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 Nashville, TN 37243
 Phone: 615.741.2650
 Fax: 615.741.5133
 Email: register.information@tn.gov

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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Department of Health
 Bureau of Health Licensure and Regulation
Division: Division of Health Care Facilities
Contact Person: Alison G. Cleaves, Deputy General Counsel
Address: Plaza One, Suite 210, 220 Athens Way, Nashville, Tennessee 37243
Phone: (615) 741-1611
Email: Alison.Cleaves@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: ADA Coordinator at the Division of Health Related Boards
Address: 227 French Landing, Heritage Place, Nashville, Tennessee 37243
Phone: (615) 532-3202 or (Toll Free) 1-800-778-4123
Email:

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Iris Conference Room		
Address 2:	227 French Landing, Heritage Place, Nashville, Tennessee 37243		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	September 8, 2010		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-08-01	Standards for Hospitals
Rule Number	Rule Title
1200-08-01-.01	Definitions
1200-08-01-.07	Optional Hospital Services

1200-08-01-.11	Records and Reports
1200-08-01-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-02	Standards for Prescribed Child Care Centers
Rule Number	Rule Title
1200-08-02-.01	Definitions
1200-08-02-.10	Records and Reports
1200-08-02-.12	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-06	Standards for Nursing Homes
Rule Number	Rule Title
1200-08-06-.01	Definitions
1200-08-06-.11	Records and Reports
1200-08-06-.12	Ventilator Services
1200-08-06-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-10	Standards for Ambulatory Surgical Treatment Centers
Rule Number	Rule Title
1200-08-10-.01	Definitions
1200-08-10-.06	Basic Services
1200-08-10-.11	Records and Reports
1200-08-10-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-11	Standards for Homes for the Aged
Rule Number	Rule Title
1200-08-11-.01	Definitions
1200-08-11-.10	Records and Reports
1200-08-11-.12	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-15	Standards for Residential Hospices
Rule Number	Rule Title
1200-08-15-.01	Definitions
1200-08-15-.11	Records and Reports
1200-08-15-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-24	Standards for Birthing Centers
Rule Number	Rule Title
1200-08-24-.01	Definitions
1200-08-24-.10	Records and Reports
1200-08-24-.12	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-25	Standards for Assisted Care Living Facilities
Rule Number	Rule Title
1200-08-25-.02	Definitions
1200-08-25-.13	Reports

Chapter Number	Chapter Title
1200-08-26	Standards for Home Care Organizations Providing Home Health Services
Rule Number	Rule Title
1200-08-26-.01	Definitions
1200-08-26-.11	Records and Reports
1200-08-26-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-27	Standards for Home Care Organizations Providing Hospice Services
Rule Number	Rule Title
1200-08-27-.01	Definitions
1200-08-27-.11	Records and Reports
1200-08-27-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-28	Standards for HIV Supportive Living Facilities
Rule Number	Rule Title
1200-08-28-.01	Definitions
1200-08-28-.11	Records and Reports
1200-08-28-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-29	Standards for Home Care Organizations Providing Home Medical Equipment
Rule Number	Rule Title
1200-08-29-.01	Definitions
1200-08-29-.11	Records and Reports

Chapter Number	Chapter Title
1200-08-32	Standards for End Stage Renal Dialysis Clinics
Rule Number	Rule Title
1200-08-32-.01	Definitions
1200-08-32-.11	Records and Reports
1200-08-32-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-34	Standards for Home Care Organizations Providing Professional Support Services
Rule Number	Rule Title
1200-08-34-.01	Definitions
1200-08-34-.11	Records and Reports
1200-08-34-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
1200-08-35	Standards for Outpatient Diagnostic Centers
Rule Number	Rule Title
1200-08-35-.01	Definitions
1200-08-35-.11	Records and Reports
1200-08-35-.13	Policies and Procedures for Health Care Decision-Making

Chapter Number	Chapter Title
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1200-24-05	Office of the Commissioner
Rule Number	Rule Title
1200-24-05-.02	Review of Health Care Facility Construction Plans and Specifications

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Notice of Rulemaking
for the
Board for Licensing Health Care Facilities
Division of Health Care Facilities
Bureau of Health Licensure and Regulation

Chapter 1200-08-01
Standards for Hospitals

Amendments

Rule 1200-08-01-.01 Definitions is amended by deleting paragraph (90) in its entirety and substituting it instead with the following and is further amended by deleting paragraphs (19), (91) and (92) and renumbering the remaining paragraphs accordingly:

- (90) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-01-.07 Optional Hospital Services is amended by deleting the subparagraph (1)(d) in its entirety and substituting instead the following language, so that as amended the new subparagraph shall read:

- (d) A hospital may use scrub nurses in its operating rooms. For the purposes of this rule, a "scrub nurse" is defined as a registered nurse or either a licensed practical nurse (LPN) or a surgical technologist (operating room technician) supervised by a registered nurse who works directly with a surgeon within the sterile field, passing instruments, sponges, and other items needed during the procedure and who scrubs his or her hands and arms with special disinfecting soap and wears surgical gowns, caps, eyewear, and gloves, when appropriate.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-01-.11 Records and Reports is amended by deleting paragraph (4) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (4) A report of fetal death shall be completed by the hospital for each dead fetus delivered where the fetus weighs three hundred fifty (350) grams or more, or in the absence of weight, is of twenty (20) completed weeks of gestation or more. The report shall be in a form or format approved by the State Registrar and shall be submitted to the department's Office of Vital Records within ten (10) days of the delivery.

Rule 1200-08-01-.11 Records and Reports is amended by deleting paragraph (8) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read::

- (8) The hospital shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-01-.11 Records and Reports is amended by adding a new paragraph (9) and renumbering the remaining paragraphs accordingly:

- (9) The hospital shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
- (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the hospital or to the health and safety of its patients and personnel; and
 - (d) Fires at the hospital that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Rule 1200-08-01-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read::

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Rule 1200-08-1-.13, Policies and Procedures for Health Care Decision-Making, is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read::

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
- 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Rule 1200-08-01-.13, Policies and Procedures for Health Care Decision-Making, is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read::

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Chapter 1200-08-02
Standards for Prescribed Child Care Centers
Amendments

Rule 1200-08-02-.01 Definitions is amended by deleting paragraph (75) in its entirety and substituting it instead with the following:

- (75) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Rule 1200-08-02-.10 Records and Reports is amended by deleting subparagraph (1)(c) in its entirety. This rule is further amended by adding the following language as new paragraphs (2) and (3):

- (2) The PCCC shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.
- (3) The PCCC shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the PCCC or to the health and safety of its patients and personnel; and
 - (d) Fires at the PCCC that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Rule 1200-08-02-.12 Policies and Procedures for Health Care Decision-Making, is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read::

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-02-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 - 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of

the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or

3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-02-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-06
Standards for Nursing Homes
Amendments

Rule 1200-08-06-.01 Definitions is amended by deleting paragraphs (11), (70) and (71) and renumbering the remaining paragraphs accordingly and further amended by deleting newly renumbered paragraph (68) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (68) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-06-.06 Basic Services is amended by adding a new paragraph (12) so that, as amended, the new paragraph shall read:

- (12) Ventilator Services.
 - (a) A nursing home that provides ventilator services shall meet or exceed the following minimum standards by:
 - (b) Ensuring a licensed respiratory care practitioner as defined by Tennessee Code Annotated Section 63-27-102(7), shall be physically present at the facility twenty four (24) hours per day, seven (7) days per week to provide:
 - (i) ventilator care;

- (ii) administration of medical gases;
 - (iii) administration of aerosol medications; and
 - (iv) diagnostic testing and monitoring of life support systems;
- (c) Ensuring that an appropriate individualized plan of care is prepared for each patient requiring ventilator services. The plan of care shall be developed with input and participation from a pulmonologist or a physician with experience in ventilator care;
 - (d) Ensuring that admissions criteria is established to ensure the medical stability of ventilator-dependent patients prior to transfer from an acute care setting;
 - (e) Ensuring that Arterial Blood Gas (ABG) is readily available in order to document the patient's acid base status and/or End Tidal Carbon Dioxide (etCO₂) and whether continuous pulse oximetry measurements should be performed in lieu of ABG studies;
 - (f) Ensuring that an audible, redundant external alarm system is located outside of each ventilator-dependent patient's room for the purpose of alerting caregivers of patient disconnection, ventilator disconnection or ventilator failure;
 - (g) Ensuring that the nursing home is equipped with emergency suction equipment and an adequate number of Ambu bags for manual ventilation;
 - (h) Ensuring that ventilator equipment is connected to electrical outlets connected to back-up generator power;
 - (i) Ensuring that ventilators are equipped with battery back-up systems;
 - (j) Ensuring that the nursing home is equipped to employ the use of current ventilator technology consistent with meeting patients' needs for mobility and comfort; and
 - (k) Ensuring that a back-up ventilator is available at all times.

Authority: T.C.A. § 68-11-209.

Rule 1200-08-06-.11 Records and Reports is amended by deleting paragraph (2) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (2) The nursing home shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-06-.11 Records and Reports is amended by adding a new paragraph (3) and renumbering the remaining paragraphs accordingly:

- (3) The nursing home shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the nursing home or to the health and safety of its patients and personnel; and

- (d) Fires at the nursing home that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-06-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-06-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 - 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-6-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-10
Standards for Ambulatory Surgical Treatment Centers
Amendments

Rule 1200-08-10-.01 Definitions is amended by deleting paragraphs (17), (72) and (73) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting new renumbered paragraph (70) and substituting instead the following language, so that as amended the newly renumbered paragraph shall read:

- (70) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-10-.06 Basic Services is amended by deleting the paragraph in its entirety and substituting instead the following language, so that as amended the new paragraph shall read:

- (f) An ASTC may use scrub nurses in its operating rooms. For the purposes of this rule, a "scrub nurse" is defined as a registered nurse or either a licensed practical nurse (LPNs) or a surgical technologist (operating room technician) supervised by a registered nurse who works directly with a surgeon within the sterile field, passing instruments, sponges, and other items needed during the procedure and who scrubs his or her hands and arms with special disinfecting soap and wears surgical gowns, caps, eyewear, and gloves, when appropriate.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-10-.11 Records and Reports is amended by deleting paragraph (4) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (4) The ASTC shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-10-.11 Records and Reports is amended by adding a new paragraph (5) and renumbering the remaining paragraphs accordingly:

- (5) The ASTC shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the ASTC or to the health and safety of its patients and personnel; and
 - (d) Fires at the ASTC that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-10-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-10-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 - 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-10-.13, Policies and Procedures for Health Care Decision-Making, is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (e) When a person with a Universal Do Not Resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-11
Standards for Homes for the Aged
Amendments

Rule 1200-08-11-.01 Definitions is amended by deleting paragraphs (11), (50) and (51) and renumbering the remaining paragraphs accordingly following and is further amended by deleting newly renumbered paragraph (48) in its entirety and substituting it instead with the following language, so that as amended the newly renumbered paragraph shall read:

- (48) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-11-.10 Records and Reports is amended by deleting paragraph (3) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (3) The RHA shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-11-.10 Records and Reports is amended by adding a new paragraph (4) and renumbering the remaining paragraphs accordingly:

- (4) The RHA shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the ASTC or to the health and safety of its patients and personnel; and
 - (d) Fires at the ASTC that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-11-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-11-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:

1. with the consent of the patient; or
2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-11-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (e) When a person with a Universal Do Not Resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-15
Standards for Residential Hospices
Amendments

Rule 1200-08-15-.01 Definitions is amended by deleting paragraphs (15), (83) and (84) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (81) in its entirety and substituting it instead with the following language, so that as amended the newly renumbered paragraph shall read:

- (81) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-15-.11 Records and Reports is amended by deleting paragraph (3) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (3) The residential hospice shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-15-.11 Records and Reports is amended by adding a new paragraph (4) and renumbering the remaining paragraphs accordingly:

- (4) The residential hospice shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the residential hospice or to the health and safety of its patients and personnel; and
 - (d) Fires at the residential hospice that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-15-.13 Policies and Procedures for Health Care Decision-Making, is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-15-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 - 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-15-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-24
Standards for Birthing Centers
Amendments

Rule 1200-08-24-.01 Definitions is amended by deleting paragraphs (12), (52) and (53) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (50) in its entirety and substituting it instead with the following language, so that as amended the newly renumbered paragraph shall read:

- (50) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-24-.10 Records and Reports is amended by deleting paragraph (4) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (4) The birthing center shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-24-.10 Records and Reports is amended by adding a new paragraph (5) and renumbering the remaining paragraphs accordingly:

- (5) The birthing center shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the birthing center or to the health and safety of its patients and personnel; and
 - (d) Fires at the birthing center that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-24-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-24-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 - 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-24-.12 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-25
Standards for Assisted Care Living Facilities
Amendments

Rule 1200-08-25-.02 Definitions is amended by deleting paragraph (37) and renumbering the remaining paragraphs accordingly.

Rule 1200-08-25-.13 Reports is amended by deleting paragraph (1) in its entirety and substituting it instead with the following:

- (1) The ACLF shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-25-.13 Reports is amended by adding a new paragraph (2) and renumbering the remaining paragraphs accordingly.

- (2) The ACLF shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the ACLF or to the health and safety of its patients and personnel; and
 - (d) Fires at the ACLF that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Chapter 1200-08-26
Standards for Home Care Organizations Providing Home Health Services
Amendments

Rule 1200-08-26-.01 Definitions is amended by deleting paragraphs (14), (66) and (67) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (64) and substituting it instead with the following language, so that as amended, the newly renumbered paragraph shall read:

- (64) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-26-.11 Records and Reports is amended by deleting paragraph (2) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (2) The home care organization providing home health services shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-26-.11 Records and Reports is amended by adding a new paragraph (3) and renumbering the remaining paragraphs accordingly:

- (3) The home care organization providing home health services shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
- (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the home care organization providing home health services or to the health and safety of its patients and personnel; and
 - (d) Fires at the home care organization providing home health services that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-26-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-26-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
1. with the consent of the patient; or
 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-26-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-27
Standards for Home Care Organizations Providing Hospice Services
Amendments

Rule 1200-08-27-.01 Definitions is amended by deleting paragraphs (15), (71) and (72) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (69) and substituting it instead with the following language, so that as amended, the newly renumbered paragraph shall read:

- (69) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-27-.11 Records and Reports is amended by deleting paragraph (2) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (2) The home care organization providing hospice services shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-27-.11 Records and Reports is amended by adding a new paragraph (3) and renumbering the remaining paragraphs accordingly:

- (3) The home care organization providing hospice services shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the home care organization providing hospice services or to the health and safety of its patients and personnel; and
 - (d) Fires at the home care organization providing hospice services that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-27-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-27-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 1. with the consent of the patient; or
 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-27-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Standards for HIV Supportive Living Facilities
Amendments

Rule 1200-08-28-.01 Definitions is amended by deleting paragraphs (15), (80) and (81) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (78) and substituting it instead with the following language, so that as amended, the newly renumbered paragraph shall read:

- (78) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-28-.11 Records and Reports is amended by deleting paragraph (3) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (3) The HIV supportive living facility shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-28-.11 Records and Reports is amended by adding a new paragraph (4) and renumbering the remaining paragraphs accordingly:

- (4) The HIV supportive living facility shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the HIV supportive living facility or to the health and safety of its patients and personnel; and
 - (d) Fires at the HIV supportive living facility that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-28-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-28-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended, the subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all

facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:

1. with the consent of the patient; or
2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-28-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-29
Standards for Home Care Organizations Providing Home Medical Equipment
Amendments

Rule 1200-08-29-.01 Definitions is amended by deleting paragraphs (11), (41) and (42) and renumbering the remaining paragraphs accordingly.

Rule 1200-08-29-.11 Records and Reports is amended by deleting paragraph (1) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (1) The home care organization providing home medical equipment shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-29-11 Records and Reports is amended by adding a new paragraph (2) and renumbering the remaining paragraphs accordingly:

- (2) The home care organization providing home medical equipment shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.

- (a) Strike by staff at the facility;
- (b) External disasters impacting the facility;
- (c) Disruption of any service vital to the continued safe operation of the home care organization providing home medical equipment or to the health and safety of its patients and personnel; and
- (d) Fires at the home care organization providing home medical equipment that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Chapter 1200-08-32
Standards for End Stage Renal Dialysis Clinics
Amendments

Rule 1200-08-32-.01 Definitions is amended by deleting paragraphs (13), (69) and (70) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (67) and substituting it instead with the following language, so that as amended, the newly renumbered paragraph shall read:

- (67) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-32-.11 Records and Reports is amended by deleting paragraph (2) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (2) The renal dialysis clinic shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-32-.11 Records and Reports is amended by adding a new paragraph (3) and renumbering the remaining paragraphs accordingly:

- (3) The renal dialysis clinic shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the ESRD or to the health and safety of its patients and personnel; and
 - (d) Fires at the renal dialysis clinic that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-32-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-32-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
 - 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-32-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-34
Standards for Home Care Organizations Providing Professional Support Services
Amendments

Rule 1200-08-34-.01 Definitions is amended by deleting paragraphs (6), (14), (58) and (59) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (55) and substituting it instead with the following language, so that as amended, the newly renumbered paragraph shall read:

- (55) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-34-.11 Records and Reports is amended by deleting paragraph (2) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (2) The home care organization providing professional support services shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-34-.11 Records and Reports is amended by adding a new paragraph (3):

- (3) The home care organization providing professional support services shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
 - (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the home care organization providing professional support services or to the health and safety of its patients and personnel; and
 - (d) Fires at the home care organization providing professional support services that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-34-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-34-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all

facilities. A Universal Do Not Resuscitate order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:

1. with the consent of the patient; or
2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-34-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-08-35
Standards for Outpatient Diagnostic Centers
Amendments

Rule 1200-08-35-.01 Definitions is amended by deleting paragraphs (18), (73) and (74) in their entirety and renumbering the remaining paragraphs accordingly and is further amended by deleting newly renumbered paragraph (71) and substituting it instead with the following language, so that as amended, the newly renumbered paragraph shall read:

- (71) "Universal Do Not Resuscitate Order" means a written order that applies regardless of treatment setting and that is signed by the patient's physician which states that in the event a patient suffers cardiac or respiratory arrest, cardiopulmonary resuscitation should not be attempted.

Authority: T.C.A. §§ 68-11-209, 68-11-224.

Rule 1200-08-35-.11 Records and Reports is amended by deleting paragraph (4) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (4) The outpatient diagnostic center shall report all incidents of abuse, neglect, and misappropriation to the Department of Health in accordance with T.C.A. § 68-11-211.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-35-.11 Records and Reports is amended by adding a new paragraph (5) and renumbering the remaining paragraphs accordingly:

- (5) The outpatient diagnostic center shall report the following incidents to the Department of Health in accordance with T.C.A. § 68-11-211.
- (a) Strike by staff at the facility;
 - (b) External disasters impacting the facility;
 - (c) Disruption of any service vital to the continued safe operation of the outpatient diagnostic center or to the health and safety of its patients and personnel; and
 - (d) Fires at the outpatient diagnostic center that disrupt the provision of patient care services or cause harm to the patients or staff, or that are reported by the facility to any entity, including but not limited to a fire department charged with preventing fires.

Authority: T.C.A. §§ 68-11-209, 68-11-211.

Rule 1200-08-35-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting paragraph (5) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (5) A facility may use any advanced directive form that meets the requirements of the Tennessee Health Care Decisions Act or has been developed and issued by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-35-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(a) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

- (a) The Physicians Order for Scope of Treatment (POST) form, a form meeting the provisions of the Health Care Decisions Act and approved by the Board for Licensing Health Care Facilities, may be used as the Universal Do Not Resuscitate Order by all facilities. A Universal Do Not Resuscitate Order may be used by a physician for a patient whom the physician has a physician/patient relationship, but only:
- 1. with the consent of the patient; or
 - 2. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act; or
 - 3. if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order and the agent, surrogate, or other person authorized to consent on the patient's behalf under the Tennessee Health Care Decisions Act is not reasonably available, the physician determines that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Rule 1200-08-35-.13 Policies and Procedures for Health Care Decision-Making is amended by deleting subparagraph (30)(e) in its entirety and substituting it instead with the following language, so that as amended, the new subparagraph shall read:

:

- (e) When a person with a Universal Do Not Resuscitate Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of the Universal Do Not Resuscitate Order to the receiving facility prior to the transfer. The transferring facility shall assure that a copy of the Universal Do Not Resuscitate Order accompanies the resident in transport to the receiving health care facility. Upon admission, the receiving facility shall make the Universal Do Not Resuscitate Order a part of the resident's record. The POST form promulgated by the Board for Licensing Health Care Facilities shall serve as the Universal Do Not Resuscitate Order form when transferring a resident from one health care facility to another health care facility.

Authority: T.C.A. §§ 68-11-209, 68-11-1805.

Chapter 1200-24-5-.02
Review of Health Care Facility Construction Plans and Specifications
Amendments

Rule 1200-24-5-.03 Fees is amended by deleting paragraph (1) in its entirety and substituting it instead with the following language, so that as amended, the new paragraph shall read:

- (1) The fee schedule for review of plans and specifications for construction shall be specified in the following table:

Total Project Construction Cost	Fee
\$0.00 to \$1,000,000.00	\$2.50 per thousand or fraction thereof (\$250.00 minimum)
\$1,000,000.01 or more	\$2,500.00 for the first \$1,000,000.00 plus \$2.00 for each additional thousand or fraction thereof.

Authority: T.C.A §§ 68-11-209 and 68-11-216.

Rule 1200-24-5-.03 Fees is amended by adding new subparagraphs (2)(a) and (b), and new paragraphs (3), and (4) as follows and renumbering the remaining paragraphs accordingly:

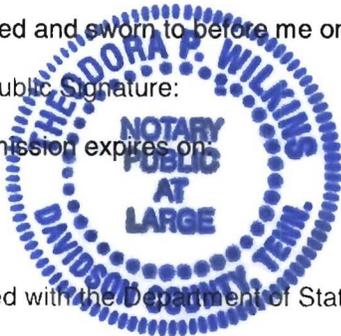
- (a) The fee for obtaining a letter stating that plans are not required to be reviewed (a "no review letter") shall be one hundred dollars (\$100.00).
- (b) The fee shall be applied to the fee for review of plans and specifications for construction if it is determined that plans are required to be reviewed.
- (3) The fee for review of plans and specifications for minor renovations, locking hardware, hood and duct suppression shall be three hundred dollars (\$300.00).
- (4) The fee for review of plans and specifications for Homes for the Aged (RHAs) licensed for six (6) beds or fewer shall be three hundred dollars (\$300.00).

Authority: T.C.A §§ 68-11-209 and 68-11-216.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 7/16/10
Signature: Alison G. Cleaves
Name of Officer: Alison G. Cleaves
Title of Officer: Deputy General Counsel
Department of Health

Subscribed and sworn to before me on: 7/16/10
Notary Public Signature: Theodora P. Wilkins
My commission expires on: 11/7/2011



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Filed with the Department of State on: 7/16/10

Tre Hargett
Tre Hargett
Secretary of State

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