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Sequence Number: 10-17-12
 Rule ID(s): 5330
 File Date: 10/16/12
 Effective Date: 1/14/13

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:	Department of Health
Division:	Division of Health Related Boards
Contact Person:	Mary Kennedy Deputy General Counsel, Department of Health
Address:	3 rd Floor, Cordell Hull Building Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-7663
Email:	Mary.Kennedy@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
1200-10-01	Division of Health Related Boards
Rule Number	Rule Title
1200-10-01-.09	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>)

Department of Health
 Division of Health Related Boards
 Chapter 1200-10-01

Rule Amendments

Rule 1200-10-01-.09 Fees shall be amended by deleting paragraph (1) in its entirety and renumbering paragraph (2) as paragraph (1).

Authority: T.C.A. § 4-4-103 and § 10-7-506(a).

* 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)
NA					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Health, Division of Health Related Boards on 10/25/2010, 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: 08/31/10

Rulemaking Hearing(s) Conducted on: (add more dates). 10/25/10

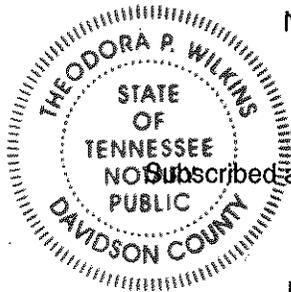
Date: 11/18/11

Signature: Mary Kennedy

Name of Officer: Mary Kennedy

Deputy General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 11/18/11

Notary Public Signature: Theodore P. Wilkins

My commission expires on: 11/3/15

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.
 Robert E. Cooper, Jr.
 Attorney General and Reporter

10-12-12
 Date

Department of State Use Only

Filed with the Department of State on: 10/16/12

Effective on: 11/14/13

Tre Hargett
 Tre Hargett
 Secretary of State

RECEIVED
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 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.

PUBLIC HEARING COMMENTS

RULEMAKING HEARING

Department of Health

Division of Health Related Boards

The rulemaking hearing for the Division of Health Related Boards was held on October 25, 2010 at 11:00 a.m. CDT in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee. Mary Kennedy, Deputy General Counsel, presided over the hearing.

No members of the public attended the rulemaking hearing. No oral comments were received at the rulemaking hearing.

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.

This rules only affects State government and has no impact on 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)

This rule amendment will 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 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;

This rule deletes the fees for copies of public records. It will be incorporated into new rule 1200-34-01-.05.

- (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. §§ 4-4-103 and 10-7-506(a).

- (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;

Persons requesting copies of public records and the government agency producing the records will be affected.

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

None known.

- (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 should be no noticeable increase or decrease in state or local government revenues and expenditures.

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

Mary Kennedy, Deputy 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;

Mary Kennedy, Deputy 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

Mary Kennedy, Deputy General Counsel, Department of Health, 3rd Floor, Cordell Hull Building, Nashville, TN 37243, (615) 532-7665, Mary.Kennedy@tn.gov

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

The Department will provide any further information upon request of the committee.

(Rule 1200-10-1-.08, continued)

- (3) The Division of Health Related Boards shall provide or ascertain that office space is provided to the Boards in order to properly carry out their functions. In providing space, the Director shall determine that the space is consistent with the efficient administration of the Boards.
- (4) The Division of Health Related Boards shall be responsible for providing special space requirements for the Boards for the conduct of examinations, hearings and meetings, and the Director shall approve all leases or agreements for the rental of such space in advance. Available space in the State or public buildings, or other suitable space as may be available at no cost shall be utilized to the fullest extent.
- (5) Administrative hearings shall be conducted in accordance with the laws and regulations applicable to each board. Court reporters and witnesses shall be provided as required and shall be compensated as prescribed by law and/or State policy. The office of the Attorney General shall be advised well in advance and kept currently informed of hearings in which he will be expected to participate.
- (6) The Division of Health Related Boards shall serve as the coordinating office between the Boards on matters of common concern or interest and it shall be its' responsibility to assist the Boards in any reasonable manner in carrying out their responsibilities and programs.

Authority: T.C.A. §§63-1-132, 68-1-101, 4-5-202, and 4-5-204. *Administrative History:* Original rule certified June 7, 1974. (Formerly chapter 1200-6-1; filed December 3, 1990; effective January 15, 1991). Amendment filed August 25, 1995; effective November 8, 1995.

1200-10-1-.09 FEES.

- ~~(1) Directories and/or Computer Printouts of licensees shall be made available upon request and the fees charged for such information shall be based on and equal to the costs derived to create the requested information.~~
- (2) Payments for any imposed Civil Penalties shall be made by Cashier's Check, Certified Check, Money Order or Cash. Payment by personal or business check will not be accepted.

Authority: T.C.A. §§63-1-114, 63-1-132, 4-5-202, and 4-5-204. *Administrative History:* Original rule filed August 5, 1986; effective September 19, 1986. Amendment filed January 13, 1990; effective March 17, 1990. (Formerly chapter 1200-10-1-.01; filed December 3, 1990; effective January 15, 1991). Amendment filed August 25, 1995; effective November 8, 1995.

1200-10-1-.10 LICENSEE RENEWAL APPLICATIONS. The Division, with the Commissioner of Health's approval, establishes a system of license renewal at alternative intervals which will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Notwithstanding any law to the contrary, licenses issued under the alternative method are valid for twenty-four (24) months, and expire on the last day of the last month of the license period. All authorizations to practice must be renewed pursuant to the Division's alternative renewal system.

- (1) Definitions - the following terms as used in this rule shall have the following meanings ascribed to them:
 - (a) Expiration Date - The date on which an existing license, certification or registration to practice any of the health related professions is scheduled to expire and on which renewal is due.
 - (b) License - Any license, certificate or registration to practice any profession regulated by Boards, Councils or Committees assigned to the Division of Health Related Boards.
 - (c) Licensee - Any person holding a license as defined in this rule.