Department of State
Division of Publications
312 Rosa L. Parks Avenue, 8th Floor Tennessee Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: sos.information@state.tn.us

For Department of State Use Only

Sequence Number: 09-31-09
Rule ID(s): 4459-4473
File Date: 09/24/2009
Effective Date: 12/23/2009

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Department of Health
Division:	Board for Licensing Health Care Facilities
Contact Person:	Leah Erin Begley
Address:	220 Athens Way, Suite 210 Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Leah.Begley@tn.gov

Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

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

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

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

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

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

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

Chapter Number	**Chapter Title**
1200-08-11	Standards for Homes for the Aged

Rule Number	Rule Title
1200-08-11-.02	Licensing Procedures

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

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

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

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

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

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

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

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

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

(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

Amendments

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

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

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

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

(5) Renewal.

(a) In order to renew a license, each hospital shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-01-.02(4); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each prescribed child care center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure; and

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

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

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

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

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

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

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

(5) Renewal.

(a) In order to renew a license, each nursing home shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-06-.02(4); and

3. any other information required by the Health Services and Development Agency.

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

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

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

(d) Should the licensee fail to renew its license prior to the expiration date, yet within sixty (60) days after the expiration date, then the licensee shall pay a late renewal penalty fee of one hundred dollars ($100.00) per month for each month or fraction of a month that renewal is late.

(e) In the event that a licensee fails to renew a license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-08-.02(4); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(5) Renewal.

(a) In order to renew a license, each ambulatory surgical treatment center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-10-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each residential home for the aged shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure; and

2. the license fee provided in rule 1200-08-11-.02(2)(b).

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each residential hospice shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-15-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each birthing center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-24-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each home care agency providing home health services shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-26-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each home care agency providing hospice services shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall

submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-27-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

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

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure; and

2. the license fee provided in rule 1200-08-28-.02(2)(b).

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each home care organization providing home medical equipment shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-29-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each end stage renal dialysis clinic shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure; and

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

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

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

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

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

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

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

(4) Renewal.

(a) In order to renew a license, each home care organization providing professional support services shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-34-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

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

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

(5) Renewal.

(a) In order to renew a license, each outpatient diagnostic center shall submit to periodic inspections by Department surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the board and applicable renewal fee prior to the expiration date of the license.

(b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars ($100) per month for each month or fraction of a month that renewal is late.

(c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Board office:

1. a completed application for licensure;

2. the license fee provided in rule 1200-08-35-.02(2)(b); and

3. any other information required by the Health Services and Development Agency.

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

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

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

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

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board for Licensing Health Care Facilities on 05/12/2009, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: *02/26/2009*

Notice published in the Tennessee Administrative Register on: *03/13/2009*

Rulemaking Hearing(s) Conducted on: (add more dates). *05/12/2009*

Date: 5/20/09

Signature: L. Erin Begley

Name of Officer: L. Erin Begley, Esq.

Title of Officer: Assistant General Counsel
Department of Health

Subscribed and sworn to before me on: 5/20/2009

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011

THEODORA P. WILKINS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

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

Robert E. Cooper, Jr.
Attorney General and Reporter

9-21-09
Date

Department of State Use Only

Filed with the Department of State on: 9/24/09

Effective on: 12/23/09

Tre Hargett by Wm Lee, POA
Tre Hargett
Secretary of State

RECEIVED
2009 SEP 24 PM 3:32
SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

(See page following)

MINUTES

RULEMAKING HEARING

TENNESSEE BOARD FOR LICENSING HEALTH CARE FACILITIES

MAY 12, 2009

The rulemaking hearing for the Tennessee Board for Licensing Health Care Facilities was held on May 12, 2009 in the Department of Health Conference Center's Iris Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee.

No members of the public attended the rulemaking hearing. No written or oral comments were received at the rulemaking hearing.

L. Erin Begley

L. Erin Begley, Esq.
Assistant General Counsel
Department of Health

5/20/09

Date

Regulatory Flexibility Addendum
Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Regulatory Flexibility Analysis

Board for Licensing Health Care Facilities, Late Renewal Fees, Chapter 1200-8

1. **The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.**

   The new rules do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.

2. **Clarity, conciseness, and lack of ambiguity in the rule or rules.**

   The new rules exhibit clarity, conciseness, and lack of ambiguity.

3. **The establishment of flexible compliance and/or reporting requirements for small business.**

   Compliance requirements contained in the rules are the same for large or small businesses. Furthermore, there are no reporting requirements imposed or created by the new rules. The rules regarding the payment of late renewal fees are requirements imposed by state statute, Chapter 846 of the Public Acts of 2008, T.C.A. § 68-11-206(a)(5)[effective January 1, 2009].

4. **The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.**

   The schedules and deadlines throughout the proposed rules are as "user-friendly" as possible while still allowing the Division to achieve its mandated mission in licensing health care facilities. Compliance requirements contained in the rules are the same for large or small businesses. Furthermore, there are no reporting requirements imposed or created by the new rules.

5. **The consolidation or simplification of compliance or reporting requirements for large or small businesses.**

   Compliance requirements contained in the rules are not consolidated or simplified for small businesses. Compliance requirements are the same for large or small businesses. Furthermore, there are no reporting requirements imposed or created by the new rules.

6. **The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rules.**

   The rules do not establish performance standards for the entities certified pursuant to the rules.

7. **The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.**

   The rules do not create unnecessary barriers to stifle entrepreneurial activity, curb innovation, or increase costs.

Economic Impact Statement:

1. **Name of Board, Committee or Council**: Tennessee Board for Licensing Health Care Facilities, Late Renewal Fees, Chapter 1200-8.

2. **Rulemaking Hearing date**: May 12, 2009.

3. **Types of Small business that will be directly affected by the proposed rules:**

   All Home Care Organizations, Residential Homes for the Aged, Residential Hospices, Birthing Centers, Assisted Care Living Facilities, Home Care Organizations providing Home Health Services, Home Care Organizations providing Hospice Services, HIV Supportive Living Facilities, Home Care Organizations providing Home Medical Equipment, and Home Care Organizations providing Professional Support Services.

4. **Type of small businesses that will bear the cost of the proposed rules:**

   Please see answer to question 3.

5. **Types of small businesses that will directly benefit from the proposed rules:**

   Please see answer to question 3.

6. **Description of how small businesses will be directly impacted by the proposed rules:**

   Small businesses will be required to pay a late renewal fee should the licensee fail to renew its license prior to the expiration date.

7. **Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not proposed:**

   There are no less burdensome alternatives to the new rules.

8. **Comparison of the proposed rule with federal or state counterparts:**

   Federal: The Board for Licensing Health Care Facilities is not aware of any federal counterparts.

   State: The Board for Licensing Health Care Facilities has identified the following other states that have promulgated rules relative to late renewal fees: Alabama, Florida, Ohio and South Carolina.

Additional Information Required by Joint Government Operations Committee

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

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

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

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

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

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

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

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

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

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

No fiscal impact.

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

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

and understanding of these rules.

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

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

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

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

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

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

No additional information has been requested at this time.