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Sequence Number: 09-12-16  
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 File Date: 9/9/16

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Department of Health
<b>Division:</b>	Board for Licensing Health Care Facilities
<b>Contact Person:</b>	Kyonzte Hughes-Toombs Deputy General Counsel
<b>Address:</b>	665 Mainstream Drive, Nashville, Tennessee
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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:

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-6350
<b>Email:</b>	Tina.M.Harris2@tn.gov

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

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Conference Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date :	02/08/17
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

**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-.05	Admissions, Discharges, and Transfers
1200-08-01-.06	Basic Hospital Functions
1200-08-01-.07	Optional Hospital Services

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-06	Standards for Nursing Homes
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-06-.01	Definitions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-10	Standards for Ambulatory Surgical Treatment Centers
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-10-.04	Administration
1200-08-10-.11	Records and Reports

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-11	Standards for Homes for the Aged
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-11-.01	Definitions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-25	Standards for Assisted-Care Living Facilities
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-25-.02	Definitions
1200-08-25-.03	Licensing Requirements
1200-08-25-.07	Services Provided
1200-08-25-.08	Admissions, Discharges, and Transfers
1200-08-25-.10	Life Safety

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-29	Standards for Home Care Organizations Providing Home Medical Equipment
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-29-.11	Records and Reports

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-34	Standards for Home Care Organizations Providing Professional Support Services
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-34-.05	Admissions, Discharges, and Transfers

(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>)

Chapter 1200-08-01  
Standards for Hospitals

Amendments

Rule 1200-08-01-.01 Definitions is amended by deleting paragraph (24) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

- (24) Dietitian. As used in the chapter, the term "dietitian" means:
- (a) A person who is currently licensed by the Tennessee Board of Dietitian/Nutritionist Examiners as a dietitian/nutritionist; or
  - (b) An employee of a Tennessee hospital who is exempt from Tennessee licensure pursuant to T.C.A. § 63-25-104(b)(6) but holds the credential of Registered Dietitian (RD) or Registered Dietitian Nutritionist (RDN) from the Commission on Dietetic Registration.

Authority: T.C.A. §§ 39-11-106, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, 68-11-255, 68-11-1802, 68-57-101, 68-57-102, and 68-57-105.

Rule 1200-08-01-.05 Admissions, Discharges, and Transfers is amended by deleting paragraphs (1), (2), and (5) in their entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

- (1) Every person admitted for care or treatment as an inpatient to any hospital covered by these rules shall be under the supervision of a physician who holds an unlimited license to practice in Tennessee. The name of the patient's attending physician shall be recorded in the patient's medical record.
- (2) The above does not preclude the admission of a patient to a hospital by licensed practitioners, licensed to practice in Tennessee under the supervision of a credentialed MD/DO also licensed to practice in Tennessee. The licensed practitioners may also provide on call services to patients in the hospital. The name of the attending licensed practitioners shall be recorded in the patient medical record as well as the name of the credentialed supervising MD/DO. If a hospital allows these practitioners to admit and care for patients, as allowed by state law, the governing body and medical staff shall establish policies and bylaws, if necessary, to ensure that the requirement of 42 CFR 482 is met.
- (5) Except in emergency situations, no medication or treatment shall be given or administered to any inpatient in a hospital except on the order of a physician, dentist, or podiatrist lawfully authorized to give such an order. This requirement shall not apply to physical therapy, occupational therapy or speech language pathology services being provided in an outpatient setting when the services are being provided consistent with the scope of practice of physical therapists, occupational therapists and speech language pathologists as set forth in their respective practice acts found in Tennessee Code Annotated, Title 63, Chapters 13 and 17.

Authority: T.C.A. §§ 68-11-202, 68-11-204, 68-11-209, and 68-11-255.

Rule 1200-08-01-.06 Basic Hospital Functions is amended by deleting parts (9)(e)1 and (9)(e)2 in their entirety and substituting instead the following language, so that as amended, the new parts shall read:

- 1. Individual patient nutritional needs must be met in accordance with recognized dietary practices.
- 2. All patient diets, including therapeutic diets, must be ordered by a practitioner responsible for the care of the patient, or by a qualified dietitian to whom the physician who chairs the hospital's medical executive committee has referred this task. The medical staff and hospital's board of trustees shall decide the extent of ordering privileges that a qualified dietitian shall have and a mechanism to ensure that order writing by a qualified dietitian is

coordinated with the responsible practitioner's care of the patient and complies with Tennessee law governing dietitians.

Authority: T.C.A. §§ 68-3-511, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-08-01-.07 Optional Hospital Services is amended by deleting subparagraph (6)(e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (e) Services must be furnished in accordance with a written plan of treatment in accordance with the practice acts of the practitioners who are authorized by medical staff to provide the services. The written plan of treatment must be incorporated in the patient's record.

Authority: T.C.A. §§ 68-11-202, 68-11-204, 68-11-209, 68-57-101, 68-57-102, 68-57-104 and 68-57-105.

Chapter 1200-08-06  
Standards for Nursing Homes

Amendments

Rule 1200-08-06-.01 Definitions is amended by deleting paragraph (47) in its entirety and renumbering the remaining paragraphs.

Authority: T.C.A. §§ 39-11-106, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, 68-11-234, 68-11-1802, and 71-6-121.

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

Amendments

Rule 1200-08-10-.04 Administration is amended by deleting part (20)(b)(3) in its entirety and substituting instead the following language, and is further amended by deleting part (20)(b)(4) in its entirety and renumbering the remaining parts, so that as amended, the new part shall read:

- 3. The layout of patient care areas of the ASTC, as well as the personal items offered to the patient, will be outlined in the ASTC's policy and be based on the type of procedure performed on the patient.

Authority: T.C.A. §§ 39-15-202, 39-17-1803, 39-17-1805, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, 68-11-268 and 71-6-121.

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

- (3) The ASTC shall report to the department each patient case of communicable disease detected in the center. Repeated failure to report communicable diseases shall be cause for revocation of an ASTC's license. The ASTC will monitor outbreaks of communicable diseases in the nearby geographical area of the facility and inform the ASTC staff of these outbreaks in order for the employee to contact their personal physician for consultation regarding their vaccination status.

Authority: T.C.A. §§ 68-1-1004, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, and 68-11-216.

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

Amendments

Rule 1200-08-11-.01Definitions is amended by deleting paragraph (37) in its entirety and renumbering the remaining paragraphs.

Authority: T.C.A. §§ 39-11-106, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-216, 68-11-224, and 68-11-1802.

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

Amendments

Rule 1200-08-25-.02 Definitions is amended by deleting paragraph (20) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

- (20) "Licensed or certified health care professional" means
- (a) any health care professional currently licensed by the State of Tennessee to practice within the scope of a regulated profession, such as a nurse practitioner, registered nurse, licensed practical nurse, (nurses may be licensed or hold multistate licensure pursuant to Tennessee Code Annotated §§ 63-7-101 et seq.), dietitian, dentist, occupational therapist, pharmacist, physical therapist, physician, physician assistant, psychologist, social worker, speech-language pathologist, and emergency service personnel; or
  - (b) a medication aide (as defined in Tennessee Code Annotated § 63-7-127),

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-210, and 68-11-211.

Rule 1200-08-25-.02 Definitions is amended by adding new paragraph (25) and renumbering the remaining paragraphs, and is further amended by deleting newly-numbered paragraph (37) in its entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

- (25) "Medication Aide" means an individual who administers medications, as set forth in Tennessee Code Annotated § 63-7-127, under the general supervision of a licensed nurse pursuant to this section.
- (37) "Secured unit" means a distinct part of an ACLF where the residents are intentionally denied egress except as is necessary to comply with life safety requirements.

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-210, and 68-11-211.

Rule 1200-08-25-.03 Licensing Requirements is amended by deleting part (9)(b)3 in its entirety and substituting instead the following language, so that as amended, the new part shall read:

3. Proof that the applicant is at least twenty-one (21) years of age;

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-208, 68-11-209, 68-11-213, and 68-11-216.

Rule 1200-08-25-.07 Services Provided is amended by deleting subparagraphs (5)(b) and (5)(c) in their entirety and substituting instead the following language, and is further amended by adding new subparagraph (5)(d), so that as amended, the new subparagraphs shall read:

- (b) Ensure that all drugs and biologicals shall be administered by a licensed or certified professional operating within the scope of the professional license or certification and according to the resident's plan of care.  
  
During the course of administering medication, a medication aide shall not be assigned any other non-medication administration duties. A medication aide shall not be precluded from responding, as appropriate, to an emergency.
- (c) Must store all medications via a locked or closed container and/or room which includes, but is not limited to, some type of box, piece of furniture, an individual resident room, and/or a designated room within the facility which maintains resident medication out of the sight of other residents.
- (d) Facility staff shall not repackage medication and shall not administer medication from

repackaging.

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-261.

Rule 1200-08-25-.07 Services Provided is amended by deleting subparagraph (6)(f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (f) The ACLF's medication disposal policy shall be performed by a licensed or certified health care professional and either the facility's administrator, or a second licensed or certified health care professional.

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-261.

Rule 1200-08-25-.08 Admissions, Discharges, and Transfers is amended by deleting subparagraph (9)(a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (a) Documentation that an interdisciplinary team consisting of at least a physician, a registered nurse, and a family member (or patient care advocate) has evaluated each secured resident prior to admittance to the unit;

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-201(5), 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-211, 68-11-263, and 68-11-266.

Rule 1200-08-25-.10 Life Safety is amended by deleting subparagraphs (2)(i) and (2)(n) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (i) Ensure that upon entering the ACLF that the resident or his or her responsible party is asked if they wish to have a cooking appliance that is appropriate for their level of cognition. If so, the appliance shall be provided by the facility in accordance with facility policies. If the resident or his or her responsible party wishes to provide their own cooking appliance, it shall meet the facility's safety standards. The cooking appliances shall be designed so that they can be disconnected and removed for resident safety or if the resident chooses not have cooking capability within his or her apartment. The cooking appliance shall have an automatic timer.
- (n) Provide and mount fire extinguishers and maintain a minimum travel distance between fire extinguishers, complying with NFPA 10, so they are accessible to all residents in the kitchen, laundries and at all exits.

Authority: T.C.A. §§ 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.

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

Amendments

Rule 1200-08-29-.11 Records and Reports is amended by deleting subparagraph (3)(b) and its part in their entirety and substituting the following language, so that as amended, the new subparagraph and part shall read:

- (b) Orders as required;
  - 1. A home care organization providing home medical equipment is authorized to receive and appropriately act on a written order for a plan of care for a patient concerning a home health service signed by a physician, or a physician assistant or advanced practice nurse with a certificate of fitness to prescribe when such person is authorized by written protocols established in coordination with the practitioner's supervising physician, that is transmitted to the agency by electronically signed electronic mail. Such order that is transmitted by electronic mail shall be deemed to meet any requirement for written documentation imposed by this regulation.

Authority: T.C.A. §§ 68-11-202, 68-11-209, 68-11-211, and 68-11-260.

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

Amendments

Rule 1200-08-34-.05 Admissions, Discharges, and Transfers is amended by deleting paragraph (10) and subparagraphs (10)(a) and (10)(b) in their entirety and substituting the following language, so that as amended, the new paragraph and subparagraphs shall read:

- (10) The agency's discharge planning process, including discharge policies and procedures, must be in writing and follow the guidelines established in the written agreement between the agency and the Department of Intellectual and Developmental Disabilities (DIDD). If the agency determines that they are no longer willing or able to provide services, they must comply with the following:
  - (a) Prior to discontinuation of authorized services, the agency shall obtain approval from the DIDD;
  - (b) The agency shall notify the consumer, their conservator or guardian, the support coordinator, and DIDD no less than sixty (60) days prior to the planned discharge;

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

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: 9-9-16

Signature: *Kyonzte Hughes-Tooomb*

Name of Officer: Kyonzte Hughes-Tooomb

Title of Officer: Deputy General Counsel  
Department of Health

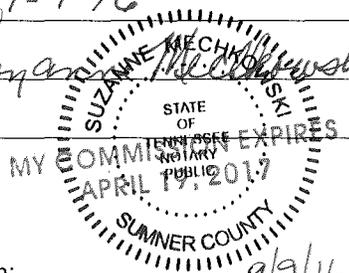
Subscribed and sworn to before me on: 9-9-16

Notary Public Signature: *Suzanne Mech...*

My commission expires on: \_\_\_\_\_

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9/9/16  
*Tre Hargett*

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