

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF DISABILITY AND AGING**

**CHAPTER 0465-02-21  
MINIMUM PROGRAM REQUIREMENTS FOR TIER 1-HOMES FOR THE AGED**

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**0465-02-21-.01 LICENSING PROCEDURES.**

- (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 Tier 1 Home for the Aged, as defined in T.C.A. § 68-11-201 and Chapter 0465-02-01, without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Licenses are not transferable or assignable and shall expire and become invalid annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the Home for the Aged.
- (2) In order to make application for a license:
  - (a) The applicant shall submit an application on a form prepared by the department.
  - (b) Each applicant for a license shall pay an annual license fee in accordance with Rule 0465-02-02-.05 for a residential site of three (3) or fewer beds.
  - (c) The issuance of an application form is in no way a guarantee that the completed application will be accepted or that a license will be issued by the department. Residents shall not be admitted to the home until a license has been issued. Applicants shall not hold themselves out to the public as being a Home for the Aged until the license has been issued. A license shall not be issued until the facility is in substantial compliance with these rules.
  - (d) The applicant must prove the ability to meet the financial needs of the facility.
  - (e) The applicant shall not use subterfuge or other evasive means to obtain a license, such as filing for a license through a second party when an individual has been denied a license or has had a license disciplined or has attempted to avoid inspection and review process.
  - (f) The applicant shall allow the residential Home for the Aged to be inspected by a Department of Disability and Aging Licensure surveyor. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Office of Licensure that must be accepted by the Office of Licensure. Once the deficiencies have been corrected, then the department shall consider the application for licensure.
- (3) Renewal.
  - (a) In order to renew a license, each residential Home for the Aged shall submit to periodic inspections by Department of Disability and Aging Licensure surveyors for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan

(Rule 0465-02-21-.01, continued)

of corrective action and shall remedy the deficiencies. In addition, each licensee shall submit a renewal form approved by the Office of Licensure and applicable renewal fee prior to the expiration date of the license.

- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.
- (c) In the event that a licensee fails to renew its license within the sixty (60) day grace period following the license expiration date, then the licensee shall reapply for a license by submitting the following to the Office of Licensure:
  - 1. A completed application for licensure; and
  - 2. The license fee provided in Rule 0465-02-02-05.
- (d) Upon reapplication, the licensee shall submit to an inspection of the facility by Department of Disability and Aging Licensure surveyors.
- (4) A license shall be issued only for the location designated and the licensee named in the application. If a Tier 1 Home for the Aged moves to a location not noted on the currently operating license, a new license will be required before residents are admitted. A licensee who plans to relocate must contact the department to inspect the new building prior to relocation.
- (5) The governing body must ensure that no more than three (3), unrelated residents are residing in an individual home at any given time. Each resident must be aged 55 or older. Any admission in excess of the licensed bed capacity is prohibited.
- (6) A separate license shall be required for each Home for the Aged when more than one home is operated under the same management or ownership.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

#### **0465-02-21-.02 POLICIES AND PROCEDURES.**

- (1) The Tier 1 Homes for the Aged must maintain written policies and procedures in a manual. The manual must include the following:
  - (a) Procedures for infection control, including as provided in subsections (1) and (2) and as required by federal law:
    - 1. Employees shall be screened or tested for tuberculosis according to the procedures of the Tennessee Department of Health. Documentation of such screening or testing shall be maintained in the employee's personnel file.
    - 2. No employee who has a reportable communicable disease is permitted to reside or work in a Home for the Aged unless the Home for the Aged has a written protocol approved by the Department of Disability and Aging.
  - (b) Requirements for ensuring safety in the event of fire as referenced in Chapter 0465-02-04. These policies and procedures minimally must ensure:

(Rule 0465-02-21-.02, continued)

1. Fire safety features of smoke detectors, fire extinguishers and two (2) alternate means of escape from sleeping rooms in the home; and
  2. Training for all staff in developing and implementing evacuation procedures within the home.
- (c) Policies and procedures establishing minimum requirements as referenced in Rules 0465-02-05-.02 and 0465-02-05-.03.
- (d) Information for the resident related to his/her rights and how to register grievances and complaints.
- (e) A written statement of policies and procedures outlining the responsibilities of the licensee to the resident and any obligation of the resident to the facility.
- (f) A written statement prohibiting an owner, responsible attendant, employee or representative thereof to act as a court-appointed guardian, trustee, or conservator for any resident of the home or any of such resident's property or funds.
- (g) A policy that the licensee cooperate in the Department's inspections, including allowing entry at any hour and providing all required records.
- (h) A policy prohibiting retaliation against or, in any manner, discrimination against any person because of a complaint made to the department, Adult Protective Services, the Comptroller of the State Treasury, the Long Term Care Ombudsman Program, or any other local, state, or federal government entity. A home shall neither retaliate nor discriminate because of information lawfully provided to these authorities, because of a person's cooperation with them or because a person is subpoenaed to testify at a hearing involving one of these authorities.
- (i) A policy requiring the licensee comply with all local laws, rules or ordinances, and with this chapter and all other applicable Office of Licensure chapters.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

**0465-02-21-.03 PROFESSIONAL SERVICES.**

- (1) The licensee must provide or procure assistance for residents in the home in locating qualified dental, medical, nursing and pharmaceutical care including care for emergencies, to the extent desired by the person.
- (2) The licensee must ensure that an annual physical examination is provided or procured for each resident, to the extent desired by the person. Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work) as determined necessary by the physician and special studies where the index of suspicion is high.
- (3) The licensee must ensure that an annual dental screening is provided or procured for each resident to the extent desired by the person.

(Rule 0465-02-21-.03, continued)

- (4) The licensee must ensure that each resident is assisted in procuring immunizations as required by the Tennessee Department of Health unless contraindicated by a physician's order or to the extent desired by the person.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

**0465-02-21-.04 PERSONNEL AND STAFFING.**

- (1) Each Home for the Aged shall:
  - (a) Have an identified responsible attendant and a sufficient number of employees to meet the needs of the residents. The responsible attendant must be at least eighteen (18) years of age and able to comply with these rules;
  - (b) Maintain documentation of the background and registry checks described in 0465-02-06-.04 and as required by T.C.A. § 52-2-1002 prior to hiring any employee;
  - (c) Ensure employees and providers are trained in First Aid and Cardiopulmonary Resuscitation (CPR);
  - (d) A personnel record must be maintained which verifies that each employee meets the respective employment requirements for the staff position held, in accordance with 0465-02-06-.04; and
  - (e) Training and development activities, which are appropriate in assisting the staff in meeting the needs of the residents, must be provided for each staff member. The provision of such activities must be evidenced by documentation in the personnel records.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

**0465-02-21-.05 RESIDENT RIGHTS.**

Each resident has at least the following rights:

- (1) To privacy in treatment and personal care;
- (2) To be free from mental and physical abuse. Should this right be violated, the facility must notify the Office of Licensure within five (5) working days of each instance. The Tennessee Department of Human Services, Adult Protective Services shall be notified immediately;
- (3) To refuse treatments as outlined in Rule 0465-02-21-.03. The resident must be informed of the consequences of that decision, and the refusal and its reason must be reported to the physician and documented in the resident's record;
- (4) To have his or her file kept confidential and private. Written consent by the resident must be obtained prior to release of information except to persons authorized by law;
- (5) To be fully informed of the Resident's Rights, of any policies and procedures governing resident conduct, any services available in the home, and the schedule of all fees for all services;

(Rule 0465-02-21-.05, continued)

- (6) To participate in drawing up the terms of the admission agreement, including providing for the resident's preferences for physician care, hospitalization, assisted living facility care, nursing home care, acquisition of medication, emergency plans and funeral arrangements;
- (7) To be given thirty (30) days written notice prior to transfer or discharge, except when ordered by any physician because a higher level of care is required;
- (8) To voice grievances and recommend changes in policies and services of the home with freedom from restraint, interference, coercion, discrimination or reprisal. The residents shall be informed of procedures for registering complaints confidentially and to voice grievances;
- (9) To manage his or her personal financial affairs, including the right to keep and spend his or her own money. If the resident requests assistance from the home in managing his or her personal financial affairs, the request may be verbal or in writing and may be terminated by the resident at any time. If the resident makes a verbal request the request must be documented in writing and signed by the resident or signed by two (2) witnesses. The home must separate such monies from the home's operating funds and all other deposits or expenditures, submit a written accounting to the resident at least quarterly, and immediately return the balance upon transfer or discharge. A current copy of this report shall be maintained in the resident's file maintained by the licensee;
- (10) To have free access to day rooms, dining and other group living or common and to come and go from the home, unless such access infringes upon the rights of other residents;
- (11) To be treated with consideration, respect and full recognition of his or her dignity and individuality;
- (12) To be accorded privacy for sleeping and for storage space for personal belongings;
- (13) To have free access to day rooms, dining and other group living or common and to come and go from the home, unless such access infringes upon the rights of other residents;
- (14) To wear his or her own clothes, to keep and use his or her own toilet articles and personal possessions;
- (15) To send and receive unopened mail;
- (16) To associate and communicate privately with persons of his or her choice, including receiving visitors at any time unless such access infringes upon the rights of other residents; and,
- (17) To participate or to refuse to participate in community activities, including cultural, educational, religious, community services, vocational and recreational activities.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

#### **0465-02-21-.06 RESIDENT RECORDS.**

- (1) An individual resident file shall be maintained for each resident in the home. Personal information, as defined in T.C.A. § 71-4-812(b), shall be confidential and shall not be disclosed, except by a court order or subpoena, to the resident, or to the department and others with written authorization from the resident. These files shall be retained for one (1) year after the resident is transferred or discharged. The resident file shall include:

(Rule 0465-02-21-.06, continued)

- (a) Name, Social Security Number, veteran status and number, marital status, age, sex, previous address and any health insurance provider and number, including Medicare and Medicaid numbers;
- (b) Name, address and telephone number of next of kin, legal guardian and any other person identified by the resident to contact on his/her behalf;
- (c) Name, address and telephone number of any person or agency providing additional services to the resident;
- (d) Date of admission, transfer, discharge and any new forwarding address;
- (e) Name and address of the resident's preferred physician, hospital, pharmacist, assisted care living facility and nursing home, and any other instructions from the resident to be followed in case of emergency;
- (f) Record any personal property of the resident valued at over \$50, with appropriate updates;
- (g) Health information including all current prescriptions, major changes in resident's habits or health status, results of physician's visits, and any health care instructions; and
- (h) A copy of the admission agreement signed and dated by the resident.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

**0465-02-21-.07 CLOTHING FOR RESIDENTS.**

- (1) The licensee must assist each resident with the least restrictive level of support and assistance needed in the selection and purchase of clothing.
- (2) Each resident must be allowed to dress him/herself in his/her own clothes and to change clothes at appropriate times according to his/her abilities.
- (3) The licensee must assist each resident in securing an adequate allowance of personally owned, individualized, clean, and seasonal clothes.
- (4) Any marking of clothing belonging to the resident for identification purposes must be done in an inconspicuous manner.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.

**0465-02-21-.08 PERSONAL SERVICES.**

- (1) Personal services must include protective care of the resident, responsibility for the safety of the resident when in the facility and the ability and readiness to intervene if crises arise. Personal services do not include nursing or medical care. Personal services must be provided by employees of the home.

(Rule 0465-02-21-.08, continued)

- (2) Assistance in reading labels, opening bottles, reminding residents of their medication, observing the resident while taking medication and checking the self-administered dose against the dosage shown on the prescription are permissible in the self-administration of medications.
- (3) All medications shall be stored so that no resident can obtain another resident's medication.
- (4) Each Tier 1 Home for the Aged shall provide access to laundry arrangements for linens for the home and for residents' clothing.
- (5) Residents shall have free access to the kitchen area and at least three (3) meals per day.
- (6) Assigned storage space for each resident to store their foods and ingredients for both perishable and non-perishable foods.
- (7) Sufficient food provision capabilities and dining space shall be provided.
- (8) Appropriate equipment and utensils for cooking and serving food shall be provided in sufficient quantity to serve all residents and must be in good repair.
- (9) The kitchen shall be maintained in a clean and sanitary condition.
- (10) The home must have a telephone accessible to all residents, which is capable of meeting the needs of the resident, to make and receive personal telephone calls twenty-four (24) hours per day.
- (11) Should the licensee admit a resident who has loss of hearing, the licensee must ensure that when the sounding of the standard fire alarm is not sufficient to notify a sleeping person who has hearing loss of the need to evacuate, must then provide a means of such notification which:
  - (a) Is independent of personal, physical contact, or notification by staff or other persons during sleep;
  - (b) Provides some mechanical means of sensory notification during sleep; and
  - (c) Is consistent in notifying the resident of the need to evacuate.

**Authority:** T.C.A. §§ 4-4-103, 4-5-208, 52-1-104, 52-1-105, 52-1-107, 52-2-301, 52-2-302, 52-2-403, 52-2-404, 52-2-406, 52-2-407, 68-11-201. **Administrative History:** Emergency rules filed August 22, 2025; effective through February 18, 2026.