

Department of Health
Notice of Rulemaking Hearing
Board of Nursing
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Nursing to consider the promulgation of amendments to rules and new rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-7-207. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 5th Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 19th day of May, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Flr., Cordell Hull Building, 425 5th Ave. N., Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 1000-1-.01, Licensure by Examination, is amended by adding the following language as new subparagraph (1) (e) and renumbering the remaining subparagraph accordingly, and is further amended by deleting paragraphs (5) and (6) in their entirety, so that as amended, the new subparagraph (1) (e) shall read:

- (1) (e) Part of this application shall be the result of a criminal background check which the applicant has caused to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-115, and 63-7-207.

Rule 1000-1-.02, Licensure Without Examination: By Interstate Endorsement, is amended by adding the following language as new subparagraph (1) (e) and renumbering the remaining subparagraph accordingly, and is further amended by deleting paragraph (4) in its entirety, so that as amended, the new subparagraph (1) (e) shall read:

- (1) (e) Part of this application shall be the result of a criminal background check which the applicant has caused to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-115, and 63-7-207.

Rule 1000-2-.01, Licensure by Examination, is amended by adding the following language as new subparagraph (1) (e) and renumbering the remaining subparagraph accordingly:

- (1) (e) Part of this application shall be the result of a criminal background check which the applicant has caused to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-115, and 63-7-207.

Rule 1000-2-.02, Licensure Without Examination: By Interstate Endorsement, is amended by adding the following language as new subparagraph (1) (e) and renumbering the remaining subparagraph accordingly, and is further amended by deleting paragraph (4) in its entirety, so that as amended, the new subparagraph (1) (e) shall read:

- (1) (e) Part of this application shall be the result of a criminal background check which the applicant has caused to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-115, and 63-7-207.

New Rules

Table of Contents – Chapter 1000-1 Rules and Regulations of Registered Nurses

1000-1-.18 Free Health Clinic and Volunteer Practice Requirements

Table of Contents – Chapter 1000-2 Rules and Regulations of Licensed Practical Nurses

1000-2-.17 Free Health Clinic and Volunteer Practice Requirements

1000-1-.18 Free Health Clinic and Volunteer Practice Requirements.

- (1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

- (a) Any nurse licensed to practice in this state or any other state who has not been disciplined by any nursing licensure board may have their license converted to or receive a Tennessee "Special

Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:

1. Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and
 2. For nurses who have not been licensed in Tennessee, comply with all provisions of paragraph (1) of rule 1000-1-.02 and, if applicable, the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
 3. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic’s private, and not-for-profit status.
- (b) A nurse holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board’s biennial birthdate renewal system
- (c) A nurse holding a Special Volunteer License may not do any of the following:
1. Practice nursing anywhere other than in the free health clinic site or setting specified in the application; and
 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and
 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Special Volunteer applicants and licensees are subject to all of the following:

1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rule 1000-1-.03, except those requiring the payment of any fees; and
 2. The rules governing continuing nursing competence as provided by rule 1000-1-.14; and
 3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses issued by the Board.
- (2) Practice Pursuant to the "Volunteer Health Care Services Act" T.C.A. §§ 63-6-701, et seq.
- (a) Any nurse licensed in this or any other state, territory, district or possession of the United States whose license is not under a disciplinary order of suspension or revocation may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (b) Any nurse who may lawfully practice in this or any other state, territory, district or possession of the United States under an exemption from licensure and who is not under a disciplinary order of suspension or revocation and who is not and will not "regularly practice," as defined by T.C.A. § 63-6-703 (3) may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (c) A nurse or anyone who practices under an exemption from licensure pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
 - (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice

only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-201, 63-6-701 through 707, 63-7-102, 63-7-104, 63-7-105, 63-7-207, and 63-7-210.

1000-2-.17 Free Health Clinic and Volunteer Practice Requirements

(1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

- (a) Any nurse licensed to practice in this state or any other state who has not been disciplined by any nursing licensure board may have their license converted to or receive a Tennessee “Special Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:
 - 1. Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and
 - 2. For nurses who have not been licensed in Tennessee, comply with all provisions of paragraph (1) of rule 1000-2-.02 and, if applicable, the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, *et seq.*; and
 - 3. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic’s private, and not-for-profit status.
- (b) A nurse holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board’s biennial birthdate renewal system
- (c) A nurse holding a Special Volunteer License may not do any of the following:
 - 1. Practice nursing anywhere other than in the free health clinic site or setting specified in the application; and

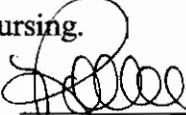
2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and
 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Special Volunteer applicants and licensees are subject to all of the following:
1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 1000-2-.03, except those requiring the payment of any fees; and
 2. The rules governing continuing nursing competence as provided by rule 1000-2-.14; and
 3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses issued by the Board.
- (2) Practice Pursuant to the "Volunteer Health Care Services Act" T.C.A. §§ 63-6-701, et seq.
- (a) Any nurse licensed in this or any other state, territory, district or possession of the United States whose license is not under a disciplinary order of suspension or revocation may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (b) Any nurse who may lawfully practice in this or any other state, territory, district or possession of the United States under an exemption from licensure and who is not under a disciplinary order of suspension or revocation and who is not and will not "regularly practice," as defined by T.C.A. § 63-6-703 (3) may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.

- (c) A nurse or anyone who practices under an exemption from licensure pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-201, 63-6-701 through 707, 63-7-102, 63-7-108, 63-7-109, 63-7-207, and 63-7-210.

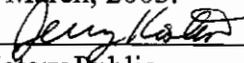
Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 1st Fl., Cordell Hull Building, 425 5th Ave. N., Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Nursing.



 Robbje H. Bell, Director
 Health Related Boards

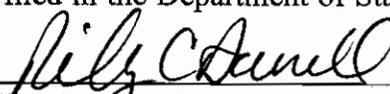
Subscribed and sworn to before me this the 3rd day of March, 2005.



 Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the 4 day of March, 2005.



 Riley C. Darnell
 Secretary of State

By: 

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