Introduction

The Tennessee Department of Treasury (“Department”) administers the Electronic Monitoring Indigency Fund (“EMIF”), formerly known as the DUI Monitoring Fund and the Interlock Assistance Fund.

This document sets out the Department’s procedures for the administration of the EMIF, which provides reimbursement to eligible entities engaged in the business of manufacturing, selling, leasing, servicing or monitoring alcohol or drug monitoring devices (generally referred to as “Suppliers”) used by qualifying indigent offenders (“Participants”) who have been ordered by a Court or other authority to use such a device. There must be specific statutory authority for reimbursement by the EMIF for a particular device.

Provider Qualifications

A company submitting a claim with the EMIF for interlock devices must be a registered Supplier with the State of Tennessee’s Edison System in order to qualify for reimbursement by the EMIF. In addition, the services rendered for 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 Supplier shall be responsible for adhering to all applicable laws and rules and supplying the Department with any and all requested information and documentation the Department deems necessary to appropriately process a claim for reimbursement and to comply with applicable laws.

Failure to comply with applicable laws, rules and the Department’s procedures may result in a denial or delay of payment to the Supplier.

Eligible Costs

A qualified Supplier may submit a claim for reimbursement from the EMIF for the following Participant costs:

1. 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; and

2. 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 drug or alcohol related 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 or 40-35-303) provided that the devices were required on or after July 1, 2016.

While devices may be available or ordered for varying offenses, reimbursement from the EMIF is only for costs and devices permitted by law as detailed above (“Eligible Costs”).
On August 16, 2018, the Tennessee Attorney General issued Opinion Number 18-38, indicating that GPS devices do not constitute “other alternative alcohol or drug monitoring devices” and are therefore not reimbursable by the EMIF.

The Department may not pay a Supplier 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 EMIF) is responsible for paying the $12.50 administrative fee required by the State for Participants required to use interlock devices.

The court order should identify the device(s) ordered, daily fee rate for each device, duration of use, and the amount the defendant is to pay towards the monthly services, if applicable.

**Claim Submission Requirements**

The first step in submitting a claim for reimbursement by the EMIF is for a Supplier to provide the Department **all of the following** through the online portal during the submission process:

1. Documentation clearly indicating that the underlying offense is drug or alcohol related and otherwise 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 authorizing removal of a device or certificate of noncompliance authorizing an extension of a device requirement.

The Department reserves the right to require any additional documentation or information necessary to determine whether a claim meets all statutory requirements for reimbursement. The Department shall make an initial determination on the eligibility of the claim based on this documentation and communicate the same to the Supplier in writing (an “Eligibility Determination”). On a sample basis, the Department will verify the legitimacy of the documentation provided by contacting the courts directly.

After the Department makes the Eligibility Determination, the Supplier may submit invoices for consideration of reimbursement for approved claims through the online portal using the claim number provided. A submission shall include an itemized invoice and documentation from the Supplier showing proof of the installation and monitoring, as applicable, of the device. The Supplier 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
September 1 – September 30). Suppliers shall not submit court orders with handwritten changes. If an order is amended or otherwise modified, the Supplier shall submit a new order (by email) to the EMIF.

Each monthly invoice shall include, at a minimum, the following information:

- Participant’s name;
- Participant’s date of birth as the unique identifier;
- Service dates;
- Description of the services rendered by the Provider;
- Type of device;
- Invoice number which is unique for each Participant and date(s) of service; and
- Service charges in line-item form indicating the court-ordered portion the Participant is expected to pay and the portion the Supplier is claiming reimbursement from the EMIF.

For a partial month of services, the Supplier should pro-rate the service charges on the submitted invoice. In order to avoid delays in payment, Suppliers should submit invoices to the Department within 180 days of the date of service. The failure to submit a legible or complete copy of any of the required documentation and information may result in a denial or delay of payment to the Supplier. Each invoice must have a distinct number. **Do not reuse invoice numbers.**

The online portal is the only method for submission of new Participant information and eligible invoices relating to such Participant. Until further notice, Suppliers 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 for the Supplier to restart the submission process.

Pursuant to Tennessee Code Annotated Section 4-18-101 et. seq., a Supplier who submits a knowingly false claim for reimbursement from the EMIF may be liable under the False Claims Act.

**Claim Review and Processing**

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”). Further, 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 Supplier of any denial or adjustment. A Supplier 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 Supplier.

**Reimbursement and Payments**

Approved invoices for eligible claims are paid to the Supplier through Edison System in accordance with State processes. The Supplier shall provide the required State of Tennessee Edison System documentation for a state supplier, including a W-9 tax identification form and direct deposit authorization form authorizing credit to a designated bank account.
These forms can be found on the Edison Supplier Portal: https://sso.edison.tn.gov/psp/paprd/SUPPLIER/SUPP/h/?tab=PAPP_GUEST.

**Participant Compliance Relative to Ignition Interlock**

Applicable law provides that the authorized removal of a functioning interlock device that is required by a court order or by the Department of Safety & Homeland Security shall be based on the Participant’s compliance with the court order and the provisions contained in applicable law (Tenn. Code Ann. § 55-10-425(d)(1)).

Upon completion of the period in which a Participant is required to use an ignition interlock device, if a Participant has complied with the provisions contained in Tenn. Code Ann. § 55-10-425(d)(1), the Supplier shall certify the Participant’s compliance with the provisions in applicable law during the period of time in which the ignition interlock device is required to remain on the Participant’s vehicle. Should a Provider determine that a Participant is compliant, then the Provider shall provide the Participant with a certificate of compliance, and at the same time, the Supplier shall provide a copy of the certificate of compliance to the Department. Should the Provider’s certificate of compliance result in the removal of the ignition interlock device, the Provider shall immediately notify the Supplier to inform the Department of the removal of the device along with an invoice of the removal charges.

If a Provider determines that a Participant has not been in compliance with the provisions contained in Tenn. Code Ann. § 55-10-425(d)(1), the Provider shall notify the Participant that the Provider’s records indicate noncompliance. The Provider shall also notify the Supplier to notify the Department if a Participant has been determined to be noncompliant and if the Participant’s noncompliance has resulted in an extension of the ignition interlock requirement. The EMIF will not be responsible for charges related to the days of use between a finding of compliance and removal of the device. The Department may verify the Participant’s compliance or noncompliance with the Department of Safety & Homeland Security.

**Provider Resources and Additional Information**

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 ignition interlock device 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 supplier, W-9 Form and Direct Deposit Authorization Form, may contact the **State of Tennessee Department of General Services** at:
These procedures are effective as of the date of signature and apply immediately to activities of the Electronic Monitoring Indigency Fund.

Rodney Escobar, Director
Division of Claims and Risk Management

Date