

**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: 06-36-12  
 Rule ID(s): 5230  
 File Date: 6/22/12  
 Effective Date: 11/28/12

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	Health Services and Development Agency
<b>Division:</b>	N/A
<b>Contact Person:</b>	Jim Christoffersen
<b>Address:</b>	Andrew Jackson Bldg., Suite 850, 500 Deaderick St., Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-2364
<b>Email:</b>	jim.christoffersen@tn.gov

**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
0720-08	Conduct of Business
Rule Number	Rule Title
0720-08-.04	Access To Agency Records.

Chapter Number	Chapter Title
Rule Number	Rule Title

(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>)

Amendment

0720-.08-.04(2) is deleted in its entirety and substituted with the following:

- (2) Copies. Upon a request for records under Tennessee's Public Records Act, Tenn. Code Ann. § 10-7-501 *et seq.*, The Agency shall assess charges for the copying and labor based on the most current version of the Schedule of Reasonable Charges, issued by the Office of Open Records Counsel. Should any charge assessed under this rule total ten dollars (\$10.00) or less, The Agency shall waive the charge and provide the requested documents without payment. The Executive Director, or his or her designee, may reduce any part of the charges calculated under these rules upon a written determination that such a reduction would be in the best interests of the public.

**Authority:** T.C.A. §§ 4—5—202; 8-4-604; 10—7—501 *et seq.*; 68—11—1605; and 68—11—1606.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Atchley, Bryan				X	
Bishop, Jimmy	X				
Burns, Charlotte	X				
Gaither, Keith	X				
Handorf, Charles	X				
Jones, Clark				X	
Koella, Carl	X				
Lammert, Greg	X				
Morris, John				X	
Weaver, Faye	X				

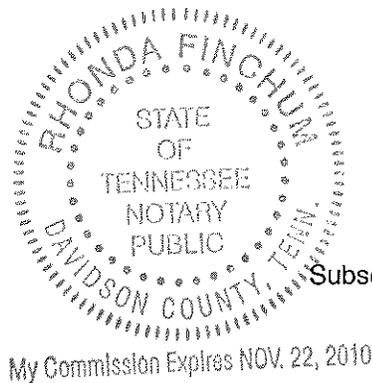
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 11/18/2009 (date as mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence 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: 4/30/10

Signature: Melanie M. Hill

Name of Officer: Melanie M. Hill

Title of Officer: Executive Director



Subscribed and sworn to before me on: April 30, 2010

Notary Public Signature: Rhonda Finchum

My commission expires on: November 22, 2010

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.

RE Cooper Jr  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
7-1-11  
 Date

**Department of State Use Only**

Filed with the Department of State on: 6/22/12

Effective on: 11/28/12

Tre Hargett by Tre Hargett, SA  
 Tre Hargett

**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)

Assessing charges for the copying and labor based on the most current version of the Schedule of Reasonable Charges would result in lower charges for copies of Agency records. The only affect upon small businesses is it would only save them money. None are expected to object to paying less for copies.

### **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." (See Public Chapter Number 1070 (<http://state.in.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule would not affect local governments.

**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;

The Public Records Act requires that charges for the copying and labor be based on the most current version of the Schedule of Reasonable Charges. This Proposed Rule would amend the Rules of the Health Services and Development Agency to replace current copy charges with the Schedule of Reasonable Charges.

- (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. §§ 4-3-2009 et seq.; 8-4-604

- (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;

Health care providers, consultants, attorneys, the press, and to a lesser extent, the general public would be affected. None are expected to object to paying less for copies.

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

N/A

- (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;

State revenues are expected to decrease by approximately \$10,000 - \$20,000 each year as a result.

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

Jim Christoffersen, General Counsel

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

Jim Christoffersen, 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

Andrew Jackson Bldg., Suite 850, 500 Deaderick St., Nashville, TN 37243; (615) 741-2364;  
Jim.Christoffersen@tn.gov

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