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Sequence Number: 09-39-15  
 Rule ID(s): 6051  
 File Date: 9/23/15  
 Effective Date: 12/22/15

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Board of Social Worker Licensure
<b>Division:</b>	Health Related Boards
<b>Contact Person:</b>	Todd Pinckley, Assistant General Counsel
<b>Address:</b>	665 Mainstream Drive, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-1611
<b>Email:</b>	Todd.Pinckley@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
1365-01	General Rules and Regulations
Rule Number	Rule Title
1365-01-.05	Fees

(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 1365-01  
General Rules and Regulations

Amendments

Rule 1365-01-.05 Fees is amended by deleting subparagraphs (1)(c) and (1)(d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (c) Endorsement/Verification fee.....\$0.00
- (d) Renewal fee (biennial).....\$45.00

Authority: T.C.A. §§ 9-4-5117, 63-23-106, and 63-23-110.

Rule 1365-01-.05 Fees is amended by deleting subparagraphs (2)(c) and (2)(d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (c) Endorsement/Verification fee.....\$0.00
- (d) Renewal fee (biennial).....\$95.00

Authority: T.C.A. §§ 9-4-5117, 63-23-106, and 63-23-110.

Rule 1365-01-.05 Fees is amended by deleting subparagraphs (3)(c) and (3)(d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (c) Endorsement/Verification fee.....\$0.00
- (d) Renewal fee (biennial).....\$95.00

Authority: T.C.A. §§ 9-4-5117, 63-23-106, and 63-23-110.

\* 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)
Barrett Michelle Horton				X	
Tara L. Watson	X				
Teresa C. Housteau	X				
Adrienne L. Newman	X				
Julia Axley	X				
Kenya S. Anderson				X	
Vicki Gardine Williams	X				
Amy Gasser-Smith	X				
Karen Armstrong	X				
Ann-Marie Jones	X				
Robert Zylstra				X	

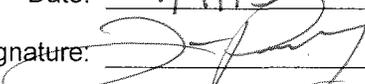
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Social Worker Licensure (board/commission/ other authority) on 02/05/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/14/14(mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 02/05/15 (mm/dd/yy)

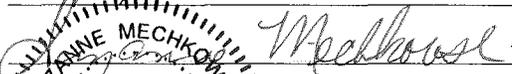
Date: 9/9/15

Signature: 

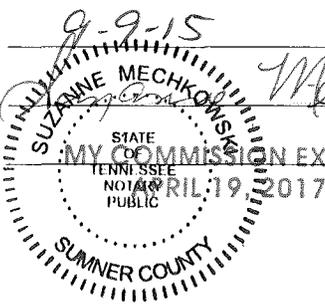
Name of Officer: Todd Pinckley  
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 9-9-15

Notary Public Signature: 

My commission expires on: APRIL 19, 2017



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.

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter  
9/16/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 9/23/15  
Effective on: 12/22/15  
Tre Hargett  
Tre Hargett  
Secretary of State

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## **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.

There were no public comments, either written or oral.

### **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.

**(1) The extent to which the rule or rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.**

The proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, or local government rules.

**(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.**

The proposed rule amendments exhibit clarity, conciseness, and lack of ambiguity.

**(3) The establishment of flexible compliance and/or reporting requirements for small businesses.**

The proposed rule amendments do not impose new compliance or reporting requirements on any entity and to the extent that they change requirements, the burden on small businesses is lessened.

**(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.**

The proposed rule amendments do not establish new schedules or deadlines for compliance and/or reporting requirements for any entity including small businesses.

**(5) The consolidation or simplification of compliance or reporting requirements for small businesses.**

The rule amendments do not change, consolidate, or simplify compliance or reporting requirements for small businesses, they simply lower the monetary amounts of already existing fee requirements.

**(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.**

The standards required in the amendments do not necessitate the establishment of performance, design, or operational standards.

**(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.**

There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation. In fact the rules decrease costs which could stimulate entrepreneurial activity.

## STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

**Name of Board, Committee or Council:** Board of Social Worker Licensure

**Rulemaking hearing date:** 02/05/2015

- 1. 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, and/or directly benefit from the proposed rule:**

The proposed rules reduce existing renewal fee requirements and as such, there are no additional costs to small businesses but a direct benefit to individuals by reducing the fee.

- 2. 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:**

None. The proposed rules reduce existing fee requirements and as such, do not require reporting, recordkeeping or other administrative costs in order to comply with the proposed rule.

- 3. Statement of the probable effect on impacted small businesses and consumers:**

The proposed rules have a small positive impact on licensed individuals and small businesses by reducing fee requirements to remain licensed and have the license verified to a third party. The rules have no direct impact on consumers.

- 4. 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 business:**

Decreasing fees is the best method for achieving the purpose of decreasing unnecessary Board revenue and the decrease is not burdensome, intrusive, or costly.

- 5. Comparison of the proposed rule with any federal or state counterparts:**

**Federal:** The Board is not aware of any federal counterparts. Counselors are not regulated by the federal government.

**State:** After reviewing the rules for other states in the southeastern region of the United States, it has been determined that other states have fees that are consistent with the proposed fees – ranging from \$100 to \$300 every two years.

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

An exemption of small businesses is not applicable as the proposed rules reduce existing fees and as such, provide a direct benefit to small businesses.

### **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.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule amendments should not have a financial 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;

Rule 1365-01-.05, Fees: This rule amendment decreases the renewal fee for Licensed Baccalaureate Social Workers from \$70.00 to \$45.00 every two years and reduce the renewal fee for Licensed Master, Advanced Practice, and Clinical Social Workers from \$120.00 to \$95.00 every two years. It also eliminates the fee for an endorsement or verification of licensure.

- (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;

None.

- (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;

The rules affect all current licensees of the Board.

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

None.

- (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;

These rule amendments should not result in any increase or decrease in state and local government revenues or expenditures.

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

Todd Pinckley, Assistant General Counsel, Department of Health.

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

Todd Pinckley, Assistant General Counsel, Department of Health.

- (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

Department of Health, Office of General Counsel, 665 Mainstream Drive, Nashville, TN 37243, (615) 741-1611, Todd.Pinckley@tn.gov.

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

None.