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# Emergency Rule Filing Form

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

<b>Agency/Board/Commission:</b>	Department of Health
<b>Division:</b>	Emergency Medical Services
<b>Contact Person:</b>	Lucille F. Bond, Assistant General Counsel
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**Rule Type:**

Emergency Rule

**Revision Type (check all that apply):**

Amendment

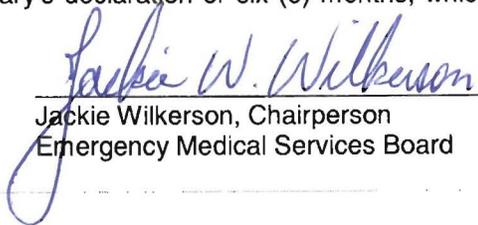
New

Repeal

**Statement of Necessity:**

Pursuant to T.C.A. §4-5-208 and 68-140-504, the Tennessee Board of Emergency Medical Services is promulgating emergency rules authorizing an Emergency Medical Technician - Intravenous Therapy or a Paramedic, as licensed EMS professionals, to administer immunizations in mass immunization programs organized by the department of health or a local health department. Tenn. Code Ann. § 4-5-208 provides that, if an agency finds that an immediate danger to the public health, safety or welfare exists, and the nature of this danger is such that the use of any other form of rulemaking authorized by this chapter would not adequately protect the public, the agency may, upon stating its reasons in writing for making such findings, proceed without prior notice or hearing to adopt an emergency rule.

The emergency rules are necessary based upon the findings of the Secretary of Health and Human Services, Kathleen Sebelius, that a public health emergency exists nationwide involving the Swine influenza A virus that affects or has significant potential to affect the national security ("2009 H1N1 influenza"). To avoid the spread of 2009 H1N1, the depletion of necessary public health personnel, and a danger to the public health, the emergency deployment of Tennessee licensed Emergency Medical Technicians - IV and Paramedics to administer vaccinations and immunizations for H1N1 is consistent with the Secretary's declaration of a public health emergency. Therefore, the Emergency Medical Services Board finds that an imminent danger to the public health, safety, and welfare exists, and that immediate action requires emergency rules authorizing and establishing such procedures for the duration of the Secretary's declaration or six (6) months, whichever shall end sooner.

  
Jackie Wilkerson, Chairperson  
Emergency Medical Services Board

**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)

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-12-01	General Rules
<b>Rule Number</b>	<b>Rule Title</b>
1200-12-01-.04	Emergency Medical Technician

(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 1200-12-01  
General Rules

Amendments

1200-12-01-.04 Emergency Medical Technician is amended by adding a new subparagraph (3)(f), so that as amended, the new subparagraph shall read:

- (f) A person licensed as an Emergency Medical Technician – Intravenous Therapy or as a Paramedic may administer immunizations for the H1N1 virus only as follows:
1. during the current 2009 H1N1 public health emergency as declared by the Secretary of the United States Department of Health and Human Services,
  2. using intramuscular or nasal routes,
  3. under a protocol of a county health department or Tennessee Department of Health office,
  4. at the site of a public health H1N1 immunization program, and
  5. if the Emergency Medical Technician – Intravenous Therapy or paramedic has successfully completed training approved or conducted by a county health department or the Tennessee Department of Health for the H1N1 immunizations.

Authority: T.C.A. §§ 68-140-504, 68-140-509, 68-140-520 and 42 USC §247d-6d.

\* 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)
Tim Bell	X				
Susan M. Breeden	X				
Jeffrey L. Davis	X				
Julie A. Dunn, M.D.	X				
Larry Q. Griffin	X				
Kevin Mitchell				X	
Ronald E. Mitchell, Sr.	X				
Dennis W. Parker	X				
Lawrence Potter	X				
James E. Ross	X				
Robert Webb	X				
Jackie Wilkerson	X				
Vacant					

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

Date: 9/30/09

Signature: Lucille F. Bond

Name of Officer: Lucille F. Bond  
Assistant General Counsel

Title of Officer: Tennessee Department of Health



Subscribed and sworn to before me on: 9/30/09

Notary Public Signature: Theodora 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  
10-23-09  
Date

**Department of State Use Only**

Filed with the Department of State on: 10/27/09  
Effective for: 180 \*days  
Effective through: 4/25/10

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2009 OCT 27 AM 9:30  
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\* Emergency rule(s) may be effective for up to 180 days from the date of filing.



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Tre Hargett  
Secretary of State

**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;

1200-12-01-.04 Emergency Medical Technician is amended by adding a new subparagraph (3)(f). The new rule allows a person licensed as an EMT-IV or Paramedic to administer immunizations for the H1N1 virus under specific circumstances. The new rules allows said licensees to administer the H1N1 virus only during the current 2009 H1N1 public health emergency, using intramuscular or nasal routes, under protocol of a county health department or the Tennessee Department of Health office, at a site of a public health H1N1 immunization program, and if said licensee has successfully completed approved training. The old rule does not include the above.

- (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;

Authority for this amendment comes from state statutes regarding the practice of Emergency Medical Services, Tenn. Code. Ann. §§ 68-140-101, et seq., and federal statute 42 USC § 247-6d.

- (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;

Individuals most directly affected by this rule are licensed Emergency Medical Technician-IVs and Paramedics as well as Tennessee county health departments and individuals in the public requiring immunization against the H1N1 virus.

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

There are no known opinions of the attorney general that relate to these rules.

- (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;

There is estimated to be no increase or decrease in revenues or expenditures because of these rule amendments.

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

Joe Phillips, Emergency Medical Services Board Director and Lucille F. Bond, Assistant General Counsel, possess substantial knowledge and understanding of the new rule.

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

Joe Phillips, Emergency Medical Services Board Director and Lucille F. Bond, Assistant General Counsel will explain the new rule at a scheduled meeting of the Committee.

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

Joe Phillips, Division of Emergency Medical Services, 227 French Landing Drive, Suite 501, Nashville, Tennessee 37243, (615) 741-2544; Lucille F. Bond, Office of General Counsel, 220 Athens Way, Suite 210, SS-7040 (July 2009)

Nashville, Tennessee 37243, (615) 741-1611.

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

None.