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Emergency or Public Necessity Rule(s) Filing Form

Emergency and Public Necessity rules are effective from date of filing for a period of up to 165 days.

Agency/Board/Commission:	Department of Health
Division:	Board for Licensing Health Care Facilities
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Rule Type :

- Emergency Rule
 Public Necessity Rule

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Statement of Necessity:

Pursuant to T.C.A. § 4-5-209, the Board for Licensing Health Care Facilities is authorized to promulgate public necessity rules in the event that the rules are required by an enactment of the general assembly within a prescribed period of time that precludes utilization of rulemaking procedures described elsewhere in T.C.A. Title 4, Chapter 5, for the promulgation of permanent rules.

Chapter 846 of the Public Acts of 2008 provides for a sixty (60) day grace period in which a licensed health care facility may renew its license with the payment of a law renewal fee and without reapplying for licensure. The law also grants the Board for Licensing Health Care Facilities ("Board") to promulgate rules and regulations by public necessity rulemaking to effectuate the purposes of the chapter. The law becomes effective on January 1, 2009.

Due to the length of time necessary to complete the rulemaking process, these public necessity rules are required in order for the Board to begin implementation of a late renewal system. The Board is conducting a rulemaking hearing on May 12, 2009, to consider comments on the adoption of these as permanent rules.

For a copy of these public necessity rules contact: Leah Erin Begley, Office of General Counsel, 220 Athens Way, Suite 210, Nashville, Tennessee 37243 at (615) 741-1161.



Larry Arnold, M.D.,
President of the Board for Licensing Health Care Facilities

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables.)

Chapter Number	Chapter Title
1200-08-01	Standards for Hospitals
Rule Number	Rule Title
1200-08-01-.02	Licensing Procedures

Chapter Number	Chapter Title
12000-8-02	Standards for Prescribed Child Care Centers
Rule Number	Rule Title
1200-08-02-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-06	Standards for Nursing Homes
Rule Number	Rule Title
1200-08-06-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-08	Regulations for Home Care Organizations
Rule Number	Rule Title
1200-08-08-.02	Application for a License

Chapter Number	Chapter Title
1200-08-10	Standards for Ambulatory Surgical Treatment Centers
Rule Number	Rule Title
1200-08-10-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-11	Standards for Homes for the Aged
Rule Number	Rule Title
1200-08-11-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-15	Standards for Residential Hospices
Rule Number	Rule Title
1200-08-15-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-24	Standards for Birthing Centers
Rule Number	Rule Title
1200-08-24-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-26	Standards for Homecare Organizations Providing Home Health Services
Rule Number	Rule Title
1200-08-26-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-27	Standards for Homecare Organizations Providing Hospice Services
Rule Number	Rule Title
1200-08-27-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-28	Standards for HIV Supportive Living Facilities
Rule Number	Rule Title
1200-08-28-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-29	Standards for Homecare Organizations Providing Home Medical Equipment
Rule Number	Rule Title
1200-08-29-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-8-32	Standards for End Stage Renal Dialysis Clinics
Rule Number	Rule Title
1200-08-32-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-34	Standards for Home Care Organizations Providing Professional Support Services
Rule Number	Rule Title
1200-08-34-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-35	Standards for Outpatient Diagnostic Centers
Rule Number	Rule Title
1200-08-35-.02	Licensing Procedures

Chapter 1200-08

Amendments

Rule 1200-08-01-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the hospital to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-01-.02 Licensing Procedures is amended by deleting paragraph (5) in its entirety and substituting it instead with the following:

- (5) **Renewal.**
 - (a) In order to renew a license, each hospital shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 1. a completed application for licensure;
 2. the license fee provided in rule 1200-08-01-.02(4); and
 3. any other information required by the Health Services and Development Agency.
 - (d) Upon reapplication, the licensee shall submit to an inspection of the hospital by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-02-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the prescribed child care center to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-02-.02 Licensing Procedures is amended by deleting subparagraphs (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each prescribed child care center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure; and
 - 2. the license fee provided in rule 1200-08-02-.02 (2)(b).
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-06-.02 Licensing Procedures is amended by adding subparagraph (e) to paragraph (2) as follows:

- (e) The applicant shall allow the nursing home to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-06-.02 Licensing Procedures is amended by deleting paragraph (5) in its entirety and substituting it instead with the following:

- (5) Renewal.
 - (a) In order to renew a license, each nursing home shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-06-.02(4); and
 - 3. any other information required by the Health Services and Development Agency.
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Paragraph (5) of Rule 1200-08-08-.02 Application for a License is amended by adding new subparagraphs (d), (e), and (f) as follows and renumbering the current subparagraphs (d) and (e) as (g) and (h) respectively:

- (d) Should the licensee fail to renew its license prior to the expiration date, yet within sixty (60) days after the expiration date, then the licensee shall pay a late renewal penalty fee of one hundred dollars (\$100.00) per month for each month or fraction of a month that renewal is late.
- (e) In the event that a licensee fails to renew a license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-08-.02(4); and

3. any other information required by the Health Services and Development Agency.
- (f) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-10-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the ambulatory surgical treatment center to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-10-.02 Licensing Procedures is amended by deleting paragraph (5) in its entirety and substituting it instead with the following:

(5) Renewal.

- (a) In order to renew a license, each ambulatory surgical treatment center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
- (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 1. a completed application for licensure;
 2. the license fee provided in rule 1200-08-10-.02(2)(b); and
 3. any other information required by the Health Services and Development Agency.

- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-11-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the residential home for the aged to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-11-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each residential home for the aged shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure; and
 - 2. the license fee provided in rule 1200-08-11-.02(2)(b).
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-15-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the residential hospice to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-15-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each residential hospice shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-15-.02(2)(b); and
 - 3. any other information required by the Health Services and Development Agency.
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-24-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the birthing center to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must

be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-24-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each birthing center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-24-.02(2)(b); and
 - 3. any other information required by the Health Services and Development Agency.
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-26-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the home care agency providing home health services to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-26-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each home care agency providing home health services shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-26-.02(2)(b); and
 - 3. any other information required by the Health Services and Development Agency.
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-27-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the home care agency providing hospice services to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-27-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.

- (a) In order to renew a license, each home care agency providing hospice services shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
- (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-27-.02(2)(b); and
 - 3. any other information required by the Health Services and Development Agency.
- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-28-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the HIV supportive living facility to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-28-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each HIV supportive living facility shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the

board and applicable renewal fee prior to the expiration date of the license.

- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
- (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure; and
 - 2. the license fee provided in rule 1200-08-28-.02(2)(b).
- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-29-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the home care organization providing home medical equipment to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-29-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each home care organization providing home medical equipment shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.

- (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-29-.02(2)(b); and
 - 3. any other information required by the Health Services and Development Agency.
- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-32-.02 Licensing Procedures is amended by adding subparagraph (e) to paragraph (2) as follows:

- (e) The applicant shall allow the end stage renal dialysis clinic to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-32-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Renewal.
 - (a) In order to renew a license, each end stage renal dialysis clinic shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure; and

2. the license fee provided in rule 1200-08-32-.02(2)(b).

- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-34-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the home care organization providing professional support services to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-34-.02 Licensing Procedures is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

(4) Renewal.

- (a) In order to renew a license, each home care organization providing professional support services shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
- (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
1. a completed application for licensure;
 2. the license fee provided in rule 1200-08-34-.02(2)(b); and
 3. any other information required by the Health Services and Development Agency.
- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-35-.02 Licensing Procedures is amended by adding subparagraph (f) to paragraph (2) as follows:

- (f) The applicant shall allow the outpatient diagnostic center to be inspected by a Department surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

Rule 1200-08-35-.02 Licensing Procedures is amended by adding a new paragraph (5) as follows:

- (5) Renewal.
 - (a) In order to renew a license, each outpatient diagnostic center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.
 - (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late.
 - (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:
 - 1. a completed application for licensure;
 - 2. the license fee provided in rule 1200-08-35-.02(2)(b); and
 - 3. any other information required by the Health Services and Development Agency.
 - (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Health surveyors.

Authority: T.C.A. § 68-11-209(a)(1), T.C.A. § 68-11-210, Chapter 846 of the Public Acts of 2008, §1, T.C.A. §68-11-206(a)(5) [effective January 1, 2009].

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Larry Arnold				X	
Ms. Charlotte Burns				X	
Dr. Thomas Carr				X	
Ms. Elizabeth Chadwell	X				
Ms. Paula Collier	X				
Mr. Alex Gaddy	X				
Ms. Estelle Garner				X	
Mr. Robert Gordon	X				
Dr. Jennifer Gordon-Maloney				X	
Mr. Luke Gregory	X				
Mr. Mike Hann	X				
Dr. Norman Jones				X	
Mr. Carissa Lynch	X				
Ms. Annette Marlar	X				
Ms. Sara Snodgrass				X	
Ms. Dixie Taylor-Huff				X	
Mr. Carlyle Walton	X				
Mr. James Weatherington	X				
Dr. Jon Winter				X	

I certify that this is an accurate and complete copy of emergency or public necessity rules, lawfully promulgated and adopted.

Date: 3/27/09

Signature: L. Erin Begley

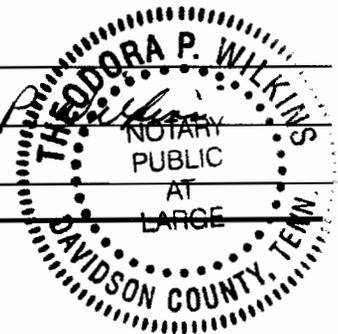
Name of Officer: Leah Erin Begley

Title of Officer: Assistant General Counsel, Department of Health

Subscribed and sworn to before me on: 3/27/09

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011



All emergency or public necessity rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

REC
Robert E. Cooper, Jr.
Attorney General and Reporter
4-27-09 Date

Department of State Use Only

Filed with the Department of State on: 4/29/09
Effective for: 165 *days
Effective through: 10/4/09

* Temporary rules may be effective for up to 165 days from the date of filing.

July
Tre Hargett
Secretary of State

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PUBLICATIONS

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This new rule provides that a licensee may renew its license within sixty (60) days following the license expiration date upon payment of the renewal fee in addition to a late penalty established by the Board. The rule language provides that for each month a licensee has not renewed its license, the licensee will be charged a One Hundred Dollar (\$100.00) late renewal fee. The rule further provides that after the sixty (60) days has run, the license expires and the licensee will have to reapply for licensure.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Promulgation of these rules by the Board for Licensing Health Care Facilities is authorized pursuant to Tenn. Code Ann. § 68-11-209 and Public Chapter 864 which amends Tenn. Code Ann. § 68-11-206(a). Tenn. Code Ann. § 68-11-209 grants the Board for Licensing Health Care Facilities the duty and power to promulgate rules and regulations pertaining to the operation of health care facilities as are necessary to the public interest. Public Chapter 864, which amends Tenn. Code Ann. § 68-11-206(a) and allows a licensee to renew its license within sixty (60) days following the license expiration date upon payment of the renewal fee in addition to a late penalty established by the board for each month or fraction of a month that payment for renewal is late.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The changes to the rule will affect all licensees licensed by the Board for Licensing Health Care Facilities. No comments were submitted by licensees in opposition to the rule. The Board for Licensing Health Care Facilities urged the adoption of the rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

No opinions of the attorney general or judicial ruling have been identified that affect this aspect of the amended rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No fiscal impact.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Vincent L. Davis, Director, Division of Health Care Facilities, Tennessee Department of Health and Leah Erin Begley, Assistant General Counsel, Tennessee Department of Health possess substantial knowledge and understanding of these rules.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Vincent L. Davis, Director, Division of Health Care Facilities, Tennessee Department of Health and Leah Erin Begley, Assistant General Counsel, Tennessee Department of Health will explain the rule at the scheduled meeting of the committees.

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Vincent L. Davis, Director
Division of Health Care Facilities
Tennessee Department of Health
Bureau of Health Licensure and Regulation
227 French Landing Drive
Nashville, Tennessee 37243
Telephone: 615-741-7221

Leah Erin Begley, Assistant General Counsel
Department of Health
Office of General Counsel
220 Athens Way, Suite 210
Nashville, Tennessee 37243
Telephone: 615-741-1611

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

No additional information has been requested at this time.