

**Department of State  
Division of Publications**

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Sequence Number: 11-11-10  
Rule ID(s): 4864  
File Date: 11/10/2010  
Effective Date: 02/18/2011

## 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*

<b>Agency/Board/Commission:</b>	Department of Health
<b>Division:</b>	Emergency Medical Services
<b>Contact Person:</b>	Lucille F. Bond
<b>Address:</b>	220 Athens Way, Suite 210 Nashville, Tennessee
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<b>Email:</b>	Lucille.F.Bond@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
1200-12-01	General Rules
Rule Number	Rule Title
1200-12-01-.06	Schedule of 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>)

Rule 1200-12-01-.06 Schedule of Fees is amended by deleting paragraph (6) in its entirety and substituting instead the following language as new paragraph (6) so that, as amended, the rule shall read:

- (6) A licensee or certificate holder requesting reinstatement of an expired certification, authorization, license and/or permit shall pay a reinstatement fee as follows:

	Classification	Fee
(a)	First Responders	\$ 50.00
(b)	All Licensed Personnel, including EMDs	\$ 100.00
(c)	Volunteer Non-Profit Ambulance Service	
	1. Service	\$ 100.00
	2. Vehicle permit (per vehicle)	\$ 50.00
(d)	Other Ground Ambulance and Invalid Services	
	1. Service	\$ 500.00
	2. Vehicle permit (per vehicle)	\$ 250.00
(e)	Air Ambulance Service	\$1,000.00
(f)	A licensee or certificate holder requesting reinstatement shall pay the reinstatement fee in addition to the renewal fee.	

Authority: T.C.A. §§ 68-140-504 and 68-140-517.

\* 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)
Timothy Bell	X				
Susan Breeden	X				
Jeffery Davis	X				
Julie Dunn, M.D.	X				
Larry Griffin	X				
Richard Holliday	X				
Kevin Mitchell				X	
Dennis Parker	X				
James Ross, R.N.				X	
Sullivan K. Smith, M.D.	X				
Robert W. Thurman, Jr.	X				
Robert Webb	X				
Jackie Wilkerson	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Emergency Medical Services on 09/23/2010, 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: 07/27/2010

Rulemaking Hearing(s) Conducted on: (add more dates). 09/23/10

Date: 11/2/10

Signature: Lucille F. Bond

Name of Officer: Lucille F. Bond

Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 11/2/10

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/11



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.

REC Cooper Jr  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
11-7-10  
 Date

Department of State Use Only

Filed with the Department of State on: 11/10/10

Effective on: 2/8/11

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.

### **PUBLIC HEARING COMMENTS**

#### **RULEMAKING HEARING**

#### **TENNESSEE BOARD OF EMERGENCY MEDICAL SERVICES**

The rulemaking hearing for the Tennessee Board of Emergency Medical Services was held on September 23, 2010, in the Department of Health Conference Center's Iris Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee. Lucille F. Bond, Assistant General Counsel, Department of Health, presided over the meeting.

No members of the public attended the rulemaking hearing. No written or 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.

#### **Regulatory Flexibility Analysis**

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations. The rules are written to amend reinstatement fees the Division of Emergency Medical Services is able to assess for reinstatement of lapsed and expired licenses for both personnel and ambulance services.
- (4) The compliance requirements throughout the proposed rules are as “user-friendly” as possible while still allowing the division to achieve its mandated mission in licensing and regulating emergency medical services. There is sufficient notice between the rulemaking hearing and the final promulgation of these rules to allow services and providers to come into compliance with the proposed rules.
- (5) Compliance requirements in the proposed rules are not consolidated or simplified for small businesses for the protection of the health, safety and welfare of Tennesseans.
- (6) The standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation.

## STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

**Name of Board, Committee or Council:** Tennessee Department of Health, Board of Emergency Medical Services

**Rulemaking hearing date:** September 23, 2010

**Types of small businesses that will be directly affected by the proposed rules:**

These rule changes only affect emergency medical service licensees and ambulance services. A small number of private ground ambulance services are small businesses. However, the rule changes will have little effect on them if they timely renew their licenses. The impact on small businesses is, therefore, expected to be negligible.

**Types of small businesses that will bear the cost of the proposed rules:**

The rule changes impact individual EMS licensees and ambulance services only. The rules changes would have minimal affect on any small businesses.

**Types of small businesses that will directly benefit from the proposed rules:**

It is unlikely that the attached rules would directly benefit small businesses.

**Description of how small business will be adversely impacted by the proposed rules:**

The rule changes may adversely impact on small privately owned ambulance services if they do not renew their licenses in a timely manner.

**Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

The Department of Health, Board Emergency Medical Services does not believe there are less burdensome alternatives to the proposed rule amendments.

**Comparison of the proposed rule with federal or state counterparts:**

**Federal:** None.

**State:** Surrounding states allow reasonable fees to be set by their Boards.

## **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)

These amendments to the rules are not expected to have any 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;

1200-12-01-06 (6) Fees – The proposed rule sets the reinstatement fee for a licensee or certificate holder requesting reinstatement of expired certification, authorization, license and/or permit as follows: a) First Responders, \$50.00; b) All Licensed Personnel, including EMDs, \$100.00; c) Volunteer Non-Profit Ambulance Service—Service, \$100.00—Vehicle Permit (per vehicle), \$50.00; d) Other ground ambulance and Invalid services—Service, \$500.00—Vehicle Permit (per vehicle) \$250.00; and e) Air Ambulance Service, \$1,000.00. The reinstatement fee shall be paid in addition to a renewal fee. The old rule did not include the above.

- (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. §§ 68-140-504 and 68-140-517.

- (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;

All EMS licensees, both personnel and services who wish to reinstate expired licenses are affected.

- (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;

None

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

Donna Tidwell, Director of Personnel Licensure and Education, Division of Emergency Medical Services.

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

Donna Tidwell, Director of Personnel Licensure and Education, Division of Emergency Medical Services

- (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

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

None

(Rule 1200-12-01-.05, continued)

**Authority:** T.C.A. §§4-5-202, 4-5-204, 68-140-504, and 68-140-507. **Administrative History:** Original rule filed March 20, 1974; effective April 19, 1974. Amendment filed November 30, 1984; effective February 12, 1985. Amendment filed February 4, 1988; effective March 20, 1988. Amendment filed June 28, 1988; effective August 12, 1988. Amendment filed August 11, 1993; effective October 25, 1993. Amendment filed January 7, 1997; effective March 23, 1997. Repeal and new rule filed January 7, 1997; effective March 23, 1997.

#### 1200-12-01-.06 SCHEDULE OF FEES.

- (1) The fees are as follows:
  - (a) Application fee for licensure or certification - A fee to be paid by all applicants as indicated, including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
  - (b) Endorsement/verification - A fee paid for each level of certification or endorsement as may be recognized by the Board within each category of personnel license.
  - (c) Examination fee - A fee paid each time an applicant requests to sit for any initial, retake, or renewal test or examination, written or practical.
  - (d) License fee - A fee to be paid prior to the issuance of the initial license.
  - (e) License Renewal fee - A fee to be paid by all license holders. This fee also applies to personnel who may reinstate an expired or lapsed license.
  - (f) Reinstatement fee - A fee to be paid when an individual fails to timely renew a license or certification.
  - (g) Replacement license or permit fee - A fee to be paid when a request is made for a replacement when the initial license has been changed, lost, or destroyed.
  - (h) Volunteer non-profit ambulance services eligible for reduced license fees under paragraph (5) shall be provided by all volunteer personnel and shall not assess any fees for their services, and shall be primarily supported by donations or governmental support for their charitable purposes.
- (2) All fees shall be established pursuant to the rules approved by the Board.
- (3) All fees for initial licensing or certification shall be submitted to the Division of Emergency Medical Services to the attention of the Revenue Control office. Fees shall be payable by check or money order payable to the Tennessee Department of Health.
- (4) Emergency Medical Services Personnel Fees – Personnel applying for licensure, certification, authorization, renewal, or reinstatement shall remit application processing and license fees as follows.

(a) Fees for licensed personnel

	Application	License
1. Emergency Medical Technican–Basic	\$50.00	\$75.00
2. Emergency Medical Technican–Basic -IV	\$70.00	\$80.00
3. Emergency Medical Tech. – Paramedic	\$75.00	\$100.00

(Rule 1200-12-01-.06, continued)

- 4. Emergency Medical Tech. Paramedic Critical Care – Initial Application for Endorsement \$75.00
- 5. Initial Instructor Authorization \$35.00
- (b) Renewal fees for all classes of licenses in (a)
 

	License
1. Emergency Medical Technican–Basic	\$65.00
2. Emergency Medical Technican–Basic -IV	\$65.00
3. Emergency Medical Tech. – Paramedic	\$75.00
4. Emergency Medical Tech. Paramedic Critical Care –	\$90.00
- (c) Fees for Emergency Medical First Responders
 

	Application	License
1. Initial Application and Certification	\$20.00	\$25.00
2. Renewal fee		\$24.00
- (d) Fees for Emergency Medical Dispatcher
 

	Application	License
1. Initial Application and Certification	\$30.00	\$30.00
2. Renewal fee		\$45.00
- (e) Application fee for license by interstate reciprocity \$100.00
- (f) When applicable, renewal fees may be pro rated on a birth month renewal system.
- (g) Applicants may also be required to pay a fee directly to the National Registry or other appropriate national or board-approved testing agency.
- (5) Service License and Vehicle Permit fee – Ambulance services and invalid services shall permit fees as follows:
 

	License
(a) Initial license fee for a new ground ambulance, invalid, or other regulated ground service	\$5,000.00
(b) Annual renewal fee for (a)	\$500.00
(c) Vehicle Permit fee for each ground vehicle to be permitted in a license period- initial and annual	\$250.00
(d) Initial license fee for volunteer non-profit ambulance service with all volunteer personnel	\$2,000.00
(e) Annual renewal for volunteer non-profit ambulance service with all volunteer personnel	\$250.00
(f) Vehicle Permit fee for each ground vehicle operated by a volunteer non-profit ambulance service	\$100.00
(g) Initial license fee for air ambulance services – fixed wing and helicopter	\$10,000.00
(h) Air Ambulance service – annual renewal fee	\$5,000.00
(i) A repeat inspection fee for a failed inspection of any aircraft or vehicle requiring inspection by the department	\$500.00

(Rule 1200-12-01-.06, continued)

~~(6) A reinstatement fee of \$25.00 shall be paid for each authorization, license, and/or permit prior to reinstatement of an expired authorization. This fee shall be in addition to the fee specified for licenses, permits or certification renewal.~~

(6) A licensee or certificate holder requesting reinstatement of an expired certification, authorization, license and/or permit shall pay a reinstatement fee as follows:

<u>Classification</u>	<u>Fee</u>
<u>(a) First Responders</u>	<u>\$ 50.00</u>
<u>(b) All Licensed Personnel, including EMDs</u>	<u>\$ 100.00</u>
<u>(c) Volunteer Non-Profit Ambulance Service</u>	
<u>1. Service</u>	<u>\$ 100.00</u>
<u>2. Vehicle permit (per vehicle)</u>	<u>\$ 50.00</u>
<u>(d) Other Ground Ambulance and Invalid Services</u>	
<u>1. Service</u>	<u>\$ 500.00</u>
<u>2. Vehicle permit (per vehicle)</u>	<u>\$ 250.00</u>
<u>(e) Air Ambulance Service</u>	<u>\$1,000.00</u>
<u>(f) A licensee or certificate holder requesting reinstatement shall pay the reinstatement fee in addition to the renewal fee.</u>	

(7) Administrative Documents and Publications fees.

- (a) Copies from official files and records shall be subject to a charge of fifty cents (\$.50) per page.
- (b) Publications, or copies of reference documents available from the Division shall include:
- |   |        |
|---|--------|
| 1. Director of Services                                   | \$5.00 |
| 2. Application Materials Packet                           | \$9.00 |
| 3. Compiled Statutes and Rules                            | \$9.00 |
| 4. Protocols  | \$5.00 |
| 5. Ambulance Design Specifications                        | \$5.00 |
| 6. Other documents at the authorized cost of publication. |        |
- (c) Postage and Handling fees of five dollars (\$5.00) will be applied to any mailing of more than twenty (20) pages.

(8) Verification of license status to other states, employers, or agencies shall be subject to a verification fee of fifteen dollars (\$15.00). (Excepting automated telephone inquiries not requiring written documentation.)

**Authority:** T.C.A. §§4-5-202, 4-5-204, 68-39-508, 68-140-502, 68-140-504, 68-140-505, 68-140-506, 68-140-508, 68-140-517, and 68-440-506. **Administrative History:** Original rule filed September 22, 1981; effective December 29, 1981. Repeal and new rule filed October 13, 1983; effective January 16, 1984.