.
Office of Civil Rights Compliance
310 Great Circle Road
Floor 3W
Nashville, TN 37243

Dear Mr. Bailey and Mr. Olson,

As you are aware, Mrs. ██████████ contends, among other claims, she was legally incapable of liquidating the insurance policies in issue until a Conservator was both appointed and empowered to take action. As a result those insurance policies were not under her control, were not available resources, and she was eligible for Medicaid from January 2021 forward. Mrs. ██████████ contends she was entitled to accommodation under TennCare policy and civil rights laws such as the Americans with Disabilities Act. We intend to offer the attached affidavit of Dr. ██████████ in support of Mrs. ██████████'s claims and are providing notice consistent with T.C.A. § 4-5-313 that it will be offered as evidence.

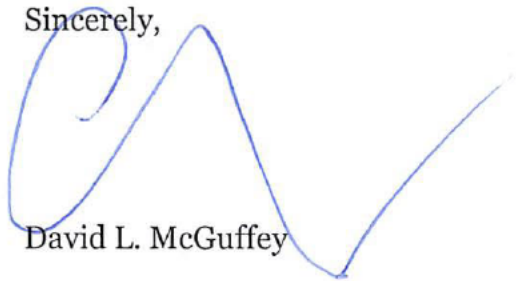
The accompanying affidavit of ██████████, M.D. will be introduced as evidence at the hearing in In re ██████████ (versus Division of TennCare). Dr. ██████████ will not be called to testify orally and you will not be entitled to question such affiant unless you notify David L. McGuffey at 400 N. Selvidge Street, Dalton, Georgia 30722-2023 (david@mcguffey.net) that you wish to cross-examine such affiant. To be

effective, your request must be mailed or delivered to David L. McGuffey on or before July 20, 2022.

We have not received a notice of hearing. With that in mind, I do not know when the attached affidavit will be offered and do not know when you would need to cross examine Dr. [REDACTED] if you choose to do so. With that in mind, we provide this notice to comply with the statute and will work to afford you every professional courtesy if you wish to take Dr. [REDACTED]'s deposition prior to the hearing.

Regarding other witnesses, we intend to call [REDACTED], administrator, and other individuals from the financial office at [REDACTED] at the hearing to testify concerning what was communicated to the TennCare eligibility caseworker and regarding other matters related to Mrs. [REDACTED]'s application. We are asking you to identify the TennCare eligibility caseworker who actually worked Mrs. [REDACTED]'s case so we may cross examine him or her regarding what was communicated and what was known regarding Mrs. [REDACTED]'s condition, and regarding who he or she did (or did not) accommodate Mrs. [REDACTED]'s legal incapacity consistent with TennCare policy. We intend to call Mr. [REDACTED] to testify regarding the continuing nature of a Conservatorship case once a petition is filed, that as Conservator he was responsible to the Court at all times after his appointment and that his authority was limited to that authority given by Court Order. We reserve the right to amend this list, but we are providing it now as a courtesy and to request that you make the caseworker who actually worked the case available. If he or she cannot be at the hearing then we would like to take his or her deposition for evidence prior to the hearing. If TennCare intends to call any expert to testify regarding proper application of TennCare Policy Manual number 110.060(3) or regarding TennCare's responsibility under the American's with Disabilities Act or other civil rights legislation or rules, then we are requesting that those experts be identified and made available for discovery depositions prior to the hearing.

Sincerely,



David L. McGuffey

CC: [REDACTED]