

Rulemaking Hearing Rules

Department of Health
Board for Licensing Health Care Facilities

Chapter 1200-8-29
Standards for Home Care Organizations Providing Home Medical Equipment

Amendments

Rule 1200-8-29-.01, Definitions, is amended by deleting paragraph (12) in its entirety and substituting instead the following language, so that as amended, the new paragraph (12) shall read:

- (12) Credentialed Wheeled Mobility Person. A health care professional, licensed under Title 63, whose scope of practice includes the authority to evaluate individuals for prescribed wheeled mobility devices and the authority to recommend them; or who has appropriately obtained the designation of ATS or ATP, meeting all requirements thereof, as established by the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA).

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, and 68-11-226.

Rule 1200-8-29-.06, Basic Agency Functions, is amended by adding the following language as new subparagraph (6)(b) and re-numbering the remaining subparagraph appropriately, so that as amended, the new subparagraph (6)(b) shall read:

- (6) (b) An agency providing prescribed wheeled mobility devices shall obtain a complete written evaluation and recommendation by a credentialed wheeled mobility person for recipients of prescribed wheeled mobility devices.

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

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 11th day of October, 2007 and will become effective on the 25th day of December, 2007. (FS 10-11-07; DBID 2727)

Addendum

Regulatory Flexibility Analysis

The amendments to Rules 1200-8-29-.01 and 1200-8-29-.06 have no economic impact to small businesses.

- (1) Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Those businesses affected are Home Medical Equipment agencies licensed in the state of Tennessee. As of September 30, 2007, Tennessee has five hundred nine (509) licensed Home Medical Equipment agencies.

- (2) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments have no increased or new reporting, recordkeeping, or other administrative costs that are required for compliance.

(3) Statement of the probable effect on impacted small businesses and consumers:

The proposed amendments shall require Home Medical Equipment agencies to have on staff ATP/ATS or individuals licensed under Title 63 to provide/meet requirements for Credentialed Wheeled Mobility Person.

(4) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

The Board does not believe there are less burdensome alternatives to the proposed rule amendments.

(5) Comparison of the proposed rule with any federal or state counterparts:

The Board is not aware of any federal counterparts.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt small businesses from the requirements contained in the proposed rule because the rule amendments directly affects licensed Home Medical Equipment agencies.