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Sequence Number: 02-22-25  
Rule ID(s): 10253-10254  
File Date: 2/25/2025  
Effective Date: 5/26/2025

## Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

|                                 |                                                                                 |
|---------------------------------|---------------------------------------------------------------------------------|
| <b>Agency/Board/Commission:</b> | Health Facilities Commission                                                    |
| <b>Division:</b>                | N/A                                                                             |
| <b>Contact Person:</b>          | Logan Grant, Executive Director                                                 |
| <b>Address:</b>                 | Andrew Jackson Bldg., 9 <sup>th</sup> Fl., 502 Deadrick St, Nashville, TN 37243 |
| <b>Zip:</b>                     | 37243                                                                           |
| <b>Phone:</b>                   | 615-741-2364                                                                    |
| <b>Email:</b>                   | Logan.Grant@tn.gov                                                              |

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

☒ Amendment ☐ Content based on previous emergency rule filed on \_\_\_\_\_  
☐ New ☐ Content is identical to the emergency rule  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

| Chapter Number | Chapter Title              |
|----------------|----------------------------|
| 0720-14        | Standards for Hospitals    |
| Rule Number    | Rule Title                 |
| 0720-14-.07    | Optional Hospital Services |
|                |                            |
|                |                            |

| Chapter Number | Chapter Title                                       |
|----------------|-----------------------------------------------------|
| 0720-20        | Standards for Ambulatory Surgical Treatment Centers |
| Rule Number    | Rule Title                                          |
| 0720-20-.06    | Basic Services                                      |
|                |                                                     |
|                |                                                     |

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter Number 0720-14  
Standards for Hospitals

Rule 0720-14-.07 Optional Hospital Services is amended by deleting sub-paragraph (1)(h) and adding new sub-paragraph (1)(h), so that as amended, the new sub-paragraph shall read:

- (h) The health facilities commission shall publish an approved list of accredited surgical technology programs.
  - 1. Surgical technologists must meet one (1) or more of the following:
    - (i) Successfully completed a nationally accredited surgical technology program, and holds and maintains certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission;
    - (ii) Successfully completed an accredited surgical technologist program;
      - (I) Has not, as of the date of hire, obtained certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission; and
      - (II) Obtains such certification no later than eighteen (18) months after completion of the program.
    - (iii) Successfully completed a training program for surgical technology in the armed forces of the United States, the national guard, or the United States public health service; or
    - (iv) Performed surgical technology services as a surgical technologist in a healthcare facility on or before May 21, 2007, and has been designated by the healthcare facility as being competent to perform surgical technology services based on prior experience or specialized training validated by competency in current practice. The healthcare facility employing or retaining such person as a surgical technologist under this subsection (a) obtains proof of such person's prior experience, specialized training, and current continuing competency as a surgical technologist and makes the proof available to the health facilities commission upon request of the commission.
  - 2. This section does not prohibit a person from performing surgical technology services if the person is acting within the scope of the person's license, certification, registration, permit, or designation, or is a student or intern under the direct supervision of a healthcare provider.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-209, 68-57-101, 68-57-102, 68-57-104, and 68-57-105.

Chapter Number 0720-20  
Standards for Ambulatory Surgical Treatment Centers

Rule 0720-20-.06 Basic Services is amended by deleting sub-paragraph (1)(j) and adding new sub-paragraph (1)(j), so that as amended, the new paragraph shall read:

- (j) The health facilities commission shall publish an approved list of accredited surgical technology programs.
  - 1. Surgical technologists must meet one (1) or more of the following:
    - (i) Successfully completed a nationally accredited surgical technology program, and holds and

maintains certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission;

- (ii) Successfully completed an accredited surgical technologist program;
    - (I) Has not, as of the date of hire, obtained certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission; and
    - (II) Obtains such certification no later than eighteen (18) months after completion of the program.
  - (iii) Successfully completed a training program for surgical technology in the armed forces of the United States, the national guard, or the United States public health service; or
  - (iv) Performed surgical technology services as a surgical technologist in a healthcare facility on or before May 21, 2007, and has been designated by the healthcare facility as being competent to perform surgical technology services based on prior experience or specialized training validated by competency in current practice. The healthcare facility employing or retaining such person as a surgical technologist under this subsection (a) obtains proof of such person's prior experience, specialized training, and current continuing competency as a surgical technologist and makes the proof available to the health facilities commission upon request of the commission.
2. This section does not prohibit a person from performing surgical technology services if the person is acting within the scope of the person's license, certification, registration, permit, or designation, or is a student or intern under the direct supervision of a healthcare provider.

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.

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

| Commission Member     | Aye | No | Abstain | Absent | Signature<br>(if required) |
|-----------------------|-----|----|---------|--------|----------------------------|
| NICOLE SWEITZER       | X   |    |         |        |                            |
| JEREMY BIGGS          | X   |    |         |        |                            |
| TIM EVANS             | X   |    |         |        |                            |
| BARBARA BRENNAN       | X   |    |         |        |                            |
| LAUREN LEGATE         |     |    |         | X      |                            |
| JOHNNY LAI            | X   |    |         |        |                            |
| MICHAEL DENNEY        | X   |    |         |        |                            |
| JAMES WRIGHT          | X   |    |         |        |                            |
| MELANIE KELLER        | X   |    |         |        |                            |
| RICHARD G. CHINN , JR |     |    | X       |        |                            |
| VACANT                |     |    |         |        |                            |
| VACANT                |     |    |         |        |                            |
| VACANT                |     |    |         |        |                            |
| VACANT                |     |    |         |        |                            |
| VACANT                |     |    |         |        |                            |

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Health Facilities Commission on December 11, 2024, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: September 24, 2024

Rulemaking Hearing(s) Conducted on: (add more dates). November 19, 2024

Date: December 17, 2024

Signature: Logan Grant/JC


Name of Officer: Logan Grant

Title of Officer: Executive Director

Agency/Board/Commission: Health Facilities Commission

Rule Chapter Number(s): 0720-14, 0720-20

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.

  
Jonathan Skrmetti  
Attorney General and Reporter  
February 18, 2025  
Date

**Department of State Use Only**

Filed with the Department of State on: 2/25/2025

Effective on: 5/26/2025



Tre Hargett  
Secretary of State

**RECEIVED**

Feb 25 2025, 3:59 pm

Secretary of State  
Division of Publications

## Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

**Comment 1-** TASCA (Tennessee Ambulatory Surgery Center Association-seeking to remove the words " a nationally" from 0720-14-.07(h) (1) (i) replacing it with Successfully completed (a nationally) an accredited surgical technology program... The issue here is that the word "nationally" is pulled directly from the statute. It was explained that the word should not be removed from the rules but a proposed interpretation of nationally, that is in line with the statute, is being proposed for an amended Commission Policy to offer additional clarification.

The Commission agreed with the assessment and approved the revision to the former Board policy # 97

**Comment 2-** TASCA further requested adding the statutory language from T.C.A. § 68-57-101(b): "This section does not prohibit a person from performing surgical technology services if the person is acting within the scope of the person's license, certification, registration, permit, or designation, or is a student or intern under the direct supervision of a healthcare provider", to both rule amendments as (1)(h)(2) and (1)(j)(2). This addition of the statutory language to the rules is to help avoid confusion, particularly around apprenticeships and other accreditors that are not programmatic but institutional.

The Commission approved this change to both rule sets

Two letters of support are also being included with this 7039, one from National Center for Competency Testing (NCCT) and the other on behalf of the Tennessee Ambulatory Surgery Center Association (TASCA).

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The proposed rule amendments are not expected to have an impact on small business.

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rule amendments should not have a financial impact on local governments.

### Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 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;

These rule amendments seek to mirror the changes to statute, which envision greater access to surgical technicians for facilities by broadening the pathways to accreditation and certification.

- (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;

T.C.A. § 68-57-101

- (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;

Tennessee Ambulatory Surgery Center Association, National Center for Competency Testing, and the Tennessee College of Applied Technology are in support of these rule changes.

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

N/A

- (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 will be minimal fiscal impact on state and local government.

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

Logan Grant, Executive Director.

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

Logan, Grant, Executive Director.

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

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(615) 741-2364  
Logan.Grant@tn.gov

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

N/A



December 12, 2024

Health Facilities Commission  
Andrew Jackson State Office Bldg, 9<sup>th</sup> Floor  
502 Deadrick Street  
Nashville, TN 37243

RE: Support for Surgical Technologist Policy and Rules Relative to 0720-14-.07 and  
0720-20-.06

Health Facilities Commissioners,

On behalf of NCCT and the stakeholders in your state, we would like to thank the State of Tennessee Health Facilities Commission for their hard work and thoughtful consideration while determining the policy and rules regarding the surgical technologist profession.

This letter of support for the resultant passage of the proposed policy and rules at the December 11, 2024 meeting is accompanied by a sincere appreciation for all you do to honorably serve and protect the public.

Respectfully Submitted,

Dana Van Laeys  
SVP Education Success and Government Affairs  
National Center for Competency Testing



December 16, 2024

Health Facilities Commission  
Andrew Jackson State Office Building, 9th Floor  
502 Deadrick Street  
Nashville, TN 37243

**Support for Surgical Technologist Rules 0720-14-.07 and 0720-20-0.06**

TASCA is writing to express strong support for the proposed rules on surgical technologists requirements: Standards for Ambulatory Surgical Treatment Centers under Chapter Number 0720-20-.06 and Standards for Hospitals under Chapter number 0720-14-.07.

We commend the dedication from the Health Facilities Commission and its staff in drafting these rules to address surgical technologists employment, certification and accreditation standards.

The proposed rules reflect the consideration and work of TASCA and other stakeholders.

The changes outlined in the proposed rules address workforce shortages in Tennessee as well as provide clarity for surgical technologists' employment.

Sincerely,

Peter A. Lohrengel  
Executive Director

**RULES  
OF  
THE TENNESSEE HEALTH FACILITIES COMMISSION**

**CHAPTER 0720-14  
STANDARDS FOR HOSPITALS**

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**0720-14-.07 OPTIONAL HOSPITAL SERVICES.**

(1) Surgical Services.

~~(h) — Surgical technologists must:~~

- ~~1. — Hold current national certification established by the Liaison Council on Certification for the Surgical Technologist (LCC-ST); or~~
- ~~2. — Have completed a program for surgical technology accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP); or~~
- ~~3. — Have completed an appropriate training program for surgical technologists in the armed forces or at a CAAHEP accredited hospital or CAAHEP accredited ambulatory surgical treatment center; or~~
- ~~4. — Successfully complete the surgical technologists LCC-ST certifying exam; or~~
- ~~5. — Provide sufficient evidence that, prior to May 21, 2007, the person was at any time employed as a surgical technologist for not less than eighteen (18) months in the three (3) years preceding May 21, 2007 in a hospital, medical office, surgery center, or an accredited school of surgical technology; or has begun the appropriate training to be a surgical technologist prior to May 21, 2007, provided that such training is completed within three (3) years of May 21, 2007.~~

(h) The health facilities commission shall publish an approved list of accredited surgical technology programs.

1. Surgical technologists must meet one (1) or more of the following:

- (i) Successfully completed a nationally accredited surgical technology program, and holds and maintains certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission;
- (ii) Successfully completed an accredited surgical technologist program;
- (l) Has not, as of the date of hire, obtained certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission; and

- (ii) Obtains such certification no later than eighteen (18) months after completion of the program.
- (iii) Successfully completed a training program for surgical technology in the armed forces of the United States, the national guard, or the United States public health service; or
- (iv) Performed surgical technology services as a surgical technologist in a healthcare facility on or before May 21, 2007, and has been designated by the healthcare facility as being competent to perform surgical technology services based on prior experience or specialized training validated by competency in current practice. The healthcare facility employing or retaining such person as a surgical technologist under this subsection (a) obtains proof of such person's prior experience, specialized training, and current continuing competency as a surgical technologist and makes the proof available to the health facilities commission upon request of the commission.

2. This section does not prohibit a person from performing surgical technology services if the person is acting within the scope of the person's license, certification, registration, permit, or designation, or is a student or intern under the direct supervision of a healthcare provider.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-209, 68-57-101, 68-57-102, 68-57-104, and 68-57-105.

**RULES  
OF  
THE TENNESSEE HEALTH FACILITIES COMMISSION**

**CHAPTER 0720-20  
STANDARDS FOR AMBULATORY SURGICAL TREATMENT CENTERS**

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**0720-20-.06 BASIC SERVICES.**

(1) Surgical Services.

~~(i) Surgical technologists must:~~

- ~~1. Hold current national certification established by the Liaison Council on Certification for the Surgical Technologist (LCC-ST); or~~
- ~~2. Have completed a program for surgical technology accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP); or~~
- ~~3. Have completed an appropriate training program for surgical technologists in the armed forces or at a CAAHEP accredited hospital or CAAHEP accredited ambulatory surgical treatment center; or~~
- ~~4. Successfully complete the surgical technologists LCC-ST certifying exam; or~~
- ~~5. Provide sufficient evidence that, prior to May 21, 2007, the person was at any time employed as a surgical technologist for not less than eighteen (18) months in the three (3) years preceding May 21, 2007 in a hospital, medical office, surgery center, or an accredited school of surgical technology; or has begun the appropriate training to be a surgical technologist prior to May 21, 2007, provided that such training is completed within three (3) years of May 21, 2007.~~

(i) The health facilities commission shall publish an approved list of accredited surgical technology programs.

1. Surgical technologists must meet one (1) or more of the following:

(i) Successfully completed a nationally accredited surgical technology program, and holds and maintains certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission;

(ii) Successfully completed an accredited surgical technologist program;

(I) Has not, as of the date of hire, obtained certification as a surgical technologist from a national certifying body that certifies surgical technologists and is recognized by the health facilities commission;

and

(II) Obtains such certification no later than eighteen (18) months after completion of the program.

(iii) Successfully completed a training program for surgical technology in the armed forces of the United States, the national guard, or the United States public health service; or

(iv) Performed surgical technology services as a surgical technologist in a healthcare facility on or before May 21, 2007, and has been designated by the healthcare facility as being competent to perform surgical technology services based on prior experience or specialized training validated by competency in current practice. The healthcare facility employing or retaining such person as a surgical technologist under this subsection (a) obtains proof of such person's prior experience, specialized training, and current continuing competency as a surgical technologist and makes the proof available to the health facilities commission upon request of the commission.

2. This section does not prohibit a person from performing surgical technology services if the person is acting within the scope of the person's license, certification, registration, permit, or designation, or is a student or intern under the direct supervision of a healthcare provider.

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