

**RULES
OF
THE TENNESSEE HEALTH FACILITIES COMMISSION**

**CHAPTER 0720-43
REVIEW OF HEALTH CARE FACILITY CONSTRUCTION
PLANS AND SPECIFICATIONS**

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0720-43-.01 DEFINITIONS.

- (1) Board. The Board for Licensing Health Care Facilities.
- (2) Construction. The erection of a new building, an addition to an existing building, a change of occupancy, an alteration that reconfigures the exit arrangement, fire-resistive assemblies, or type of construction, or involves the installation of fire suppression or detection systems or fuel fired equipment. The term construction shall not be construed to include excavation or site preparation.
- (3) Department. The Department of Health.
- (4) Division. The Division of Health Care Facilities.
- (5) Health care facility. Includes any hospital, nursing home, home for the aged, birthing center, ambulatory surgical treatment center, residential HIV supportive living facility, adult care home level 2, assisted care living facility, outpatient diagnostic center, prescribed child care center, end stage renal dialysis clinic, residential hospice, or traumatic brain injury residential home required to be licensed in accordance with Tennessee Code Annotated § 68-11-201.
- (6) N.F.P.A. The National Fire Protection Association.
- (7) Occupancy type. Business occupancy, residential occupancy, health care occupancy as defined by the current approved edition of the Life Safety Code (NFPA 101) by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§ 4-5-202, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.
Administrative History: Original rule filed April 10, 2000; effective June 24, 2000. Amendment filed February 18, 2003; effective May 4, 2003. Amendments filed January 14, 2020; effective April 13, 2020. Transferred from chapter 1200-24-05 pursuant to Public Chapter 1119 of 2022 effective July 1, 2022.

0720-43-.02 SUBMISSION OF PLANS.

- (1) No person, partnership, association, corporation, or any state, county or local government unit, or any division, department, board or agency thereof shall commence construction of any health care facility until plans and specification have been submitted to and approved in writing by the Department.
- (2) Any construction may be undertaken prior to approval of final plans and specification if:
 - (a) The phased plans adequately describing the nature and scope of the project have been submitted to the Department; and

(Rule 0720-43-.02, continued)

- (b) Complete plans and specification for that phase of construction to be undertaken have been submitted to the Department, and such plans and specifications have been approved in writing.
- (3) The Department has failed to transmit a written evaluation of such plans and specifications within thirty (30) working days after receipt thereof.
- (4) In the event that submitted materials do not appear to satisfactorily comply with the existing codes, the department shall furnish a letter to the party submitting the plans which shall list the particular items in question and request further explanation and/or confirmation of necessary modifications.
- (5) Resubmission of the complete plans and specifications for any proposed project which is identical in structure and interior arrangement to one already reviewed and approved in accordance with this chapter is required, however, the Department may reduce the review fee for resubmission.

Authority: T.C.A. §§ 4-5-202, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.
Administrative History: Original rule filed April 10, 2000; effective June 24, 2000. Transferred from chapter 1200-24-05 pursuant to Public Chapter 1119 of 2022 effective July 1, 2022.

0720-43-.03 FEES.

- (1) The fee schedule for review of plans and specifications for construction shall be specified in the following table:

Total Project Construction Cost	Fee
\$0.00 to \$1,000,000.00 minimum)	\$2.50 per thousand or fraction thereof (\$250.00
\$1,000,000.01 or more	\$2,500.00 for the first \$1,000,000.00 plus \$2.00 for each additional thousand or fraction thereof.
- (2) The fee shall be payable and due at the time of initial submission of plans and specifications.
 - (a) The fee for obtaining a letter stating that plans are not required to be reviewed (a “no review letter”) shall be one hundred dollars (\$100.00).
 - (b) The fee shall be applied to the fee for review of plans and specifications for construction if it is determined that plans are required to be reviewed.
- (3) The fee for review of plans and specifications for minor renovations, locking hardware, hood and duct suppression shall be three hundred dollars (\$300.00).
- (4) The fee for review of plans and specifications for Homes for the Aged (RHAs) licensed for six (6) beds or fewer shall be three hundred dollars (\$300.00).
- (5) An additional fee of fifteen dollars (\$15.00) per building project for receiving plans or specifications electronically shall be applied.
- (6) For those making payment by card, an internet payment processing fee, not to exceed two and one half percent (2.5%) of the total fee, to be used solely to defray the costs of any payments processed electronically, shall be applied.

(Rule 0720-43-.03, continued)

- (7) For those making electronic check (e-check) payments, an internet payment processing fee, not to exceed one dollar (\$1.00), to be used solely to defray the costs of any payments processed electronically, shall be applied.
- (8) Filing fees are non-refundable and must be received by the Department prior to beginning the required thirty-day review cycle.
- (9) If plans and specifications must be resubmitted due to the expiration of the twelve (12) month approval period as specified under Rule 0720-43-.04, a new fee established under these rules shall be imposed. Extensions to the approval period may be granted upon submission of written request to the Department.
- (10) The Department may require appropriate documentation of cost, such as, contractors' bids or invoices if:
 - (a) In its opinion, the construction cost of a project has been underestimated in the certification submitted pursuant to these rules; or
 - (b) The scope of a project is substantially revised after initial plans submission.

Authority: T.C.A. §§ 4-5-202, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 68-11-804.
Administrative History: Original rule filed April 10, 2000; effective June 24, 2000. Amendment filed February 28, 2002; effective May 14, 2002. Amendments filed January 3, 2012; effective April 2, 2012. Amendments filed January 14, 2020; effective April 13, 2020. Transferred from chapter 1200-24-05 pursuant to Public Chapter 1119 of 2022 effective July 1, 2022.

0720-43-.04 APPROVAL OF PLANS.

- (1) Plans and specifications submitted pursuant to these rules shall be approved only if the proposed construction would be in compliance with the minimum standards of fire prevention, fire protection, and building construction safety in effect at the time of initial submission.
- (2) No final approval of plans and specifications shall be valid unless the construction represented by such plans and specifications has substantially progressed within twelve (12) months after the effective date of any adopted revisions of the building or codes standards in effect at the time of initial submission.
- (3) A copy of the approved plans and specifications shall be retained on the job site through completion of the project and final inspection.
- (4) Construction shall proceed in accordance with the plans and specifications as approved hereunder. If construction is completed in accordance with the approved plans and specifications, the building represented by such plans and specifications shall be exempt from subsequently adopted standards of fire prevention, fire protection, and building construction safety, unless the non-conformity of the building to such standards poses a serious life safety hazard.
- (5) No approval of, or failure to review, plans and specifications by the Department shall relieve the owner, developer, designing architect or engineer of their respective responsibilities for compliance with applicable laws, rules or codes respecting fire prevention, fire protection, and building construction safety.

Authority: T.C.A. §§ 4-5-202, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.
Administrative History: Original rule filed April 10, 2000; effective June 24, 2000. Transferred from chapter 1200-24-05 pursuant to Public Chapter 1119 of 2022 effective July 1, 2022.

0720-43-.05 INSPECTION OF CONSTRUCTION.

- (1) When the Department inspects any construction pursuant to these rules, the inspector shall determine only whether the construction conforms to the approved plans and specification; except, however, that if such plans and specifications are not specific with respect to any applicable standard, the inspection shall be made to that standard.
- (2) If upon final inspection or re-inspection of the completed project, the Department's inspector finds that only minor items remain to be completed or corrected which do not significantly affect the health or safety of the occupants, the inspector shall recommend to the Department permission to occupy, pending completion or correction of such items.

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

Administrative History: Original rule filed April 10, 2000; effective June 24, 2000. Transferred from chapter 1200-24-05 pursuant to Public Chapter 1119 of 2022 effective July 1, 2022.