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312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

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# Emergency Rule Filing Form

*Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.*

<b>Agency/Board/Commission:</b>	Health Facilities Commission, Board for Licensing Health Care Facilities
<b>Division:</b>	N/A
<b>Contact Person:</b>	Logan Grant
<b>Address:</b>	Andrew Jackson Bldg., 9th Fl., 502 Deaderick St., Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-2364
<b>Email:</b>	<a href="mailto:Logan.Grant@tn.gov">Logan.Grant@tn.gov</a>

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

- Amendment  
 New  
 Repeal

**Statement of Necessity:**

Public Chapter 0099 of the 113<sup>th</sup> General Assembly, cited as “Quinnlee’s Law,” requires immediate changes to the rules regarding home medical equipment services.

**Rule(s) Revised (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 Please make sure that ALL new rule and repealed rule numbers are listed in the chart below.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
0720-30	Standards for Home Care Organizations Providing Home Medical Equipment
Rule Number	Rule Title
0720-30-.01	Definitions
0720-30-.02	Licensing Procedures
0720-30-.03	Disciplinary Procedures
0720-30-.04	Administration
0720-30-.06	Basic Agency Functions
0720-30-.11	Records and Reports

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 0720-30  
Standards for Home Care Organizations  
Providing Home Medical Equipment

Rule 0720-30-.01 Definitions is amended by deleting paragraph (21) and adding new paragraphs (12), (22) and (45), and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (12) Contact Person. The individual selected by the agency that will serve as the point-of-contact to communicate with the Health Facilities Commission. The agency must provide a name, title, telephone number, and electronic mail address of the contact person on the appropriate form.
- (22) Home medical equipment provider. Any agency which provides home medical equipment services.
  - (a) Providers may fall into the following categories:
    - 1. In-state providers who have a physical location;
    - 2. In-state providers who have no physical location;
    - 3. Out-of-state providers who do not have a physical location; or
    - 4. Mail order companies.
  - (b) Providers who do not have a physical location must comply with survey requirements and provide access and documentation to surveyors necessary to conduct a survey.
  - (c) Designation on whether or not an agency has a physical location shall be located on the agency's wall certificate.
- (45) Survey material. Survey material is any material stored in electronic or physical format that may be necessary to conduct a survey. The survey material includes, but is not limited to personnel files, patient medical records, policies and procedures, data, background checks, abuse registry checks, facility reported incidents, litigation and bankruptcy history, current licensure status, copies of investigations, discipline records in any other state in which the provider is licensed, and video records or any additional files as requested.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 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 0720-30-.02 Licensing Procedures is amended by deleting paragraphs (1) and (2)(f) and adding new paragraphs (1), (2)(f-g), and (5), so that as amended, the new paragraphs shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any home care organization providing home medical equipment without having a license.
  - (a) A license shall be issued to the person or persons named and for the premises listed in the application for licensure, if a physical location in Tennessee is listed.
  - (b) The name of the home care organization providing home medical equipment shall not be changed without first notifying the Commission in writing.
  - (c) Licenses are not transferable or assignable and shall expire and become invalid annually on the anniversary date of their original issuance.

- (d) The license shall be conspicuously posted in the home care organization providing home medical equipment, if a physical location in Tennessee is listed.
  - (e) If a provider does not desire an in-state location, this information is required to be provided at the time of application.
- (2) In order to make application for a license:
- (f) The applicant, through the designated contact person, shall allow the home care organization providing home medical equipment to be inspected by a Commission surveyor and provide access to survey material. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Board that must be accepted by the Board. Once the deficiencies have been corrected, then the Board shall consider the application for licensure.
  - (g) If a physical location in Tennessee is not desired, the provider shall designate the type of category desired upon initial application.
- (5) Conversion of Designated License Type. If a licensee wishes to convert to a different designated license type, a Notice of Intent to Convert must be received by the Commission no later than December 13, 2024.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-206(a)(5), 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216, and Chapter 846 of the Public Acts of 2008, § 1.

Rule 0720-30-.03 Disciplinary Procedures is amended by adding paragraphs (1)(f) and (5), so that the new paragraphs shall read:

- (1) The Board may suspend or revoke a license for:
- (f) Failure to comply with survey document requests after three (3) written requests to the contact person are made by a surveyor.
- (5) When an agency contact person fails to respond to a written request for documentation from a surveyor, the agency shall be subject to a civil monetary penalty ranging from five hundred dollars (\$500.00) to five thousand dollars (\$5,000.00), including disciplinary action up to revocation of the license. If the same violation has occurred within the last twelve (12) months, the civil monetary penalty may be doubled.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 0720-30-.04 Administration is amended by adding paragraph (10), so that the new paragraph shall read:

- (10) An agency without a physical location in Tennessee shall not be subject to 0720-30-.04(7)-(9).

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, 68-1-222, 68-11-226, 68-11-268, and 71-6-121.

Rule 0720-30-.06 Basic Agency Functions is amended by deleting paragraph (5) and adding new paragraph (5), so that as amended, the new paragraph shall read:

- (5) Location.
- (a) If a provider chooses to have a physical location in Tennessee, each parent and/or branch shall:
    1. Be located in Tennessee;
    2. Be staffed during normal business hours and have a working telephone;

3. Be used for the dispensing, servicing, and storage of home medical equipment or be used to provide home medical equipment services;
  4. Meet all local zoning requirements; and
  5. Have all required current licenses and/or permits conspicuously posted in the agency.
- (b) If an agency chooses not to have a physical location in Tennessee, each parent and/or branch shall:
1. Be licensed in Tennessee;
  2. Be staffed during normal business hours and have a working telephone and electronic mail address;
  3. Be used for the dispensing, servicing, and storage of home medical equipment or be used to provide home medical equipment services;
  4. Have all required current licenses with appropriate designation and/or permits available for inspection;
  5. Upon initial licensure, provide to the Commission the means and method of entry to a virtual portal for surveyors to access survey material.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-206, 68-11-209, 68-11-226, and 68-11-304.

Rule 0720-30-.11 Records and Reports is amended by adding paragraph (5), so that as amended, the new paragraph shall read:

- (5) Survey Material. The agency shall have written policies dealing with survey material. Survey material shall be immediately available upon request of a Commission surveyor to the electronic mail address on record with the Commission. Survey material is any material stored in electronic or physical format that may be necessary to conduct a survey. Survey material shall include, but is not limited to the following:
- (a) Personnel files;
  - (b) Patient medical records;
  - (c) Policies and procedures, data;
  - (d) Background checks;
  - (e) Abuse registry checks;
  - (f) Facility reported incidents;
  - (g) Litigation and bankruptcy history;
  - (h) Current licensure status;
  - (i) Copies of investigations;
  - (j) Discipline records in any other state in which the provider is licensed;
  - (k) Video records or files, if available.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-209, 68-11-211, and 68-11-260.