

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 03-05-13
Rule ID(s): 5388
File Date: 3/1/13
Effective Date: 3/1/13

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Tennessee Student Assistance Corporation
Division:	Higher Education
Contact Person:	Peter Abernathy, Senior Associate Executive Director and Attorney
Address:	Suite 1510, Parkway Towers, 404 James Robertson Parkway, Nashville, TN
Zip:	37243
Phone:	615.532.6065
Email:	Peter.Abernathy@tn.gov

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

Tennessee 2012 Public Chapter 519 T.C.A. mandates that for the purposes of promulgation of the rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.

T.C.A. §§ 56-1-312 and 63-1-141 direct TSAC to work with the Department of Commerce and Insurance and the Department of Health, respectively, to pursue disciplinary action against individuals holding professional licenses or certificates who have defaulted on their federal student loans. Additionally, Tennessee 2012 Public Chapter 519 expanded the current notification requirements to other state licensing authorities, including the State Board of Education, Ethics Commission, Secretary of State, and Supreme Court.

The submitted rule Chapter 1640-01-23 Procedures Affecting Professional Licenses outlines the steps to be taken in the notification process and thereby require immediate implementation.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1640-01-23	Procedures Affecting Professional Licenses
Rule Number	Rule Title
1640-01-23-.01	Introduction
1640-01-23-.02	Definitions
1640-01-23-.03	Determination of Default
1640-01-23-.04	Notice Prior To Issuing an Order or Notice of Default
1640-01-23-.05	Hearings and Order or Notice of Default
1640-01-23-.06	Order to Terminate Suspension or Notice of Compliance
1640-01-23-.07	Subsequent Suspensions or Defaults

Chapter 1640-01-23
Procedures Affecting Professional Licenses

New

1640-01-23-.01 INTRODUCTION.

- (1) These rules implement the process whereby professional licenses, certificates, and registrations authorized by the state of Tennessee may be subject to disciplinary action for default on a repayment or service obligation under any Federal Family Education Loan program, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

1640-01-23-.02 DEFINITIONS.

- (1) Borrower: An individual who owes a balance on a federal family education loan program loan, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.
- (2) Default: The failure of a borrower to make installment payments when due on a repayment or service obligation under any federal family education loan program, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan program, provided that this failure persists for the most recent period of 270 consecutive days (for a loan repayable in monthly installments) or the most recent period of 330 consecutive days (for a loan repayable in less frequent installments).

Default may also occur if a borrower has failed to enter into a payment plan, fulfill a service obligation, or comply with a payment plan previously approved by TSAC.
- (3) Delinquency: A period that begins on the first day following the due date of a payment when the borrower fails to make the equivalent of one full payment as established in the approved payment agreement.
- (4) Discharge: The release of a borrower from all or a portion of the borrower's loan obligation due to school closure, death, total and permanent disability, false certification, or other conditions specified by court order.
- (5) Due Date: The date that payment is due as established by the lender or TSAC.

- (6) Eligible Payment: A fully negotiated voluntary payment made by the borrower, which may include administrative wage garnishment, but does not include U.S. or state of Tennessee Treasury offsets.
- (7) FFELP: Federal Family Education Loan Program.
- (8) License: A license, certification, registration, permit, approval or other similar document issued by the state of Tennessee to an individual evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry.
- (9) Licensee: An individual who holds a license, certification, registration, permit, approval or other similar document issued by a granting authority in the state of Tennessee to engage in a profession, trade, occupation, business, or industry.
- (10) Licensing Authority: A department, division, board, commission, committee, agency or other state of Tennessee governmental entity that has been established by statute or regulation to oversee the issuance and regulation of any license.
- (11) Notice of Compliance: A notice issued by TSAC to the Tennessee Supreme Court or the Tennessee State Board of Education that the borrower has paid the debt in full, entered into a payment plan, complied with a payment plan previously entered into and approved by TSAC, is otherwise in satisfactory compliance, or has entered into a service obligation.
- (12) Notice of Default: A notice issued by TSAC to the Tennessee Supreme Court or the Tennessee State Board of Education advising that the borrower has been determined to be in default on a repayment or service obligation under any federal family education loan program, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.
- (13) Notice of Intent to File an Order of Default: A notice issued to the borrower by TSAC advising the borrower of its intent to file an order with the appropriate licensing authority to suspend, deny, or revoke the borrower's license unless certain conditions are met.
- (14) Notice of Intent to issue a Notice of Default: A notice issued to the borrower by TSAC advising the borrower whose license is issued by the Tennessee Supreme Court or the Tennessee Board of Education of its intent to issue a notice with the appropriate licensing authority unless certain conditions are met.
- (15) Order of Default: An order issued by TSAC to the appropriate licensing authority requesting to suspend, deny, or revoke the license of the licensee determined to be in default, and, further requesting the borrower to refrain from engaging in the activity for which a license has been issued.
- (16) Order to Terminate Suspension: An order issued by TSAC to the appropriate licensing authority to terminate the suspension, denial, or revocation of a license upon TSAC's determination that the borrower has paid the debt in full, entered into a payment plan, complied with a payment plan previously entered into and approved by TSAC, is otherwise in satisfactory compliance, or has entered into a service obligation.
- (17) Regularly: As it relates to requesting names of licensees from licensing authorities and generating lists of those in default or eligible for reinstatement, a frequency that both TSAC and each individual licensing authority agree upon but no less than annually.
- (18) Satisfactory Payment Agreement: An arrangement between the borrower and TSAC which satisfies the borrower's payment obligation, which may include voluntary payments, administrative wage garnishment, deferment, or forbearance.

- (19) Service-Conditional Scholarship Program: A state or federal loan forgiveness program that requires the recipient of an educational loan to sign a promissory note stipulating a service obligation in exchange for loan forgiveness.
- (20) TSAC: Tennessee Student Assistance Corporation.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

1640-01-23-.03 DETERMINATION OF DEFAULT.

- (1) TSAC shall regularly request a list of licenses from those licensing authorities authorized by the state of Tennessee to issue any license granting an individual authority to engage in a profession, trade, or occupation.
- (2) TSAC shall request that the licensing authority submit the licensee information in a format acceptable to TSAC and contain, if collected by the licensing authority, the following information:
 - (a) Name, (Last, First, Middle Initial);
 - (b) A minimum of the last four digits of the Social Security Number, provided that the Social Security Number is not a public record and shall only be used by TSAC for purposes related to the administration of these rules;
 - (c) Address (Street, City, State, and ZIP-Plus4-Plus2);
 - (d) Date of Birth (MMDDYYYY);
 - (e) Professional License Number;
 - (f) Type of license held; and
 - (g) Licensing Authority.
- (3) TSAC shall regularly generate a list of all defaulted borrowers to match against the list of licensees to determine those licensees that are in default.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

1640-01-23-.04 NOTICE PRIOR TO ISSUING AN ORDER OR NOTICE OF DEFAULT.

- (1) Following a match against the list of licenses from a licensing authority, TSAC shall serve notice to the licensee, personally or by certified mail with return receipt requested. Service of process will be considered sufficient if the return receipt requested is refused or unclaimed as noted by the postal authority. The notice shall advise the borrower of TSAC's intent to file an Order of Default with the appropriate licensing authority ninety (90) days after service to suspend, deny or revoke the borrower's license unless the borrower:
 - (a) Pays the entire debt as stated in the notice;
 - (b) Enters into a payment plan or service obligation, or complies with a payment plan previously entered into and approved by TSAC;
 - (c) Requests and qualifies for deferment, forbearance, or other satisfactory compliance; or
 - (d) Requests a hearing before TSAC.

- (2) The service and compliance requirements of this Rule 1640-01-23-.04 shall apply to those borrowers whose license has been issued by the Tennessee Supreme Court or the Tennessee State Board of Education, except that upon failure to comply with the requirements stated in the notice TSAC shall issue a Notice of Default to the appropriate licensing authority, advising only that the borrower is in default.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

1640-01-23-.05 HEARINGS AND ORDER OR NOTICE OF DEFAULT.

- (1) Hearing requests by the borrower must be made in writing and received by TSAC within twenty (20) days of the date the initial notice of default or delinquency is served.
- (2) Upon receipt of a request for a hearing from the borrower, TSAC shall schedule a hearing to determine whether determination of delinquency or default which could result in suspension, denial, or revocation of the license is appropriate. The borrower's license may not be suspended, denied, or revoked until a determination is reached following the hearing. The issues that may be determined in the hearing are:
 - (a) The amount of the debt, if any;
 - (b) Whether the borrower is delinquent or in default; or
 - (c) Whether the borrower:
 1. Has entered into a payment plan or service obligation approved by TSAC;
 2. Is willing to enter into a payment plan or service obligation approved by TSAC;
 3. Is willing to comply with a payment plan or service obligation previously entered into and approved by TSAC or the guarantee agency; or
 - (d) Whether the debtor is eligible for deferment, forbearance, or other satisfactory compliance.
- (3) If a borrower, without good cause, fails to respond to the notice of intent, fails to timely request a hearing, or fails to appear at a regularly scheduled hearing, the borrower's defenses, objections, or request for a payment plan or compliance with a payment plan may be determined to be without merit; and TSAC shall enter a final decision and order, requesting suspension, denial, or revocation of the borrower's license, and further requesting the licensing authority to order the borrower to refrain from engaging in the activity for which a license has been issued.
- (4) Paragraphs (1), (2), and (3) of this rule 1640-01-23-.05 shall apply to those borrowers licensed under the Tennessee Supreme Court or Tennessee State Board of Education, except TSAC shall enter a final determination and issue a Notice of Default to the appropriate licensing authority.
- (5) TSAC shall send a copy of the Order or Notice of Default to the licensing authority and the borrower.
- (6) The administrative hearings shall be conducted in accordance with the rules and regulations adopted under the Uniform Administrative Procedures.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

1640-01-23-.06 ORDER TO TERMINATE SUSPENSION OR NOTICE OF COMPLIANCE.

- (1) Once the debt has been paid in full, a payment plan acceptable to TSAC has been entered into and a payment has been received by TSAC, or a service obligation is fulfilled, the borrower shall be eligible for reinstatement and TSAC shall issue an Order to Terminate Suspension to the appropriate licensing authority to terminate the suspension, denial, or revocation, restoring or reinstating the license that was previously suspended, revoked, or denied, except that
 - (a) TSAC shall issue a Notice of Compliance to the Tennessee Supreme Court or the Tennessee State Board of Education.
- (2) TSAC shall send a copy of the Order to Terminate Suspension to the borrower notifying the borrower that the suspension, denial, or revocation has been rescinded and puts the borrower on notice for actions of subsequent defaults, except that
 - (a) TSAC shall send a copy of the Notice of Compliance to those borrowers whose license has been issued by the Tennessee Supreme Court or the Tennessee State Board of Education.
- (3) TSAC shall regularly compile a list of all borrowers determined to be eligible for reinstatement.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

1640-01-23-.07 SUBSEQUENT SUSPENSIONS OR DEFAULTS.

- (1) Following an initial reinstatement, should a licensee fail to comply with the agreed payment plan or service obligation, a subsequent Order of Default shall immediately be issued to the appropriate licensing authority requesting the suspension, revocation, or denial of the borrower's license, and further requesting the licensing authority to order the licensee to refrain from engaging in the activity for which a license has been issued, except that
 - (a) For those licensed by the Tennessee Supreme Court or the Tennessee State Board of Education who fail to comply with the agreed payment plan or service obligation, a subsequent Notice of Default shall immediately be issued to the Tennessee Supreme Court or the Tennessee State Board of Education.
- (2) A second default or delinquency by the same borrower will result in the requirement of three (3) consecutive monthly payments before the borrower can be eligible for reinstatement. All subsequent defaults or delinquencies by the same borrower will result in the requirement of four (4) consecutive monthly payments before the borrower can be eligible for reinstatement, except that
 - (a) For those licensed by the Tennessee Supreme Court or the Tennessee State Board of Education who have a second Notice of Default issued to the Tennessee Supreme Court or the Tennessee State Board of Education, three (3) consecutive monthly payments shall be required before TSAC will issue a Notice of Compliance. Furthermore, all subsequent Notices of Default by the same borrower will result in the requirement of four (4) consecutive monthly payments before a Notice of Compliance will be issued.
- (3) The borrower shall be notified in both the initial Order or Notice of Default and the payment agreement plan that all subsequent defaults or delinquencies will result in an immediate issuance of an Order or Notice of Default to the appropriate licensing authority.

Authority: T.C.A. §§ 49-4-203, 49-4-204, 56-1-312, 63-1-141, and 2012 Public Acts, Chapter 519.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Haslam, by Mr. Mark Cate	X				
Dr. Richard Rhoda	X				
Dr. Claude Pressnell	X				
Mr. David H. Lillard, Jr., by Joy Harris	X				
Comptroller Justin P. Wilson, by Ms. Faye Weaver	X				
Commissioner Mark Emkes, by Greg Turner	X				
Commissioner Kevin Huffman, by Mr. Morgan Branch	X				
Chancellor John Morgan by David Gregory	X				
Dr. Joe Dipietro, by Dr. Keith Carver	X				
Gary Weedman	X				
Dr. J. Gary Adcox	X				
Mr. Jeff Gerkin	X				
Mr. William Samuel Stuard, Jr.	X				
Mr. Will Pinkston	X				
Mr. LaSimba Gray	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TSAC Board of Directors on 09/27/2012, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 10-11-12

Signature: Richard Rhoda

Name of Officer: Richard G. Rhoda

Title of Officer: Executive Director

Subscribed and sworn to before me on: 10/11/12

Notary Public Signature: Constance A. [Signature]

My commission expires on: 1/7/2013

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Signature]

Robert E. Cooper, Jr.
Attorney General and Reporter

1-16-13
Date

Department of State Use Only

Filed with the Department of State on: 3/1/13

Effective on: 3/1/13

[Signature]

Tre Hargett
Secretary of State

RECEIVED
2013 MAR -1 PM 12:30
OFFICE OF
SECRETARY OF STATE

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

The agency shall consider without limitation, certain methods of reducing the impact of the proposed rule on small businesses while remaining consistent with health, safety and well-being and those methods are as follows: the extent to which the proposed rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules; clarity, conciseness, and lack of ambiguity in the proposed rule or rules; the establishment of flexible compliance and/or reporting requirements for small businesses; the establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses; the consolidation or simplification of compliance or reporting requirements for small businesses; the establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule; and the unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

Description of Proposed Rules

The Tennessee Student Assistance Corporation (TSAC) intends to file the proposed rules pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing for the new rules Chapter 1640-01-23 Procedures Affecting Professional Licenses. It is the intent of TSAC to promulgate these rules without a public rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days after the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

The proposed rules implement the process whereby professional licenses, certificates, and registrations authorized by the state of Tennessee may be subject to disciplinary action for default on a repayment or service obligation under any Federal Family Education Loan program, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

Regulatory Flexibility Analysis - Methods of Reducing the Impact of Rules on Small Businesses

1. Overlap, duplicate, or conflict with other federal, state, and local governmental rules:

The proposed rules will not overlap, duplicate, or conflict with other federal, state, and local governmental rules.

2. Clarity, conciseness, and lack of ambiguity in the rule or rules:

The proposed rules were patterned to ensure clarity and conciseness of the language of the rules and to eliminate possible ambiguity in the interpretation of the rules.

3. Flexible compliance and/or reporting requirements for small businesses:

The proposed rules were drafted to facilitate administration of the program for all Tennessee state licensing authorities.

4. Friendly schedules or deadlines for compliance and/or reporting requirements:

TSAC has met with and provided a copy of these rules to the Tennessee Board of Professional Responsibility, the Tennessee Bar Association, and the Tennessee State Board of Education. No comments or concerns regarding these rules or the schedules and deadlines for compliance and/or reporting requirements have been expressed by any of these entities.

5. Consolidation or simplification of compliance or reporting requirements:

The proposed rules were drafted to ensure solid, easily interpreted, compliance and reporting requirements.

6. Performance standards for small businesses:

TSAC expects all Tennessee state licensing authorities engaged in the administration of the procedures affecting professional licenses to comply with all applicable rules.

7. Barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs:

The proposed rules do not contain any foreseeable inhibitors to small business entrepreneurial activities.

Furthermore, the statute requires that the agency, as part of the rulemaking process for any proposed rule that may have an impact on small businesses, shall prepare an economic impact statement as an addendum for each rule. The statement shall include the following: the type or types of small businesses 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 rules; the 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; a statement of the probable effect on impacted small businesses and consumers; a 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 businesses; a comparison of the proposed rule with any federal or state counterparts; and analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Economic Impact Statement

1. Types of small businesses directly affected:

Not Applicable. These rules affect only those Tennessee entities responsible for the issuance of professional licenses.

2. Projected reporting, recordkeeping, and other administrative costs:

There are no significant reporting, recordkeeping, or other administrative costs that will result from the promulgation of these proposed rules.

3. Probable effect on small businesses:

Not Applicable. The proposed rules implement a program whereby Tennessee state licensing authorities will implement procedures affecting professional licenses.

4. Less burdensome, intrusive, or costly alternative methods:

As these proposed rules present no foreseeable cost to small businesses, there is no alternative method to propose.

5. Comparison with federal and state counterparts:

There are no federal or state counterparts to the issues addressed by these proposed rules.

6. Effect of possible exemption of small businesses:

There will be no exemptions created by these proposed rules.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments."

The rules for the Procedures Affecting Professional Licenses Chapter 1640-01-23, as proposed, shall have no projected impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule acts to adopt the Procedures Affecting Professional Licenses Chapter 1640-01-23 as proposed rules. These rules implement the process whereby professional licenses, certificates, and registrations authorized by the state of Tennessee may be subject to disciplinary action for default on a repayment or service obligation under any Federal Family Education Loan program, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

As these rules are proposed as new rules there are no previous regulations effectuated by such rules.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§ 56-1-312 and 63-1-141 direct TSAC to work with the Department of Commerce and Insurance and the Department of Health, respectively, to pursue disciplinary action against individuals holding professional licenses or certificates who have defaulted on their federal student loans. Additionally, Tennessee 2012 Public Chapter 519 expanded the current notification requirements to other state licensing authorities, including the State Board of Education, Ethics Commission, Secretary of State, and Supreme Court.

T.C.A. § 49-4-204 and PC519 authorizes TSAC to promulgate rules to effectuate the purposes of the statutes.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

TSAC, the Tennessee Department of Commerce and Insurance and the Department of Health, as well as the Tennessee State Board of Education, Ethics Commission, Secretary of State, and Tennessee Supreme Court, are most directly affected by these proposed rules.

TSAC has met with, and/or provided a copy of the proposed rules to the aforementioned entities and has received no comments or concerns regarding the proposed rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

Op. Tenn. Att'y Gen. 12-22 (February 22, 2012) stated that legislation providing for the revocation of a professional license when a debtor is delinquent or in default on student loan obligation is constitutionally defensible as it relates to the state interest of compelling the repayment of student loans and provides sufficient due process to protect the rights of debtors.

Op. Tenn. Att'y Gen. 10-24 (March 1, 2010) stated that an act requiring the Tennessee Supreme Court, which has primary authority to regulate the practice of law including the requirements for professional licenses, to establish guidelines regarding the consequences on attorney licenses for defaulting on a student loan would violate Article II, Section 1 and 2, of the Tennessee Constitution. However, the proposed rules do not require the Tennessee Court to establish the guidelines, nor does TSAC order the court to take disciplinary action; rather it advises the Supreme Court of the attorney's default.

Op. Tenn. Att'y Gen. 02-059 (May 5, 2002) stated that proposed legislation concerning the suspension or revocation of professional licenses of health care professionals who fail to comply with federal or state guaranteed loans or with a service obligation of a loan forgiveness program did not violate either state or federal constitution, particularly as it pertains to the equal protection clause.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no financial impact resulting from the proposed rule changes.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Peter Abernathy, TSAC Senior Associate Executive Director and Staff Attorney, and Jane Pennington, TSAC Associate Executive Director for Loan Administration.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Peter Abernathy, TSAC Senior Associate Executive Director and Staff Attorney, and Jane Pennington, TSAC Associate Executive Director for Loan Administration.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and Peter Abernathy
Senior Associate Executive Director and Staff Attorney
Tennessee Student Assistance Corporation
Suite 1510, Parkway Towers
404 James Robertson Parkway
Nashville, TN 37243
615.532.6065
Peter.Abernathy@tn.gov

Jane Pennington
TSAC Associate Executive Director for Loan Administration.
Tennessee Student Assistance Corporation
Suite 1510, Parkway Towers
404 James Robertson Parkway
Nashville, TN 37243
615.253.7487
Jane.Pennington@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There is none received to date.