



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH
MEMORANDUM
SECOND AMENDED**

Date: June 4, 2018

To: Shelley Walker, Director of Communication and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities Board Meeting
(Call-in Number: 1-888-757-2790 passcode: 152602#)

Date of Meeting: June 6, 2018

Time: 9:00 a.m.

Place: Iris Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243

Major Item(s) on Agenda: See attachment.

LINK TO LIVE VIDEO STREAM:

June 6, 2018

<https://web.nowuseeit.tn.gov/Mediasite/Play/7be546b140ad4690a4ddcc4d575de18a1d>

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.

JOHN J. DREYZEHNER, MD, MPH
COMMISSIONER

BILL HASLAM
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND
IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

BOARD FOR LICENSING HEALTH CARE FACILITIES

JUNE 6, 2018

IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES
WHEN THE BOARD IS IN SESSION**

- 1. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
- 2. REPORTS.**
 - A. EMS REPORT** – Robert Seesholtz
 - B. NURSE AIDE REPORT** – Wanda King
 - C. OFFICE OF GENERAL COUNSEL REPORT** – Caroline Tippens
- 3. RULEMAKING HEARING**-Notice of Rulemaking Hearings can be viewed online at:
http://publications.tnsosfiles.com/rules_filings/04-11-18.pdf
 - A. 1200-08-01 Standards for Hospitals**
 - 1200-08-01 -.05 Admissions, Discharges and Transfers
 - 1200-08-10 Standards for Ambulatory Surgical Treatment
 - 1200-08-.10-.06 Basic Services
 - 1200-08-29 Standards for Home Care Organizations Providing Home Medical Equipment
 - 1200-08-29-.01 Definitions
 - 1200-08-29-.06 Basic Agency Functions
 - 1200-08-29-11 Records and Reports
 - 1200-08-34 Standards for Home Care Organizations Providing Professional Support Services
 - 1200-08-34-.02 Licensing Procedures

4. **BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES**

- A. Interpretative Guidelines- Use of 'Physician' Term– ACLF 1200-08-25-.08(5)(a)(b) & 1200-08-25-.08(9)(a).

5. **LICENSE STATUS REQUESTS.**

NASHVILLE METRO CARE & REHABILITATION CENTER, NASHVILLE

This one hundred eleven (111) bed skilled nursing home facility is seeking to place their license on inactive status for a period of two (2) years.

REPRESENTATIVE(S):

SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA

This twenty-nine (29) bed nursing home facility is requesting an extension waiver for their license to remain on inactive status through June 2019. Siskin continues to explore options for deployment of their beds, but a definitive plan has not yet been developed. Siskin Subacute place their license on inactive status for one (1) year on June 7, 2017 which expires on June 7, 2018.

REPRESENTATIVE(S): Travis Swearingen, Attorney

MEMORIAL/MISSION OUTPATIENT SURGERY CENTER, CHATTANOOGA

This ambulatory surgical treatment center is requesting a third extension waiver for their license to remain on inactive status. Leadership of Memorial/Mission continues to explore various options for reactivating the facility's license. Continuation of inactive status will allow opportunity to fully evaluate the circumstances under which it may be reactivated. This facility's license was placed on inactive status on May 6, 2015 for twelve (12) months; an extension waiver was granted on May 5, 2016 for additional twelve (12) months; and a second extension waiver was granted on June 7, 2017 which expires June 2018.

REPRESENTATIVE(S): Travis Swearingen, Attorney

CHRISTIAN CARE CENTER OF MEDINA, MILAN f/k/a MILAN HEALTH CARE CENTER, MILAN

This sixty-six (66) nursing home bed facility is requesting an extension waiver for their license to remain on inactive status through June 2019. A certificate of need (CON) application seeking authorization for its relocation and construction of a replacement facility has been filed with Health Services and Development Agency (HSDA). The CON application will be considered at the HSDA meeting on June 27, 2018.

REPRESENTATIVE(S): Jerry Taylor, Attorney

JACKSON PARK CHRISTIAN HOME, NASHVILLE

This twenty-eight (28) bed nursing home facility is seeking its sixth extension of their license to remain on inactive status for an additional twenty-four (24) months to June 2020. This facility ceased operations on February 29, 2012, because the operation of the twenty-eight (28) bed facility was economically unfeasible. Signature continued to evaluate the best options for the licensed facility going forward, and Signature has updated the Board during that period. Jackson Park Christian Home's license was placed on inactive status for twelve (12) months on May 2, 2012; an extension waiver for inactive status was granted for an additional twelve (12) months on May 1, 2013; a second extension was granted on May 8, 2014 for an additional twelve (12) months; a third extension was granted on May 6, 2015 for an additional twelve (12) months; a fourth extension was granted on May 4, 2016 for an additional twelve (12) months June 2017; and a fifth extension was granted June 7, 2017 for an additional twelve (12) months which will expire June 2018.

REPRESENTATIVE(S): Chris Puri, Attorney

BAPTIST TRINITY HOME CARE-PRIVATE PAY DIVISION, MEMPHIS

This home health agency is seeking to place their license on inactive status to allow time to consider the potential future operations of the agency. Baptist Trinity has not been requested to provide any patient care in several months and is uncertain if there will be a need for its services in the future.

REPRESENTATIVE(S): Travis Swearingen, Attorney

6. WAIVER REQUESTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE.

(1) Little Creek Sanitarium, Knoxville

- Pat Chapman, Temporary Administrator and Bruce Myers, President

(2) Lauderdale Community Living Center, Ripley

- Thomas Charles Isaak, Jr., Temporary Administrator

B. OTHER WAIVER REQUEST(S)

SOUTHERN TENNESSEE REGIONAL HEALTH SYSTEM-PULASKI, PULASKI

This ninety-five (95) bed hospital facility is seeking to waive building code 2.1-2.4.3 which requires a seclusion room for short-term occupancy. Their psychiatric unit is a geriatric unit where they do not use seclusion with this population of patients and never used the dedicated seclusion room since the unit opened in 1996. The intention of this waiver is to use this room to better meet the needs of the population served in the geriatric psychiatric setting.

REPRESENTATIVE(S): Sherry Sands, Chief Nursing Officer

JACKSON-MADISON COUNTY GENERAL HOSPITAL, JACKSON AND TENNOVA HEALTHCARE-REGIONAL HOSPITAL, JACKSON

Jackson-Madison, Jackson, a 642-bed acute care hospital owned and operated by Jackson-Madison County Hospital District and Tennova Healthcare-Regional Hospital, a 150-bed acute care hospital in Jackson, currently owned by Tennova, a division of Community Health Systems is seeking to become a satellite of Jackson-Madison County General Hospital according to hospital rule 1200-08-01-.01(37)(b) effective June 1, 2018.

REPRESENTATIVE(S): Dan Elrod, Attorney

VANDERBILT UNIVERSITY MEDICAL CENTER (VUMC), NASHVILLE

Vanderbilt University Medical Center, Nashville, is requesting an extension waiver to waive certain section of the 2010 Facility Guidelines Institute (FGI) guidelines regarding several rooms variance from the component project of 17-bed observation unit in the 7 South building. Fourteen (14) of the seventeen (17) rooms will be used for inpatients on a temporary basis. VUMC is requesting that the guidelines be waived for an additional two (2) years. A waiver was granted for two (2) years back in May 5, 2016 which will expire in June 2018.

REPRESENTATIVE(S): Dan Elrod, Attorney, Butler Snow, Mitch Edgeworth, CEO, Vanderbilt Hospital and Clinics, Ginna Felts, Vice President, Business Development and Jennifer McGugin.

VANDERBILT UNIVERSITY HOSPITAL, NASHVILLE

Vanderbilt University Hospital, Nashville, is requesting an extension waiver to allow the use of the area on the first floor temporarily as an observation unit and to waive the space requirements of the rooms and cubicles located in the observation unit; and must submit a report in two (2) years to update on the continued temporary usage of this area. Vanderbilt University Medical Center continues to use a portion of the first floor temporarily as an observation unit in accordance to the granted waiver and intends to continue such use for additional two (2) more years.

REPRESENTATIVE(S): Dan Elrod, Attorney, Butler Snow, Mitch Edgeworth, CEO, Vanderbilt Hospital and Clinics, Ginna Felts, Vice President, Business Development and Jennifer McGugin.

BIG SOUTH FORK MEDICAL CENTER, ONEIDA

This twenty-five (25) bed facility is seeking to waive Rule 1200-08-01-.06(9)(b) to have a Certified Dietary Manager at this facility. Their certified dietary manager resigned as of April 27, 2018. Regena Kannady, Dietary Employee, will be assuming this role until the position can be filled. They are working diligently to hire a Certified Dietary Manager on or before the date stated above.

REPRESENTATIVE(S): Tony Taylor, Chief Executive Officer

TRI-STAR CENTENNIAL MEDICAL CENTER, NASHVILLE

This six hundred eighty-six (686) bed hospital including five hundred fifty-four (554) general acute care beds is requesting to increase their general acute care beds count by fifty-five (55) beds. The total licensed bed complement will be 741 upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. § 68-11-1607(g). These rooms will be used for acute bed expansion.

REPRESENTATIVE(S): Jerry Taylor, Attorney

THE UNIVERSITY OF TENNESSEE MEDICAL CENTER, KNOXVILLE

This six hundred twenty-five (625) bed hospital which are general acute care beds is requesting to increase their general acute care beds count by sixty-two (62) beds; 30 beds on 6th floor East Tower will be put into service upon approval and additional 32 beds will be put into service upon a build-out of 9th floor shell space of Heart Hospital Tower. The total licensed bed complement will be 687 upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. § 68-11-1607(g).

REPRESENTATIVE(S): Jerry Taylor, Attorney

7. DISCUSSION(S).

A. Department of Justice Initiatives on Elder Abuse.

REPRESENTATIVE(S): Caroline Tippens, OGC and AUSA Chris Sabis

B. Legacy Assisted Living and Memory Care, Memphis (ACLF) Progress Report.

REPRESENTATIVE(S): Cedric Davis, Administrator and Peter Cawley, Managing Director, Senior Health Services

C. Caring Estates, Arlington (RHA) Progress Report – Order to Appear.

REPRESENTATIVE(S): Louise Knight & Eshonishunetta Knight, Administrator

D. MAXIM HEALTHCARE SERVICES, BRENTWOOD

This home health agency in Tennessee is seeking to revise Home Health Agency Rule 1200-08-26-.06(c) to make a supervisory visit to the patient's residence at least "once every sixty (60) days, "instead of monthly"". Maxim feels changing the frequency of the supervisory visit from thirty (30) days to sixty (60) days would make the state rule consistent with the applicable and corresponding federal rule, which is codified at 42 CFR § 484.36(d)(3).

REPRESENTATIVE(S): Jimmy Nichols, Area Vice President, Operations and Libby Boone, Director of Clinical Operations

E. **BALLAD HEALTH f/k/a MOUNTAIN STATES**

Ballad Health in the process of rolling out their new isolation signs and policies discovered discrepancies in how legacy Wellmont and Mountain States facilities handled trash from isolation rooms. In the past Mountain States has red bagged the PPE from isolation rooms according to Tennessee Department of Health state Rule Hospital Rule 1200-08-01-.10 where Wellmont just placed their PPE trash from isolation rooms in the regular trash which seems to be an acceptable practice throughout the state. Ballad Health is seeking the interpretation of the standard **under Hospitals Rule 1200-08-01-.10 Infectious Waste and Hazardous Waste.**

REPRESENTATIVE(S): Fabiola DeMuth, Communicable and Environmental Diseases and Emergency Preparedness and Jamie Swift, Corporate Director, Infection Prevention

F. CHOW Application/Process for Approval/Denial. – Ann R. Reed

G. **DETERMINATION OF HOME HEALTH AGENCY**

Fox Rehabilitation Services TN, LLC

Fox Rehabilitation Services, TN, LLC is seeking a determination from the Board to provide outpatient services to Assisted Care Living Facility residents in their own apartment (home) without seeking licensure as a home health agency. Fox is a provider of therapy services in sixteen (16) other states as a private practice provider of therapy services in the home or place of residence of its patients. For the purpose of this determination request, we also noted that all other laws would be complied with as a condition of this request.

REPRESENTATIVE(S): Chris Puri, Attorney

Genesis Rehab Services, Kennett Square, PA

Genesis Rehab Services (GRS) is seeking clarification on whether a home health license is required for the provision of therapy services in the home in Tennessee. GRS provides rehab services for the older adult population and has partnered with skilled nursing centers, assisted living facilities, independent living facilities, hospitals, home health companies, adult day care programs and outpatient clinics to provide comprehensive therapy services. Section 2300 of the State Operations Manual for CMS Regional Office provide guidance on permissible off premises activities at other locations. Per Section 2300, the OPT may provide therapy services in the patient's private residence or in a patient's room in a skilled nursing facility/nursing facility, in an ACLF, or in an independent living facility without qualifying as an extension location. Unlike Medicare certified home health agencies covered under Medicare Part A, patient does not need to be homebound to receive outpatient services through Vitality to You. This service is designed to increase access to care.

REPRESENTATIVE(S): Kelly Tripp, Associate General Counsel-Healthcare and Regulatory.

- H. Language Revision for Board Policy #81-Unexpected Loss of Nursing Home Administrator-Nursing Home Rule 1200-08-06-.04(1) – Ann R. Reed
- I. Create a Task Force Joint Commission with Board for Examiners Nursing Home Administrators and Board for Licensing Health Care Facilities.
– Juanita Honeycutt, Board Chair – BENHA Board
- J. Legislative Update 2018 – Lacy Blair and Patrick Powell, Legislation Liaison
- K. Approval of the Joint Annual Report on the Status of Emergency Medical Services for Children 2018.
– Rhonda Phillippi, Executive Director, TN EMS for Children

8. APPROVAL OF MINUTES.

- A. February 8, 2017 – Board Meeting
- B. October 4, 2017 – Board Meeting
- C. February 7, 2018 – Board Meeting
- D. March 15, 2018 – Emergency Called Disciplinary Hearing
- E. April 3, 2018 – Emergency Called Disciplinary Hearing
- F. April 17, 2018 – Performance Improvement Issue Standing Committee Meeting
- G. April 18, 2018 – Assisted Care Living Facility Standing Committee Meeting
- H. May 7, 2018-Facilities Construction Standing Committee Meeting

9. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).

A. SPECIAL CONSIDERATION

(INITIALS)

Medline Industries Holdings, LP, Memphis (HME)

(CHOWS)

MidSouth Health and Rehab, Memphis #248-Revisit

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Adult Care Home

Kinser Cottage, Limestone

(b) Ambulatory Surgical Treatment Centers

Eye Surgery Center of Knoxville, LLC, Powell

- (c) **Assisted Care Living Facility**
 BeeHive Homes of Powell, Powell
 The Pinnacle on Schaeffer, Knoxville
 The Reserve at Spring Hill, Spring Hill
 The Village of Murfreesboro, Murfreesboro
- (d) **End Stage Renal Disease Facility**
 Dialysis Care Center Tipton County, LLC, Covington
 River Oaks Dialysis, Memphis
 Vanderbilt Home Dialysis Clinic, Nashville
- (e) **Home Medical Equipment Facility**
 Breath of Life Medical, Lebanon
 CHG Solutions, LLC, Chattanooga
 Forward Healthcare, LLC, Lenoir City
 Gordian Medical, Inc., Nashville
 Jensen Little, LLC, Hendersonville
 Neurotech NA, Inc., Nashville
 The Jones Solution, LLC, Nashville
 Trust Home Medical, LLC, Hendersonville
- (f) **Outpatient Diagnostic Centers**
 Premier Radiology New Salem, Murfreesboro
- (g) **Professional Support Services**
 Healing Hearts, Inc., Mt. Juliet
 Mobility Rehab, Jamestown

(CHOWS)

- (a) **Ambulatory Surgical Treatment Center**
 Wartburg Surgery Center, LLC, Wartburg
- (b) **Home Health Services**
 Ascension at Home Saint Thomas, Nashville
- (c) **Home Medical Equipment Facility**
 DME Care, Nashville
 Hospice Source, LLC, Chattanooga
 National Seating & Mobility, Inc., Chattanooga
- (d) **Nursing Homes**
 Midtown Center for Health and Rehabilitation, LLC, Memphis
- (e) **Residential Home for the Aged**
 Loving Arms of Memphis, Inc., Memphis
 Patriot Hills Assisted Living, LLC, Oak Ridge

10. LICENSE STATUS UPDATES.

STARR REGIONAL MEDICAL CENTER-ETOWAH

Starr Regional Medical Center, Etowah was approved to allow acute care beds to be included in their license for a period of two (2) years so they can evaluate long-term plans and options for services provided at this facility. May 2016 Starr received additional two (2) years on these beds to continue. Star Regional Medical Center, Etowah is requesting to ask for an additional two years to continue to be included in their license for an additional period of two years through February 2020.

***FACILITY CLOSURES**

See attachment.

11. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:

Christian Care Center of Memphis, Memphis

12. ORDERS.

A. Consent Orders.

13. OTHER BUSINESS.

A. OHCF P& P 240 – Facility Plans of Correction (POC)

Department of State
Division of Publications
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 04-11-18
 Notice ID(s): 2013-2816
 File Date: 4/10/18

Notice of Rulemaking Hearing

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

Agency/Board/Commission: Board for Licensing Health Care Facilities
Division: Department of Health
Contact Person: Caroline Tippens, Assistant General Counsel
Address: 665 Mainstream Drive, Nashville, Tennessee 37243
Phone: (615) 741-1611
Email: Caroline.Tippens@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

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

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

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, ----- Conference Room
City:	Nashville
Zip:	37228
Hearing Date :	06/06/18
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-08-01	Standards for Hospitals
Rule Number	Rule Title
1200-08-01-.05	Admissions, Discharges, and Transfers

Chapter Number	Chapter Title
1200-08-10	Standards for Ambulatory Surgical Treatment Centers
Rule Number	Rule Title
1200-08-10-.06	Basic Services
Chapter Number	Chapter Title
1200-08-29	Standards for Home Care Organizations Providing Home Medical Equipment
Rule Number	Rule Title
1200-08-29-.01	Definitions
1200-08-29-.06	Basic Agency Functions
1200-08-29-.11	Records and Reports
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

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://sos-tn-gov-files.s3.amazonaws.com/forms/Rulemaking%20Guidelines_September2016.pdf.

Chapter 1200-08-01
Standards for Hospitals

Rule 1200-08-01-.05 Admissions, Discharges, and Transfers is amended by adding new paragraph (25) which shall read:

(25) Caregiver

- (a) The hospital shall give a patient admitted to the hospital the opportunity to designate a caregiver who will assist the patient with continuing care after discharge from the hospital.
 - 1. Caregiver means any individual designated as a caregiver by a patient who provides after-care assistance to a patient in a private residence.. The term includes, but is not limited to, a relative, spouse, partner, friend or neighbor who has a significant relationship with the patient.
 - 2. The hospital shall document the designated caregiver in the patient record and include contact information; and
 - 3. If the patient declines to designate a caregiver, the hospital shall document the patient's choice in the medical record.
- (b) The hospital shall notify the designated caregiver as soon as practicable before the patient is discharged back to a private residence.
- (c) If the hospital is unable to contact the designated caregiver when changes occur, the lack of contact shall not interfere with, delay or otherwise affect the medical care provided to the patient or the transfer or discharge of the patient. Nothing in this [section/rule] shall interfere with, delay or otherwise affect the medical care provided to the patient or the transfer or discharge of the patient.
- (d) The hospital shall make reasonable efforts to contact the designated caregiver and document those efforts in the patient record, to include dates and times attempted.
- (e) The patient may give written consent to allow the hospital to release medical information to the designated caregiver, pursuant to the hospital's established procedures for the release of personal health information.
- (f) Prior to the patient being discharged, the hospital shall provide discharge instructions for continuing care needs to the patient and designated caregiver, which shall include:
 - 1. The name and contact information of the designated caregiver and relation to the patient;
 - 2. A description of continuing care tasks that the patient requires, communicated in a culturally competent manner; and
 - 3. Contact information for any health care, community resources, and long-term services and supports necessary to successfully carry out the patient's discharge instructions.
- (g) Prior to the patient being discharged, the hospital shall provide the designated caregiver with an opportunity for instruction in continuing care tasks outlined in the discharge instructions, which shall include:
 - 1. Demonstration of the continuing care tasks by hospital personnel; and

2. Opportunity for the patient and designated caregiver to ask questions and receive answers regarding the continuing care tasks; and
 3. Education and counseling about medications, including dosing and proper use of delivery devices.
- (h) The hospital shall document the instruction given to the patient and designated caregiver in the patient record, to include the date, time and contents of the instructions.
- (i) Nothing in this [section/rule] shall be construed to create a new private right of action not otherwise existing in law against a hospital or any of its directors, trustees, officers, employees or agents, or any contractors with whom a hospital has a contractual relationship. A hospital, any of its directors, trustees, officers, employees or agents, or any contractors with whom a hospital has a contractual relationship shall not be held liable, in any way, for the services rendered or not rendered by the caregiver to the patient at the patient's residence. A hospital is not required nor obligated to determine the ability of a caregiver to understand or perform any of the continuing care tasks outlined in this [section/rule].
- (j) Nothing in this [section/rule] shall be construed to impact, impede, or otherwise disrupt or reduce the reimbursement obligations of an insurance company, health service corporation, hospital service corporation, medical service corporation, health maintenance organization, or any other entity issuing health benefits plans.

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

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

Rule 1200-08-10-.06 Basic Services is amended by deleting subparagraph (13)(a) and part (13)(a)6 in their entirety and substituting instead the following language, so that as amended, the new subparagraph and part shall read:

- (a) In each case of treatment of acute or chronic pain, only a medical doctor, licensed pursuant to T.C.A. § 63-6-101 et seq., or an osteopathic physician, licensed pursuant to T.C.A. § 63-9-101 et seq., who meet the following qualifications will be permitted to perform invasive procedures of the spine, spinal cord, sympathetic nerves of the spine or block of major peripheral nerves of the spine.

6. This section is only applicable to those who intended to treat acute or chronic pain.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68, 68-11-209, 68-11-216, 68-57-101, 68-57-102, 68-57-104, and 68-57-105.

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

Rule 1200-08-29-.01 Definitions is amended by adding new paragraph (31) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraph shall read:

- (31) Mail Order Company. A company which lists its products for consumers to buy, rent or lease via telephone, mailed check with order form, or Internet order and delivers such products directly to the consumer via a postal service, such as the U.S. Postal Service (USPS), UPS, FedEx or another courier service; provided, however, that a company that supplies respiratory care and oxygen equipment or any other home medical equipment necessary to avert an immediate threat to a consumer's health or safety, without which a consumer might be required to seek emergency medical treatment, shall not be considered to be a mail order company for purposes of this rule.

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, 68-11-226, 68-11-268, and 68-11-303.

Rule 1200-08-29-.06 Basic Agency Functions is amended by deleting subparagraph (4)(a) but not its parts and subparagraph (4)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (a) Client-ready equipment shall be durable in nature, sanitized, and in proper working order. The agency shall have clearly defined guidelines for the cleaning, storage, and transportation of client-ready equipment. These guidelines shall include, but are not limited to:
- (b) Agency employees shall be qualified to deliver, perform environmental assessments, set up, and demonstrate safe and proper use of all home medical equipment according to manufacturer's guidelines, except for mail order companies.

Authority: T.C.A. §§ 68-11-202, 68-11-206, 68-11-209, 68-11-226, and 68-11-304.

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

- (a) Documentation of in-home patient education and instruction, except for mail order companies;

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

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

Rule 1200-08-34-.02 Licensing Procedures is amended by inserting new subparagraph (2)(b) and re-lettering the remaining subparagraphs, so that amended the new paragraph shall read:

- (b) The home care organization must maintain a contract with the Department of Intellectual and Developmental Disabilities (DIDD). Failure to maintain this contract is a violation of this rule and will subject the license of the home care organization to disciplinary action.

Authority: T.C.A. §§ 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, § 68-11-209, 68-11-210, and 68-11-216.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: April 10, 2018

Signature: Caroline R. Tippens

Name of Officer: Caroline Tippens

Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____



Department of State Use Only

Filed with the Department of State on: _____

4/10/18

Tre Hargett

Tre Hargett
Secretary of State

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