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Sequence Number: 03-15-23
 Notice ID(s): 3608
 File Date: 3/21/2023

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:	TN Health Facilities Commission, Board for Licensing Health Care Facilities
Division:	N/A
Contact Person:	Logan Grant, Executive Director
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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:

ADA Contact:	Caroline Tippens, Director of Licensure and Regulation
Address:	665 Mainstream Drive, Nashville, TN 37243
Phone:	(615) 741-7221
Email:	Caroline.Tippens@tn.gov

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

Address 1:	665 Mainstream Drive		
Address 2:	Iris Room		
City:	Nashville		
Zip:	37243		
Hearing Date:	06/06/2023		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> X 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
0720-14	Standards for Hospitals
Rule Number	Rule Title
0720-14-.01	Definitions
0720-14-.06	Basic Hospital Functions

Place substance of rules and other info here. 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-.01 Definitions is amended by deleting paragraph (23) in its entirety and substituting instead the following language, and is further amended by adding new paragraphs (82) and (83), and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (23) Designation. An official finding and recognition by the Commission that an acute care hospital meets Tennessee State Rural Health Care Plan requirements to be a Critical Access Hospital or Rural Emergency Hospital.
- (82) Rural Emergency Hospital. A Rural Emergency Hospital (“REH”) is a facility that:
- (a) meets the eligibility requirements for a licensed hospital in Tennessee pursuant to Tenn. Comp. R. & Regs. 0720-14-.01(37), and the following additional requirements:
1. is enrolled for reimbursement as a rural emergency hospital by the federal Centers for Medicare and Medicaid Services pursuant to 42 U.S.C. §§1395x(kkk) et. seq. and 42 U.S.C. §1395cc(j), or any successor statute;
 2. provides rural emergency hospital services;
 3. provides an emergency department which maintains:
 - (i) availability twenty-four (24) hours a day seven (7) days per week.
 - (ii) a physician, physician assistant, or nurse practitioner, who performs such services as such individual is legally authorized to perform in accordance with state law and who meets training, education, and experience requirements required by state law.
 - (iii) such clinician must be on call at all times and available on-site within thirty (30) minutes to sixty (60) minutes depending on the facility’s location.
 - (iv) staffed twenty-four (24) hours per day and (7) seven days per week by individuals competent in the skills needed to address emergency medical care and must be able to receive patients and activate appropriate medical resources to meet the care needed by patients.
 4. has a transfer agreement in effect with a level I or level II trauma center; and
 5. meets such other licensure, staff training and education requirements as the Health Facilities Commission finds necessary in the interest of the health and safety of individuals who are provided rural emergency hospital services.
 6. A Rural Emergency Hospital does not have inpatient beds or provide any acute inpatient services, other than those which are rendered by a licensed skilled nursing facility to furnish post-hospital extended care services, which is a distinct part unit of the Rural Emergency Hospital.
 7. Nothing in this definition expands on the scope of a licensed healthcare professional's ability to practice under their respective regulated profession.
- (83) Rural Emergency Hospital Services. The term "rural emergency hospital services" means the following services, provided by a Rural Emergency Hospital, that do not exceed an annual per-patient average of twenty-four (24) hours in such Rural Emergency Hospital:

- (a) Emergency department services, and observation care; and
- (b) At the election of the Rural Emergency Hospital, for services provided on an outpatient basis, other medical and health services as specified in regulations adopted by the United States Secretary of Health and Human Services and authorized by the applicable rules or statutes of the Health Facilities Commission.

Authority: 42 U.S.C. 1395x(kkk); 42 U.S.C. §1395cc(j); T.C.A. §§ 39-11-106, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, 68-11-255, 68-11-1802, 68-57-101, 68-57-102, and 68-57-105.

Rule 0720-14-.06 is amended by adding new paragraph (11), so that as amended, the new paragraph shall read:

(11) Rural Emergency Hospital.

- (a) A hospital shall be eligible to apply for a Rural Emergency Health (“REH”) designation as such and conversion to a Rural Emergency Hospital, if the facility, as of December 27th, 2020, was a:
 1. Critical Access Hospital as defined under Tenn. Comp. R. & Regs. 0720-14-.01(19); or
 2. General hospital with no more than 50 licensed beds located in an area designated by State or federal law as a rural area; or
 3. General hospital with no more than 50 licensed beds located in an area designated as rural under 42 U.S.C. §1395ww(d)(8)(E), or any successor statute.
- (b) A facility applying for designation as a Rural Emergency Hospital shall include in its licensure application:
 1. a detailed transition plan that lists the services that the facility will retain, modify, add, and discontinue.
 2. a description of services that the facility intends to furnish on an outpatient basis pursuant to Tenn. Comp. R. & Regs. 0720-14-.01(83)(b).
 3. a description of any additional services the hospital would be supporting, such as furnishing telehealth services and ambulance services, including operating the facility and maintaining the emergency department to provide such services covered by these rules.
 4. any such other information as the rules and regulations of the Health Facilities Commission may require.
- (c) A Rural Emergency Hospital may be allowed to own and operate an entity that provides ambulance services.
- (d) A licensed general hospital or critical access hospital that applies for and receives licensure as a Rural Emergency Hospital and elects to operate as a Rural Emergency Hospital shall retain its original license as a general hospital or critical access hospital. Such original license shall remain inactive while the Rural Emergency Hospital license is in effect.
- (e) A licensed Rural Emergency Hospital may enter into any contracts required to be eligible for federal reimbursement as a Rural Emergency Hospital.

Authority: 42 U.S.C. 1395x(kkk); 42 U.S.C. §1395cc(j); T.C.A. §§ 39-11-106, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, 68-11-255, 68-11-1802, 68-57-101, 68-57-102, and 68-57-105.

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: March 21, 2023

Signature: *Logan Grant*

Name of Officer: Logan Grant

Title of Officer: Executive Director

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Filed with the Department of State on: 3/21/2023

Tre Hargett

Tre Hargett
Secretary of State

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Mar 21 2023, 2:52 pm

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