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 File Date: 8/25/15

# 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.

<b>Agency/Board/Commission:</b>	Department of Health
<b>Division:</b>	Bureau of Health Licensure and Regulation Office of Health Care Facilities
<b>Contact Person:</b>	Kyonzte Hughes-Toombs
<b>Address:</b>	665 Mainstream Drive, Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-1611
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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:

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

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

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Conference Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date :	01/14/16
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-.06	Basic Hospital Functions
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<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-02	Standards for Prescribed Child Care Centers
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-02-.06	Basic Services

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-06	Standards for Nursing Homes
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-06-.06	Basic Services

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-10	Standards for Ambulatory Surgical Treatment Centers
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-10-.06	Basic Services

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-11	Standards for Homes for the Aged
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-11-.05	Admissions, Discharges and Transfers

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-15	Standards for Residential Hospices
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-15-.06	Basic Hospice Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-24	Standards for Birthing Centers
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-24-.06	Basic Birthing Center Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-25	Standards for Assisted-Care Living Facilities
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-25-.06	Administration

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-26	Standards for Home Care Organizations Providing Home Health Services
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-26-.06	Basic Agency Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-27	Standards for Home Care Organizations Providing Hospice Services
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-27-.06	Basic Agency Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-28	Standards for HIV Supportive Living Centers
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-28-.06	Basic HIV Supportive Living Facility Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-29	Standards for Home Care Organizations Providing Home Medical Equipment
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-29-.06	Basic Agency Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
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1200-08-30	Pediatric Emergency Care Facilities
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-30-.05	Basic Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-32	Standards for End Stage Renal Dialysis Clinics
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-32-.04	Administration

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-34	Standards for Home Care Organizations Providing Professional Support Services
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-34-.06	Basic Agency Functions

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-35	Standards for Outpatient Diagnostic Centers
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-35-.06	Basic Services

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-08-36	Standards for Adult Care Homes-Level 2
<b>Rule Number</b>	<b>Rule Title</b>
1200-08-36-.05	Administration

(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 1200-08-01  
Standards for Hospitals  
Amendments

Rule 1200-08-01-.06 Basic Hospital Functions is amended by deleting subparagraph (3)(f) in its entirety and substituting the following language, so that as amended, the new subparagraph (3)(f) shall read:

- (f) A Hospital shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Hospital will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-3-511, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Chapter 1200-08-02  
Standards for Prescribed Child Care Centers  
Amendments

Rule 1200-08-02-.06 Basic Services is amended by adding new paragraph (14) and renumbering the remaining paragraph accordingly, so that as amended, the new paragraph (14) shall read:

- (14) Infection Control. A Prescribed Child Care Center shall have an annual influenza vaccination program which shall include at least:
- (a) The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Prescribed Child Care Center will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - (b) A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - (c) Education of all employees about the following:

1. Flu vaccination,
  2. Non-vaccine control measures, and
  3. The diagnosis, transmission, and potential impact of influenza;
- (d) An annual evaluation of the influenza vaccination program and reasons for non-participation; and
- (e) A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: §§ 4-5-202, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 68-11-222.

Chapter 1200-08-06  
Standards for Nursing Homes  
Amendments

Rule 1200-08-06-.06 Basic Services is amended by deleting subparagraphs (3)(i) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3)(i) shall read:

- (i) A Nursing Home shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Nursing Home will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-3-511, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

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

Rule 1200-08-10-.06 Basic Services is amended by adding new paragraph (11) and renumbering the remaining paragraphs accordingly, so that as amended the new paragraph (11) shall read:

- (11) Infection Control. An Ambulatory Surgical Treatment Center shall have an annual influenza vaccination program which shall include at least:

- (a) The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Ambulatory Surgical Treatment Center will encourage all staff and independent practitioners to obtain an influenza vaccination;
- (b) A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
- (c) Education of all employees about the following:
  - 1. Flu vaccination,
  - 2. Non-vaccine control measures, and
  - 3. The diagnosis, transmission, and potential impact of influenza;
- (d) An annual evaluation of the influenza vaccination program and reasons for non-participation; and
- (e) A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

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 1200-08-11  
Standards for Homes for the Aged  
Amendments

1200-08-11-.05 Admissions, Discharges and Transfers is amended by deleting subparagraph (3)(f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3)(f) shall read:

- (f) A Home for the Aged shall have an annual influenza vaccination program which shall include at least:
  - 1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Home for the Aged will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - 2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - 3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  - 4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  - 5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-210, 68-11-257, and 71-6-121.

Chapter 1200-08-15  
Standards for Residential Hospices  
Amendments

Rule 1200-08-15-.06 Basic Hospice Functions is amended by adding new subparagraph (7)(f) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph (7)(f) shall read;

- (f) A Residential Hospice shall have an annual influenza vaccination program which shall include at least:
  - 1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Residential Hospice will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - 2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - 3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  - 4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  - 5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, and 68-11-209.

Chapter 1200-08-24  
Standards for Birthing Centers  
Amendments

Rule 1200-08-24-.06 Basic Birthing Center Functions is amended by adding new paragraph (13) which shall read:

- (13) Infection Control. A Birthing Center shall have an annual influenza vaccination program which shall include at least:
  - (a) The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Birthing Center will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - (b) A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - (c) Education of all employees about the following:
    - 1. Flu vaccination,

2. Non-vaccine control measures, and
  3. The diagnosis, transmission, and potential impact of influenza;
- (d) An annual evaluation of the influenza vaccination program and reasons for non-participation; and
- (e) A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, and 68-11-209.

Chapter 1200-08-25  
Standards for Assisted-Care Living Facilities  
Amendments

Rule 1200-08-25-.06 Administration is amended by deleting subparagraph (5)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (5)(b) shall read:

- (b) Infection Control. An Assisted-Care Living Facility shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Assisted-Care Living Facility will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:
    - i. Flu vaccination,
    - ii. Non-vaccine control measures, and
    - iii. The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 39-17-1804, 39-17-1805, 68-3-511, 4-5-202, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-254, 68-11-268, and 71-6-121.

Chapter 1200-08-26  
Standards for Home Care Organizations Providing Home Health Services  
Amendments

Rule 1200-08-26-.06 Basic Agency Functions is amended by adding new subparagraph (10)(d) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph shall read:

- (d) A Home Care Organization Providing Home Health Services shall have an annual influenza vaccination program which shall include at least:

1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Home Care Organization Providing Home Health Services will encourage all staff and independent practitioners to obtain an influenza vaccination;
2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
3. Education of all employees about the following:
  - (i) Flu vaccination,
  - (ii) Non-vaccine control measures, and
  - (iii) The diagnosis, transmission, and potential impact of influenza;
4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-260 and 68-11-304.

Chapter 1200-08-27  
Standards for Home Care Organizations Providing Hospice Services  
Amendments

Rule 1200-08-27-.06 Basic Agency Functions is amended by adding new subparagraph (10)(d) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph (10)(d) shall read:

- (d) A Home Care Organization Providing Hospice Services shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Home Care Organization Providing Hospice Services will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-260 and 68-11-304.

Chapter 1200-08-28  
Standards for HIV Supportive Living Centers  
Amendments

Rule 1200-08-28-.06 Basic HIV Supportive Living Facility Functions is amended by adding new subparagraph (6)(c) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph (6)(c) shall read:

- (c) A HIV Supportive Living Center shall have an annual influenza vaccination program which shall include at least:
  - 1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The HIV Supportive Living Center will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - 2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - 3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  - 4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  - 5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

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

Rule 1200-08-29-.06 Basic Agency Functions is amended by adding new subparagraph (2)(f) which shall read:

- (f) A Home Care Organization Providing Home Medical Equipment shall have an annual influenza vaccination program which shall include at least:
  - 1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Home Care Organization Providing Home Medical Equipment will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - 2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - 3. Education of all employees about the following:

- (i) Flu vaccination,
  - (ii) Non-vaccine control measures, and
  - (iii) The diagnosis, transmission, and potential impact of influenza;
4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-209, 68-11-226 and 68-11-304.

Chapter 1200-08-30  
Pediatric Emergency Care Facilities  
Amendments

Rule 1200-08-30-.05 Basic Functions is amended by adding new paragraph (5) which shall read:

- (5) Infection Control. A Pediatric Emergency Care Facility shall have an annual influenza vaccination program which shall include at least:
  - (a) The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Pediatric Emergency Care Facility will encourage all staff and independent practitioners to obtain an influenza vaccination;
  - (b) A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  - (c) Education of all employees about the following:
    1. Flu vaccination,
    2. Non-vaccine control measures, and
    3. The diagnosis, transmission, and potential impact of influenza;
  - (d) An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  - (e) A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-209, and 68-11-251.

Chapter 1200-08-32  
Standards for End Stage Renal Dialysis Clinics  
Amendments

Rule 1200-08-32-.04 Administration is amended by adding a new subparagraph (8)(c) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph (8)(c) shall read:

- (c) An End Stage Renal Dialysis Clinic shall have an annual influenza vaccination program which shall include at least:

1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The End Stage Renal Dialysis Clinic will encourage all staff and independent practitioners to obtain an influenza vaccination;
2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
3. Education of all employees about the following:
  - (i) Flu vaccination,
  - (ii) Non-vaccine control measures, and
  - (iii) The diagnosis, transmission, and potential impact of influenza;
4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 39-17-1803, 39-17-1805, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-268 and 71-6-121.

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

Rule 1200-08-34-.06 Basic Agency Functions is amended by adding new subparagraph (7)(c) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph (7)(c) shall read:

- (c) A Home Care Organization Providing Professional Support Services shall have an annual influenza vaccination program which shall include at least:
  1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Home Care Organization Providing Professional Support Services will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-209, and 68-11-304.

Chapter 1200-08-35  
Standards for Outpatient Diagnostic Centers  
Amendments

Rule 1200-08-35-.06 Basic Services is amended by adding new subparagraph (7)(c) and re-lettering the remaining subparagraphs accordingly, so that as amended, the new subparagraph (7)(c) shall read:

- (c) An Outpatient Diagnostic Center shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Outpatient Diagnostic Center will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:
    - (i) Flu vaccination,
    - (ii) Non-vaccine control measures, and
    - (iii) The diagnosis, transmission, and potential impact of influenza;
  4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
  5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Chapter 1200-08-36  
Standards for Adult Care Homes-Level 2  
Amendments

Rule 1200-08-36-.05 Administration is amended by deleting subparagraph (4)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (4)(b) shall read:

- (b) Infection Control. An Adult Care Home shall have an annual influenza vaccination program which shall include at least:
1. The offer of influenza vaccination to all staff and independent practitioners at no cost to the person or acceptance of documented evidence of vaccination from another vaccine source or facility. The Adult Care Home will encourage all staff and independent practitioners to obtain an influenza vaccination;
  2. A signed declination statement on record from all who refuse the influenza vaccination for reasons other than medical contraindications (a sample form is available at <http://health.state.tn.us/hcf/facilities.htm#notifications>);
  3. Education of all employees about the following:

- i. Flu vaccination,
  - ii. Non-vaccine control measures, and
  - iii. The diagnosis, transmission, and potential impact of influenza;
4. An annual evaluation of the influenza vaccination program and reasons for non-participation; and
5. A statement that the requirements to complete vaccinations or declination statements shall be suspended by the administrator in the event of a vaccine shortage as declared by the Commissioner or the Commissioner's designee.

Authority: T.C.A. §§ 39-17-1804, 68-11-207, 68-11-209, 68-11-268, 68-11-270 and 71-6-121.

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: 8/25/15

Signature: Kyonzte Hughes-Toombs

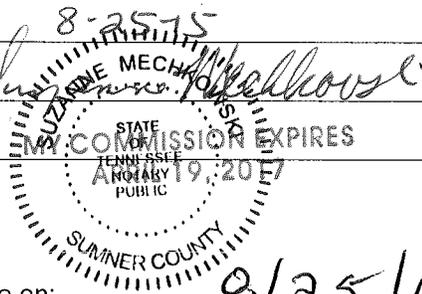
Name of Officer: Kyonzte Hughes-Toombs  
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: Supreme Meckelhouse

My commission expires on: \_\_\_\_\_



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Filed with the Department of State on: 8/25/15

Tre Hargett

Tre Hargett  
Secretary of State

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