

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

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 Rule ID(s): 4484-4498
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 End Effective Date: 04/07/2010

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

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

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

Pursuant to T.C.A. § 4-5-208, the Board for Licensing Health Care Facilities is authorized to promulgate emergency rules in the event that the rules are required by an enactment of the general assembly within a prescribed period of time that precludes utilization of rulemaking procedures described elsewhere in T.C.A. Title 4, Chapter 5, for the promulgation of permanent rules.

Chapter 846 of the Public Acts of 2008 provides for a sixty (60) day grace period in which a licensed health care facility may renew its license with the payment of a law renewal fee and without reapplying for licensure. The law also grants the Board for Licensing Health Care Facilities ("Board") the authority to promulgate rules and regulations by emergency rulemaking to effectuate the purposes of the chapter. The law became effective on January 1, 2009. Due to the length of time necessary to complete the rulemaking process, emergency rules (then public necessity rules) were required in order for the Board to begin implementation of a late renewal system. The emergency rules were promulgated by the Board becoming effective from April 29, 2009 to October 11, 2009. The Board also held a rulemaking hearing on May 12, 2009 to consider comments for the adoption as permanent rules. The rulemaking hearing rules have been returned from the Attorney General's Office, filed with the Secretary of State and will become effective on December 23, 2009. Because the permanent rules will not become effective until December 23, 2009, without a resubmission of the emergency rules, there will be a period of time (from October 11, 2009 to December 23, 2009) in which there will be no rules allowing licensees to renew late, that is, beyond the license expiration date with the payment of a late renewal fee. Tenn. Code Ann. §4-5-208(b) provides that an agency may adopt the same or substantially similar emergency rule within one (1) calendar year from its first adoption if the agency clearly establishes that it could not reasonably be foreseen during the period of time in which the public necessity rules were effective, that such emergency would continue or would likely recur during the next nine (9) months. The rules were developed on an emergency or public necessity basis to implement the new law in order to meet a mandate from the General Assembly. At the time of the filing of the emergency rules, the agency adopting these rules (Board for Licensing Health Care Facilities) could not have reasonably foreseen that the emergency would continue or would likely recur beyond the effective dates of the emergency rules and before permanent rules were established. The

agency met all of the time requirements provide in the law and made timely submissions of the emergency rules and rulemaking hearing rules to the Attorney General's Office for review; however, the agency could not have reasonably foreseen that the rules would require a detailed review requiring more time than the originally filed emergency rules would allowed. The agency is now refiling the originally filed emergency rules again to fill in the gap between the expiration of the emergency rules and the effective date of the permanent rules.

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



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

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. 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-.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
1200-08-32	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 rules was as follows:

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

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

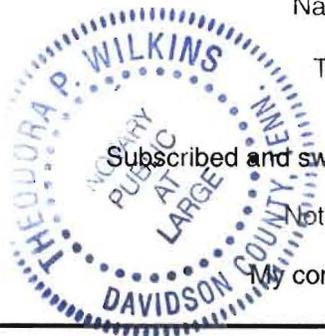
Date: 10/1/09

Signature: Alison G. Cleaves

Name of Officer: Alison G. Cleaves

Deputy General Counsel

Title of Officer: Tennessee Department of Health



Subscribed and sworn to before me on: 10/1/09

Notary Public Signature: Theodore P. Wilkins

My commission expires on: 11/7/2011

All emergency 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

10-7-09
 Date

Department of State Use Only

Filed with the Department of State on: 10/9/09
Effective for: 180 *days
Effective through: 04/07/10

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett
Tre Hargett
Secretary of State

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PUBLICATIONS

Additional Information Required by Joint Government Operations Committee

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

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

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

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

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

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

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

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

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

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

No fiscal impact.

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

Vincent L. Davis, Director, Division of Health Care Facilities, Tennessee Department of Health and Alison G. Cleaves, Deputy 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 Alison G. Cleaves, Deputy 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 Davis: Tennessee Department of Health, Bureau of Health Licensure and Regulation, Division of Health Care Facilities, 227 French Landing, Suite 501, Heritage Place MetroCenter, Nashville, TN 37243, (615) 741-7221.
Alison G. Cleaves, Esq.: Office of General Counsel, 220 Athens Way, Suite 210, Nashville, TN 37243, (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.