

Notice of Rulemaking Hearing

Department of Health
Board for Licensing Health Care Facilities
Division of Health Care Facilities

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Metrocenter Building located at 227 French Landing, Nashville, TN at 9:00 a.m. (CDST) on the 16th day of October, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Care Facilities, Fifth Floor, Heritage Place Metrocenter, 227 French Landing, Suite 501, Nashville, TN 37243, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing visit the Department of Health's web page on the Internet at www.state.tn.us/health and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 227 French Landing, Suite 501, Heritage Place Metrocenter, Nashville, TN 37243, (615) 741-7598.

Substance of Proposed Rules

Chapter 1200-08-01
Standards for Hospitals

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

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

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

Chapter 1200-08-14
Pediatric Trauma Centers
Amendments

Rule 1200-08-1-.04, Administration, is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) When licensure is applicable for a particular job, the number and renewal number of the current license or a copy of the internet verification of such license must be maintained in personnel. Each personnel file shall contain accurate information as to the education, training, experience and personnel background of the employee. Adequate medical screenings to exclude communicable disease shall be required of each employee.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 71-6-121.

Rule 1200-08-01-.06, Basic Hospital Functions, is amended by adding the following language as new subparagraph (3)(g) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (3)(g) shall read:

- (3) (g) All hospitals shall each year from October 1 through March 1 offer the immunization for influenza and pneumococcal diseases to any inpatient who is sixty-five (65) years of age or older prior to discharging. This condition is subject to the availability of the vaccine.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-08-11-.10, Records and Reports, is amended by deleting paragraph (1) and re-numbering the remaining paragraphs appropriately.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, and 68-11-213.

Rule 1200-08-27-.01, Definitions, is amended by deleting paragraphs (31) and (45) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (31) and (45) shall read:

- (31) Hospice Services. As defined by T.C.A. § 68-11-201, “hospice services” means a coordinated program of care, under the direction of an identifiable hospice administrator, providing palliative and supportive medical and other services to hospice patients and their families in the patient’s regular or temporary place of residence. Hospice services shall be provided twenty-four (24) hours a day, seven (7) days a week. “Hospice services” may also be provided to a non-hospice patient limited to palliative care only.
- (45) Patient. Hospice patient means only a person who has been diagnosed as terminally ill; been certified by a physician in writing to have an anticipated life expectancy of six (6) months or less; has voluntarily through self or a surrogate requested admission to a hospice; and been accepted by a licensed hospice. Patient will also include non-hospice patient receiving only palliative care.

Authority: T.C.A. §§4-5-202, 4-5-204, 39-11-106, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, and 68-11-1802.

Rule 1200-08-27-.05, Admissions, Discharges and Transfers, is amended by deleting subparagraph (1)(d) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (1)(e), so that as amended, the new subparagraphs (1)(d) and (1)(e) shall read:

- (1)(d) Has personally or through a representative, in writing, given informed consent to receive hospice care; or
- (1)(e) Is a non-hospice patient that has been determined to need palliative care only.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, and 68-11-209.

Rule 1200-08-29-.01, Definitions, is amended by deleting paragraph (43) in its entirety and substituting instead the following language, so that as amended, the new paragraph (43) shall read:

- (43) Wheeled Mobility Device. A wheelchair or wheelchair and seated positioning system prescribed by a physician and required for use by the patient for a period of six (6) months or more. The following Medicare wheelchairs base codes are exempt: K0001, K0002, K0003, K0004, K0006, and K0007 as long as the consumer weighs less than three hundred (300) pounds.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, and 68-11-213.

Rule 1200-08-29-.01, Definitions, is amended by deleting paragraph (12) and re-numbering the remaining paragraphs appropriately.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, and 68-11-213.

Rule 1200-08-29-.01, Definitions, is amended by adding the following language as new, appropriately numbered paragraph, so that as amended, the new, appropriately numbered paragraph shall read:

- () Qualified Rehabilitation Professional. A health care professional within the professional's scope of practice licensed under Title 63; or an individual who has appropriately obtained the designation of ATS or ATP, meeting all requirements thereof, as established by the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA).

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, and 68-11-213.

Rule 1200-08-29-.06, Basic Agency Functions, is amended by deleting subparagraph (6)(b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraphs (6)(c) through (6)(f) and re-numbering the remaining subparagraph appropriately, so that as amended, the new subparagraphs (6)(b) through (6)(f) shall read:

- (6) (b) An agency providing prescribed wheeled mobility devices shall obtain a complete face-to-face written evaluation and recommendation by a qualified rehabilitation professional for consumers of prescribed wheeled mobility devices.
- (6) (c) The agency must have on staff, or contract with, a qualified rehabilitation professional.
- (6) (d) As of June 8, 2007, a one hundred eighty (180) day grace period shall be provided to agencies that provide prescribed wheeled mobility devices if the qualified rehabilitation professional on staff ceases to be employed and the agency has no other qualified rehabilitation professional on staff.
- (6) (e) All agencies making available prescribed wheeled mobility devices to consumers in Tennessee shall have a repair service department or a contract with a repair service department located in the state. The agency shall have a qualified technician with knowledge and capability of servicing the product provided to the consumer. As used in this section, "consumer" means an individual for whom a wheeled mobility device, manual or powered, has been prescribed by a physician, and required for use for a period of six (6) months or more.

- (6) (f) Delivery and final fitting of a wheeled mobility device shall be determined by a qualified rehabilitation professional. Exempt are wheeled mobility devices under category Group 1 Medicare codes.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-209, and 68-11-304.

Repeals

Rule 1200-08-14-.01, Purpose, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201 through 68-11-205, 68-11-207 through 68-11-210, 68-11-213, 68-11-214, 68-11-216, 68-11-219 through 68-11-221.

Rule 1200-08-14-.02, Definitions, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201 through 68-11-205, 68-11-207 through 68-11-210, 68-11-213, 68-11-214, 68-11-216, 68-11-219 through 68-11-221.

Rule 1200-08-14-.03, Requirements, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201 through 68-11-205, 68-11-207 through 68-11-210, 68-11-213, 68-11-214, 68-11-216, 68-11-219 through 68-11-221.

Rule 1200-08-14-.04, Programs for Quality Assurance, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201 through 68-11-205, 68-11-207 through 68-11-210, 68-11-213, 68-11-214, 68-11-216, 68-11-219 through 68-11-221.

Rule 1200-08-14-.05, Designation Process, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201 through 68-11-205, 68-11-207 through 68-11-210, 68-11-213, 68-11-214, 68-11-216, 68-11-219 through 68-11-221.

The notice of rulemaking set out herein was properly filed in the Department of State on the 3rd day of August, 2007. (FS 08-02-07; DBID 696-700)