

**Department of State**  
**Division of Publications**  
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**For Department of State Use Only**

Sequence Number: 05-31-10  
 Rule ID(s): 4729  
 File Date: 05/27/2010  
 Effective Date: 08/25/2010

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

**Agency/Board/Commission:** Tennessee Private Probation Services Council  
**Division:** Division of Regulatory Boards  


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**Contact Person:** Adrian Chick  
**Address:** 500 James Robertson Parkway, 12<sup>th</sup> Floor  
 Nashville, Tennessee 37243  


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**Phone:** (615) 741-3072  
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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**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
1177-01	Application, Registration and Fee Requirements
Rule Number	Rule Title
1177-01-.06	Education and Experience

Chapter Number	Chapter Title
Rule Number	Rule Title

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chris Craft	x				
J. Klyne Lauderbach	x				
Judy W. Harvey				x	
John P. Hudson	x				
Hugh Harris Harvey	x				
Dena McCollough	x				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Private Probation Services Council on 12/04/2009 and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/04/2009

Rulemaking Hearing(s) Conducted on: (add more dates). 12/04/2009

Date: 12/30/2009

Signature: Adrian Chick

Name of Officer: Adrian Chick

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: December 30, 2009

Notary Public Signature: Patricia A. Turner

My commission expires on: 3-7-2011

All rulemaking hearing 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.

Robert E. Cooper, Jr.  
 Attorney General and Reporter  
5-21-10  
 Date

**Department of State Use Only**

Filed with the Department of State on: 5/27/10

Effective on: 8/25/10

Tre Hargett  
 Tre Hargett  
 Secretary of State

## **Public Hearing Comments**

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No public comments were received.

### **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.

(If applicable, insert Regulatory Flexibility Addendum here)

#### Economic Impact Statement:

1. The 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, or directly benefit from the proposed rule;

The proposed rule would apply to all private probation entities and employees regardless of size.

2. 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;

The proposed rule does not create any additional reporting, recordkeeping or other costs for compliance.

3. A statement of the probable effect on impacted small businesses and consumers;

The proposed rule will have no particular effect on small businesses, and will affect all businesses, regardless of size, in the same way.

4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome on small businesses;

The proposed rule is not burdensome, intrusive or costly. There are no alternative methods of achieving the purpose and objectives of the proposed rules.

5. A comparison of the proposed rule with any federal or state counterparts;

The proposed rule mirrors T.C.A. § 40-35-302(g)(1)(B) as amended by Chapter 124, Public Acts of 2009, Section 2, effective May 4, 2009.

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

There are no small business exemptions that would be consistent with the protection of the public health, safety and welfare.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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;

Rule 1177-01-.06 sets forth the minimum education standards required for employees of private probation entities. The amendment to Rule 1177-01-.06 removes the requirement that an associate's degree must be in the field of criminal justice, administration, social work, or behavioral science.

- (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;

Amended Rule 1177-01-.06 mirrors T.C.A. § 40-35-302(g)(1)(B) which was amended by Chapter 124 of the Public Acts of 2009, Section 2 effective May 5, 2009.

- (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;

This rule applies to all private probation entities.

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

There are no known opinions of the attorney general and reporter relating to this rule.

- (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;

The fiscal impact, if any, of this rule is minimal.

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

Adrian Chick, Asst. General Counsel

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

Adrian Chick, Asst. General Counsel

- (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

500 James Robertson Parkway, 12<sup>th</sup> Floor, Nashville, TN 37243 (615) 741-3072

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

There is no addition information relevant to the rule.

*Redline / No Signature Needed*

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1177-01-.06	Education and Experience

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(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1177-01  
Application, Registration and Fee Requirements

Amendment

Rule 1177-01-.06 Education and Experience is amended by deleting the language following "university" in subparagraph (1)(b) so that, as amended, the subparagraph shall read as follows:

- (b) Each employee who is responsible for providing probation supervision shall have at least four (4) years of experience in a criminal justice or a social services agency providing counseling services or shall have a bachelor's and/or an associate's degree from an accredited college or university ~~in any of the following fields: criminal justice, administration, social work, or the behavioral sciences.~~

Authority: T.C.A. §§ 16-3-909 and 40-35-302(g)(1)(B) and Chapter 124 of the Public Acts of 2009, § 2.