



PROCEDURES FOR REIMBURSEMENT FROM THE ELECTRONIC MONITORING INDIGENCY FUND

I. Provider Qualifications

A Provider must be a registered supplier with the State of Tennessee's Edison System in order to qualify for reimbursement by the Electronic Monitoring Indigency Fund ("EMIF" or the "Fund"). In addition, the services rendered for Ignition Interlock Devices must be performed by an approved provider/installer on the State of Tennessee Department of Safety & Homeland Security's certified provider list.

A Provider shall be responsible for complying with all applicable laws and rules and supplying the Department of Treasury (the "Department") with any and all requested information and documentation the Department deems necessary to appropriately process a claim for reimbursement.

Failure to comply with applicable laws, rules and the Department's procedures may result in a denial or delay of payment to the Provider. **Pursuant to Tennessee Code Annotated § 4-18-101 et seq., a Provider who knowingly submits a false claim for reimbursement from the EMIF may be liable under the False Claims Act.**

II. Eligible Offenses and Costs

(1) A qualified Provider may submit a claim for reimbursement from the EMIF for the following costs:

- (a) the costs associated with the lease, purchase, installation, removal and maintenance of Ignition Interlock Devices, or with any other cost or fee associated with a functioning Ignition Interlock Device for DUI offenses occurring on or after January 1, 2011;
- (b) the costs associated with the use of a transdermal monitoring device or other alternative alcohol or drug monitoring devices if required in connection with certain offenses pursuant to a statute that authorizes reimbursement from the EMIF (currently T.C.A. §§ 55-10-402(h)(7), 40-11-118(d), 40-11-148, 40-28-117(a)(2)(A), 40-15-105, 40-35-313 and 40-35-303) provided that the devices were required on or after July 1, 2016 (note that generally, these statutes require the underlying offense to be either DUI or an offense where alcohol or drugs was a contributing factor); and
- (c) the costs associated with the use of a GPS device if required in connection with certain offenses pursuant to a statute that authorizes reimbursement from the EMIF (currently T.C.A. § 40-11-152 and 55-10-402(d)(2)(A)(iii) and (h)(7); provided that the devices were required on or after July 1, 2019). Generally, these statutes require the underlying offense to be DUI; stalking; domestic violence; rape; sexual battery; or violation of an order of protection.

(2) While devices may be available or ordered for varying offenses, reimbursement from the EMIF is only for costs and devices permitted by law.

(3) The Department may not pay a Provider more than two hundred dollars (\$200.00) per month from the EMIF for each device ordered by a court for each participant. The participant (not the EMIF) is responsible for paying the administrative fee required by the State for participants required to use interlock devices. As of July 1, 2019, the administrative fee is twelve and 50/100 dollars (\$12.50).

III. Claim Submission

The first step in submitting a claim for reimbursement by the EMIF is for a Provider to provide the Department **each of the following** through the online portal, within ninety (90) calendar days of the date of the order:

- (1) Documentation clearly indicating that the underlying offense meets the requirements of the authorizing statute, which shall include at least one of the following:
 - a copy of the arrest record, arrest warrant or police report indicating the offense;
 - for convictions, a copy of the post-conviction order or judgment sheet;
 - if the device was ordered pursuant to an agreement of judicial diversion, a copy of the signed memorandum of understanding ordering the device and indicating that drugs or alcohol was a contributing factor in the offense; and
 - if the device was ordered pursuant to a grant of parole, a copy of the findings of the board of parole ordering the device and indicating that drugs or alcohol was a contributing factor in the offense.
- (2) An “Affidavit of Indigency” or other proof of indigency determination by the court.
- (3) A copy of a signed court order indicating that the installation and monitoring (if applicable) of the device has been ordered by the court (which may take the form of an Order for a Restricted License for an Ignition Interlock Device).
- (4) If applicable, a certificate of compliance (approved by the Department of Safety) authorizing removal of a device, or a certificate of noncompliance (approved by the Department of Safety) authorizing the extended use of an Ignition Interlock Device.
- (5) An attestation for each claim indicating that the information contained in and attached to the claim is true and accurate to the best of the Provider’s knowledge and belief and does not contain any false, fictitious or fraudulent statements or representations; and
- (6) Any other documentation requested by the Department to determine eligibility of the Defendant and the device, including, but not limited to, the (i) arrest record; (ii) arrest warrant; (iii) police report

Providers shall not submit court orders with handwritten changes. If an order is amended or otherwise modified, the Provider shall submit a new order (by email) to the EMIF.

Though the Department cannot guarantee a definite timeframe, the Department will make every effort to make an eligibility determination within ninety (90) calendar days of receipt of a claim, complete with all supporting documentation required by the Department (“In Good Order”). The Department will

notify the Provider of any denial or adjustment. A Provider may request reconsideration of an adverse decision by promptly submitting a written request along with additional information or documentation to the Department at EMIF@tn.gov. The Department will review the request and issue a written decision to the Provider.

IV. Invoice Submission

(1) Once a claim has been approved, a Provider shall submit an invoice to the Department for services rendered with respect to a device within one hundred and eighty (180) days after the service date via the online portal using the claim number assigned to the claim. The Department will not pay any invoices that are submitted outside this prescribed time period.

(2) Providers shall submit invoices for approval by the Department with the following information:

- (a) Defendant's name;
- (b) Defendant's date of birth;
- (c) Service dates, including proof of installation and monitoring, as applicable;
- (d) Description of the services rendered by the Provider;
- (e) Type of device;
- (f) Invoice number unique to each Defendant and service date;
- (g) Service charges provided in line item form indicating the court ordered portion the Defendant is expected to pay and the portion for which the Provider is requesting payment from the Fund; and
- (h) Any other documentation requested by the Department reasonably necessary for the processing of an invoice.

(3) Providers shall submit Invoices to the Department on a monthly basis for the charges incurred in the month prior to the date of the invoice.

(4) Providers shall attest that for each invoice submitted the information contained in and attached to the invoice is true and accurate to the best of the Provider's knowledge and belief and does not contain any false, fictitious or fraudulent statements or representations.

(5) Providers must be appropriately registered with the State's payment system in order to receive payments from the EMIF.

(6) Providers shall submit a separate, monthly invoice for each eligible Participant, detailing the charges for services provided in the calendar month prior to the invoice date (e.g. services for September are those rendered anytime on and between September 1 and September 30).

(7) For a partial month of services, the Provider should pro-rate the service charges on the submitted invoice.

(8) Each invoice must have a distinct number. **DO NOT REUSE INVOICE NUMBERS, unless you are resubmitting a prior invoice for reconsideration for exactly the same services during the same time frame.**

(9) The Department will make every effort to approve or deny an invoice submitted In Good Order within ninety (90) calendar days of receipt of the invoice. The Department will notify the Provider of any denial or adjustment. A Provider may request reconsideration of an adverse decision by promptly submitting a written request along with additional information or documentation to the Department at EMIF@tn.gov. The Department will review the request and issue a written decision to the Provider.

V. Online Portal

The online portal is the only method for submission of new participant information and eligible invoices relating to such participant. Until further notice, Providers must submit amended court orders and requests for reconsideration of a denied claim (denied Participant) by email to EMIF@tn.gov. Online submissions that are not properly completed or not properly supported with documentation will not be processed. They will be withdrawn, and the Provider must restart the submission process.

VI. Payment Process

(1) Approved invoices for eligible claims are paid to the Provider through the State of Tennessee's Edison System in accordance with State processes. The Provider shall provide the required State of Tennessee Edison System documentation for a state supplier, including a (i) W-9 tax identification form and (ii) direct deposit authorization form authorizing credit to a designated bank account. These forms can be found on the Edison Supplier Portal located at:

https://sso.edison.tn.gov/psp/paprd/SUPPLIER/SUPP/h/?tab=PAPP_GUEST.

(2) For the payment of costs associated with devices other than Ignition Interlock Devices, the Department will:

- (a) bill the Local Government for liabilities by withdrawing revenue out of the Local Government's account of choice on a monthly basis pursuant to a memorandum of understanding between the Local Government and the Department;
- (b) provide periodic notifications to the Local Government in the event that it is anticipated that it will exceed its budgeted amount within thirty (30) days.
- (c) stop processing claims and deny invoices submitted by Providers for that Local Government's Defendants should a Local Government meet or exceed its outstanding liabilities or withdraw its participation in the Fund. The Department may recoup the amount owed for outstanding liabilities from the Local Government's state-shared taxes or through a payment plan with the Local Government.

VII. Interlock Device Usage for more than 365 Days

If an Ignition Interlock Device is to be used for longer than 365 days, the Department of Safety must approve the extended use of the device before the EMIF can provide reimbursement. Below is the approval process for extensions:

1. The Provider must provide the Manufacturer's Noncompliance Notice (the "Notice") to the Department of Safety at iid.compliance@tn.gov, with a copy to the EMIF program at EMIF@tn.gov. The Notice must include, at a minimum, participant's name and driver's license number, whether the person is indigent, EMIF claim ID number, reason(s) for the violation/extension, date of violation leading to extension, and date of next calibration visit. Please do not include multiple participants' Notices in one email.
2. Within four (4) business days, the Department of Safety will reply electronically to the Provider and EMIF@tn.gov indicating (as applicable) whether an extension is appropriate, the earliest date the device may be removed and the date compliance was achieved.

3. Upon receipt of a response from the Department of Safety, the EMIF staff will reopen the claim and notify the Provider of an updated decision on the claim.
4. The Provider may then submit an invoice to EMIF through the portal for the extended services per the normal Origami procedure for invoice submissions.
5. If the EMIF receives an invoice for a participant after 365 days and there is no extension verification (from the Department of Safety) on file with the EMIF program, the invoice will not be honored.
6. Any final billing statement should indicate when the device was removed and this should match the expected date of removal. After compliance is reached, the EMIF is no longer responsible for payment of services.
7. The Provider may bill the EMIF for costs incurred during the compliance review and removal process, not to exceed fourteen (14) calendar days after compliance is achieved.

VIII. Local Government Participation for Non-Interlock Devices

Effective July 1, 2019, the EMIF is divided into two (2) accounts:

- (1) the “Ignition Interlock Device Account” for the payment of devices that are Ignition Interlock Devices; and
- (2) the “Alternative Alcohol or Drug Monitoring Device Account” for the payment of alternative alcohol or drug monitoring devices (including transdermal devices) and global positioning monitoring devices.

(1) A Local Government is not required to demonstrate its participation in the Fund for the payment of costs associated with the use of Ignition Interlock Devices for Defendants. The payment of these costs will come from the Ignition Interlock Device Account.

(2) Effective July 1, 2019, a Local Government may participate in the Fund by paying fifty percent (50%) of the costs associated with Devices, except for Ignition Interlock Devices, for its Defendants. A Local Government’s Defendants are Defendants who have been ordered to use a Device or Devices by a court located within the Local Government. The State will match the Local Government’s cost by providing the other fifty percent (50%) of funding, subject to state appropriations and excess funds transferred from the Ignition Interlock Device Account to the Alternative Alcohol or Drug Monitoring Device Account.

(3) In order for the Local Government to initially participate in the Fund or participate in the Fund after a withdrawal, it must provide the following to the Department between July 1st and September 15th in the year prior to the start of the Fiscal Year in which the Local Government will participate in the Fund, except for fiscal year 2020:

- (a) a resolution (in the form prescribed by the Division, if any) legally adopted and approved by the Local Government’s legislative body providing acceptance of the liability associated with participation and containing the maximum amount of money that the local government has committed to its participation in the Fund for a specified period of time; and

(b) an executed memorandum of understanding (in the form prescribed by the Division, if any) between the Department and the Local Government about the payment process for Devices.

(4) For fiscal years 2019 and 2020, the Local Government must provide the items listed in (3)(a) and (b) above between July 1 and November 15.

(5) For each subsequent fiscal year of participation, the Local Government shall notify the Department of the maximum amount of money that the Local Government has committed to participate in the Fund for that Fiscal Year. No later than September 15th in the year prior to the fiscal year in which the Local Government will participate in the Fund, the Local Government shall provide an estimated maximum budget to the Department. The Local Government shall provide an approved budget document with a final budgeted amount within thirty (30) days from the date the budget is approved, but no later than August 31st in the Fiscal Year in which the Local Government will participate in the Fund. The approved budget must not exceed the estimated budget provided. A Local Government will not be required to submit a new resolution for participation or memorandum of understanding for each subsequent year of participation.

(6) Any time after the Local Government approves its budget for the upcoming fiscal year, but no later than August 31st of the Fiscal Year in which the Local Government will participate in the Fund, a Local Government may reduce its budgeted amount for participation in the Fund for a fiscal year; however, a Local Government may not increase its budgeted amount during its participation period in the Fund.

(7) Based on the Local Government's maximum budgeted amount for participation in the Fund, the Department will notify the Local Government as to whether it can provide its fifty percent (50%) match of the Local Government's maximum budgeted amount. In the event that the State cannot provide a fifty percent (50%) match for all of the Local Government's maximum budgeted amount, the State will notify the Local Government of the State funds available. The State will pay Claims and Invoices up to the point that the Local Government's maximum budgeted amount and the State's match is exhausted.

IX. Local Government Withdrawal

(1) For the payment of costs associated with devices other than Ignition Interlock Devices, a Local Government may withdraw from participation in the Fund at any time upon sixty (60) calendar days written notice to the Department.

(2) Upon the Local Government's withdrawal, the Department shall notify the Local Government of its outstanding liabilities existing on the date of withdrawal. Those liabilities may be paid using the payment process established in the memorandum of understanding between the Department and the Local Government up to the amount of money the Local Government has committed to its participation for that fiscal year with the State paying up to its fifty percent (50%) matching amount.

(3) The Local Government may reenter as a participant in the Fund between July 1st and September 15th in any year the Fund is in operation, and shall evidence the intent to reenter by complying with the participation requirements and timelines contained in these procedures.

(4) The State may recoup Local Government costs associated with participating in the Fund from a Local Government's state-shared taxes by submitting a request to the Commissioner of Finance and Administration containing the unpaid costs.

X. Fund Balance

(1) In the event that the State Treasurer determines or anticipates that either or both accounts within the Fund has or will have insufficient funds to pay for invoices, the State Treasurer is authorized to stop the following for either or both of the accounts in the Fund:

- (a) accepting claims and invoices;
- (b) determining claim eligibility; and
- (c) paying invoices submitted by Providers for devices for a period of time determined by the State Treasurer.

(2) The State Treasurer may begin accepting claims or paying invoices submitted by Providers of devices with Service Dates on or after the date that the State Treasurer determines that there is a sufficient amount of money in either or both of the accounts within the Fund to pay at least six (6) months of projected expenditures from the date the either or both of the accounts within the Fund reopen. The six (6) months of projected expenditures must include the cost of paying invoices for devices as well as the Department's administrative fee in administering the Fund.

(3) After the six (6)-month reserve is accumulated, the Department will begin to accept claims and invoices for payment from either or both of the accounts within the Fund, and will process claims and invoices based on the following order of priority:

- (a) Eligible invoices submitted to the Department in accordance with applicable laws and rules prior to the Fund's insolvency will be paid first. These invoices will be paid based on the date received by the Department, meaning they will be paid in the order of arrival;
- (b) Eligible invoices, submitted to the Department in accordance with applicable law and rules after the Fund's insolvency with services dates on or after the date the fund re-opened, will be paid second, subject to the approval of an eligible claim. These invoices will be paid based on the date received by the Department, meaning they will be paid in the order of arrival.

XI. Provider Resources and Additional Information

Documents and submissions outlined in this document are considered received based on the Department's standard business day. The date received for submitted materials is based on the business hours 8:00am–4:30pm Central Time, Monday–Friday, excluding holidays.

Providers with questions regarding the Electronic Monitoring Indigency Fund may contact the **State of Tennessee Department of Treasury** at:

E-mail: EMIF@tn.gov
Facsimile: (615) 401-6803
Phone: (615) 741-2734
Online: <http://treasury.tn.gov/ClaimsAdmin/dui-monitoring-fund.html>

Providers with questions regarding the State of Tennessee Department of Safety & Homeland Security's certified provider list or rules of the IID program may contact the **State of Tennessee Department of Safety & Homeland Security** at:

E-mail: Safety.Interlock@tn.gov
Phone: (615) 251-5166
Online: <https://www.tn.gov/safety/driver-services/locations/iidinstall.html>

Providers with questions regarding the State of Tennessee’s Edison System, including becoming a registered Provider, W-9 Form and Direct Deposit Authorization Form, may contact the **State of Tennessee Department of General Services** at:

Email: Provider.Maintenance@tn.gov

Phone: (615) 741-9745

Online: https://sso.edison.tn.gov/psp/paprd/PROVIDER/SUPP/h/?tab=PAPP_GUEST

These procedures are effective as of the date of signature and apply immediately to activities of the Electronic Monitoring Indigency Fund.

/s/ Rodney Escobar
Rodney Escobar, Director
Division of Claims and Risk Management

Date 12/10/20