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TENNESSEE ADMINISTRATIVE REGISTER



February 15, 2000
Volume 26, Number 2

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RILEY C. DARNELL
Secretary of State

Division of Publications
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Department of State, Authorization No. 305084, 530 copies, February 2000. This public document was promulgated at a cost of \$ 1.28 per copy.

PREFACE

The Tennessee Administrative Register (T.A.R) is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Commerce and Insurance, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

Emergency Rules are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

Proposed Rules are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

Public Necessity Rules are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

Wildlife Proclamations contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the official compilation-Rules and Regulations of the State of Tennessee.

Subscription Orders - The subscription rate, payable in advance, is \$ 50 per year. An order form may be found in the back of each issue of the *Tennessee Administrative Register*.

Back Issues - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

Copies of Rules from Back Issues of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

Reproduction - There are no restrictions on the reproduction of official documents appearing in the Tennessee Administrative Register.

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pg. iv

TABLE OF CONTENTS

ANNOUNCEMENTS

Environment and Conservation, Department of Petition for Declaratory Order	1
Financial Institutions, Department of Announcement of Formula Rate of Interest	4
Announcement of Maximum Effective Rate of Interest	4
Government Operations Committees Announcement of Public Hearings	4
Health Facilities Commission Notice of Beginning of Review Cycle	11

EMERGENCY RULES

Emergency Rules Now in Effect	15
-------------------------------------	----

PROPOSED RULES

Health, Department of	17
-----------------------------	----

PUBLIC NECESSITY RULES

Public Necessity Rules Now in Effect	19
--	----

RULEMAKING HEARINGS

Contractors, Board for Licensing	21
Health, Department of	24
Indian Affairs, Commission	26
Opticians, Board of Dispensing	28
Real Estate Appraiser Commission	30

WILDLIFE PROCLAMATIONS

00-2.	39
00-3... ..	40

CERTIFICATION	41
---------------------	----

CHANGE OF ADDRESS FORM	43
------------------------------	----

ORDER FORM	45
------------------	----

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pg. vi

ANNOUNCEMENTS

DEPARTMENT OF ENVIRONMENT AND CONSERVATION – 0400

PETITION FOR DECLARATORY ORDER NOTICE OF HEARING AND NOTICE TO POTENTIALLY INTERESTED PERSONS

Ocoee Rafting, Inc., has filed a petition for declaratory order with regard to *T.C.A. Section 4-3-504, T.C.A. Section 11-1-108* and Tennessee Department of Environment and Conservation Rule 0400-2-10-.11.

1. Petitioner's Name:

Ocoee Rafting, Inc.
2. Petitioner's Attorney: Joe G. Bagwell
Address: Suite 105
8880 Cedar Springs Lane
Knoxville, TN 37923
Telephone number: (423)690-4095
3. Organization, if any, that the Petitioner represents:

Organization Name: Ocoee Rafting, Inc.
4. Summary of the relief requested:

In the Petition the Petitioner has sought the following relief:

1. That the Commissioner, pursuant to his authority to make declaratory orders, declare invalid, vacate and nullify Department Rule 0400-2-10-.11 (1) and any other limitation on the number of customers Petitioner may guide and carry down the Ocoee River.
2. That the Commissioner issue orders suspending all capped days or business limitation upon Commercial Operators on the Ocoee River until such time as alternatives to limitations on the number of visitors and recreational users of the Ocoee River, including rectification of various abuses mentioned herein, can be explored, considered and tried.
3. That the Commissioner issue orders suspending all capped days or business limitations upon Commercial Operators on the Ocoee River until such time as an assessment of time slots can be made and a visitor survey or a safety study by experts be undertaken to determine the need of limiting commercial rafting traffic.
4. In the alternative, that the Commissioner amend or modify Rule 0400-2-10-.11 including therein concise and unambiguous language implementing the Department's policy in regards to capacity of the Ocoee

River and not leaving the determination thereof to the caprice of department employees or any group outside of the Department of Conservation. Further, that any rule amendment or modification guarantee the rights of Petitioner to compete fairly for his fair share of business.

5. In the alternative, that the Commissioner adopt new rules, according to law and including public hearings, which will maximize recreational opportunities, protect the whitewater resource and insure public safety while guaranteeing the right of Petitioner to compete for business without arbitrary restraint or limitation.
 6. That the Commissioner declare that the Department is at fault in making this petition necessary and award a reasonable fee to petitioner's attorney.
 7. For such general relief as necessary or appropriate.
5. Summary of the regulations that the agency is called upon to interpret or upon which it is to rule.

4-3-504. Powers and duties of department. The department of environment and conservation has the power to: (1) Exercise all functions, rights, powers, and duties vested by law; (2) Make rules and regulations not inconsistent with law for the administration of the foregoing functions and duties, and for the management of any parks or other properties belonging to the state.

11-1-108. System of development and administration of land - Rules and regulations - Accounting for revenues. (a) The department shall make a careful study of lands in the state suitable for park purposes and shall formulate and adopt a system for the proper development, preservation, and administration thereof. (b) The department has the power to make rules and regulations and to promulgate the same for the management and control of this property for park purposes not inconsistent with the powers and restrictions herein.

Rule 0400-2-10-.11 (1) The Commercial Operators may prepare a proposed schedule assigning the times each Commercial Operator shall schedule daily trips for the forthcoming season. The proposed schedule shall be based on the Recreational Water Release Days and Times as determined by TVA. It shall include the schedule for all Commercial Operators licensed by TVA for the forthcoming year. A proposed schedule must be presented to the Department, and shall be open for discussion, at the annual pre-season public meeting on the first Tuesday of March each year. The proposed schedule shall be utilized until a final schedule is issued by the Department. The Department shall review the proposed schedule and may approve it as presented, review the proposed schedule or reject the proposal and assign schedule times, as necessary, to optimize recreational opportunities, protect the whitewater resource and insure public safety. If a proposed schedule is not submitted, the Department shall schedule the daily trips. The Department shall announce (issue) a final schedule by April 15, of each year. The department may also, in its discretion, limit commercial use of the Ocoee on an emergency basis.

- (2) The daily commercial carrying capacity for the lower Ocoee River Recreational Area (the area of the river between the Rogers Branch Put-In and the Caney Creek Take-Out) shall be 4,000 commercial customers for those day(s) for which the commercial usage during the last season exceeded 4,000 customers. Days which were capped for the last season will be capped for the next season unless the commercial usage on the "cap" day during the last season fell below 3,800 customers. The commercial "cap" is established in order to optimize recreational opportunities for all classes of users (private paddlers as well as commercial customers), to protect the recreational whitewater resource, and to insure public safety. The Department shall announce the "cap" days for the upcoming season at the annual post-season public meeting on the second Tuesday of October of each year.
- (3) The Commercial Operators, utilizing a methodology acceptable to the Department, may allocate the commercial use for the "cap" days for the upcoming season. The allocation shall be based on a maximum of 4,000 commercial customers. The proposed allocation shall be presented by the Commercial Operators to the Department, and open

for discussion, at the annual pre-season public meeting on the first Tuesday of March. The Department shall review the proposed allocation and may approve it as presented, revise it or reject the proposal and allocate the commercial carrying capacity among the commercial operators, as necessary, to optimize recreational opportunities, protect the whitewater resource and insure public safety. If an allocation is not submitted, the Department shall allocate the commercial customers. The Department shall utilize the "historical use" method in allocating the commercial capacity among the commercial operators. The "historical use" method shall be based on each commercial operator's daily customers totals from at least two prior seasons. The historical use allocation methodology shall be determined as follows: Each commercial operator's largest daily customer total from at least two prior seasons is summed. If the sum exceeds 4,000, each commercial operator's next largest daily customer total is averaged with that operator's largest daily customer total. The average for each commercial operator are summed. If this sum exceed 4,000, each commercial operator's next largest daily customer total is averaged in until the sum of the averages for all commercial operators falls below 4,000. Each commercial operator's average becomes that commercial operator's allocation of commercial customers on "cap" day(s). Each commercial operator is allowed 15% of its allocation as overage to allow for no-shows and cancellations. For purposes of this allocation calculation, operations owned by the same person, association, corporation or political subdivision of the state under separate licenses shall be consolidated and considered to be a single commercial operator. The final commercial "cap" day(s) allocation shall be announced by the Department on or before April 15 of each year.

- (4) Each Commercial Operator shall not use more than twelve (12) rafts or carry more than one hundred (100) customers per time slot without prior written approval from the Park Ranger in charge of the recreational use of the Lower Ocoee River Recreational Area. Commercial Operators shall adhere to the final daily trip schedule, or on "cap" days the final commercial use "cap" day allocation, at all times.

A contested case hearing has been scheduled for April 11, 12, and 13, 2000.

If you have any questions, you may contact the Petitioner's attorney, Joe G. Bagwell, at 423/690-4095, or the Department of Environment and Conservation attorney Kim L. Kirk, at 615/532-0131.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the office of the Secretary of State, Publications Division, on this the 31st day of January, 2000. (01-22)

DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180**ANNOUNCEMENT OF FORMULA RATE OF INTEREST**

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 12.50 per cent.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180**ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST**

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of March, 2000 is 10.33 per cent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the published rate is 6.33 per cent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P. L. 96-221 as amended by P. L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

GOVERNMENT OPERATIONS COMMITTEES**ANNOUNCEMENT OF PUBLIC HEARINGS**

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the month of January 2000. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-01	Jan 7 2000	1200 Dept of Health Bd For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-25 Standards for Assisted Care Living Facilities</i> 1200-8-25-.06 Personal Services 1200-8-25-.08 Life Safety	Robbie H. Bell, OGC Dept of Health 26 th Fl Snodgrass Bldg 312 8th Ave N Nashville TN 37243 615-741-1611	March 22 2000
01-02	Jan 3 2000	1200 Dept of Finance and Administration Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-1 General Rules</i> 1200-13-1-.06 Provider Reimbursement	George Woods Bureau of TennCare 729 Church St Nashville TN 37247-6501 (615) 741-0145	March 18 2000
01-04	Jan 12 2000	0400 Environment and Conservation Division of Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-17 Drycleaner Environmental Response Program</i> 1200-1-17-.03 Registration Fees and Surcharges Certificate Issuance	Steve Goins Division of Superfund Environment and Conservation 4th Fl L&C Annex 401 Church St Nashville TN 37243-1538 (615) 532-8599	March 27 2000
01-05	Jan 27, 2000	1200 Health Office of General Counsel	Proposed Rules	Repeal	<i>Chapter 1200-18-1 Uniform Rules of Procedure</i>	Jerrold Daniels Cordell Hull Bldg 3rd Fl 425 5th Ave N Nashville TN 37247 615-741-3111	May 30, 2000
01-08	Jan 25 2000	0620 Finance and Administration Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-6 Nursing Facility Level I Program</i> 1200-13-6-.08 Cost Report for the Nursing Facility Level I Program - Report of Licensed Independent Certified Public Accountant 1200-13-6-.09 Footnotes and Instructions for the Nursing Facility Level I Cost Report - Statement of Equity Capital	George Woods Bureau of TennCare 729 Church St Nashville TN 37247-6501 (615) 741-0145	April 5, 2000
01-11	Jan 31 2000	0260 Bd of Chiropractic Examiners	Rulemaking Hearing Rules	New Rules	<i>Chapter 0260-4-1 General Rules Governing Chiropractic Professional Corporations</i> 0260-4-1-.01 Purpose 0260-4-1-.02 Definitions	Earl Roberts OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 615-741-1611	April 15, 2000

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
001-11, cont.					0260-4-1-.03 Coverage and Scope of Act.		
					0260-4-1-.04 Ownership of C.P.C. Shares.		
					0260-4-1-.05 Requirements as to Form of Corporate Charter.		
					0260-4-1-.06 Filing of Charter.		
					0260-4-1-.07 Corporate Practice Limitations.		
					0260-4-1-.08 Practice Beyond Scope of Charter.		
					0260-4-1-.09 Prohibition on Chiropractors Combining with Other Professions.		
					0260-4-1-.10 Ethical Prohibition on Chiropractors' Ownership of a Non-C.P.C.		
					0260-4-1-.11 Corporate Name.		
					0260-4-1-.12 Officers and Directors.		
					0260-4-1-.13 Requirements as to Form of Stock Certificate.		
					0260-4-1-.14 Offering of C.P.C. Shares Prohibited.		
					0260-4-1-.15 Regulation of C.P.C Shares by the Bd.		
					0260-4-1-.16 Filing of Annual Statement of Qualifications.		
					0260-4-1-.17 Termination of C.P.C. Status		
					<i>Chapter 0260-4-2</i>		
					<i>General Rules and Regulations Governing Chiropractic Limited Liability Companies</i>		
					0260-4-2-.01 Purpose.		
					0260-4-2-.02 Definitions.		
					0260-4-2-.03 Coverage and Scope of Rules.		
					0260-4-2-.04 Membership in C.L.L.C.'s.		
					0260-4-2-.05 Persons Permitted to be Managers or Governors.		
					0260-4-2-.06 Dissolution.		
					0260-4-2-.07 Foreign C.L.L.C.'s.		
					0260-4-2-.08 Delivery of Articles.		

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-12	Jan 31 2000	1200 Dept of Health Bd for Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-8-6 Standards for Nursing Homes</i> 1200-8-6-.01 Definitions 1200-8-6-.02 Licensing Procedures 1200-8-6-.03 Disciplinary Procedures 1200-8-6-.04 Administration 1200-8-6-.05 Admissions Discharges and Transfers 1200-8-6-.06 Basic Required Services 1200-8-6-.07 Special Services 1200-8-6-.08 Bldg Standards 1200-8-6-.09 Life Safety 1200-8-6-.10 Infectious and Hazardous Waste 1200-8-6-.11 Records and Reports 1200-8-6-.12 Resident Rights 1200-8-6-.13 Procedures for the Withholding of Resuscitative Services 1200-8-6-.14 Disaster Preparedness	Anita Van Tries Dept of Health Health Care Facilities 1 st Fl Cordell Hull Bldg 425 5 th Ave N Nashville TN 37247-0508 615-741-7586	April 15, 2000
01-13	Jan 31 2000	1200 Dept of Health Bd for Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendment	1200-8-6-.06 Basic Required Services	Anita Van Tries Dept of Health Health Care Facilities 1 st Fl Cordell Hull Bldg 425 5 th Ave N Nashville TN 37247-0508 615-741-7586	April 15, 2000
01-17	Jan 31 2000	1370 Bd of Communications Disorders and Sciences	Rulemaking Hearing Rules	New Rules	<i>Chapter 1370-1 Rules for Speech Pathology and Audiology</i> 1370-1-.01 Definitions 1370-1-.02 Scope of Practice 1370-1-.03 Necessity of Licensure or Registration 1370-1-.04 Qualifications for Licensure 1370-1-.05 Procedures for Licensure 1370-1-.06 Fees 1370-1-.07 Application Review Approval and Denial 1370-1-.08 Examinations 1370-1-.09 Renewal of License	Earl Roberts Office of General Counsel 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 (615) 741-1611	April 15, 2000

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-17, cont.					1370-1-.10 Clinical Fellowships and Supervision 1370-1-.11 Retirement and Reactivation of License 1370-1-.12 Continuing Education 1370-1-.13 Unprofessional and Unethical Conduct 1370-1-.14 Speech Language Pathologist Assistants and Supervision 1370-1-.15 Disciplinary Actions and Civil Penalties 1370-1-.16 Display/Replacement of Licenses 1370-1-.17 Change of Address and/or Name 1370-1-.18 Reserved 1370-1-.19 Bd Meetings Officers and Consultants 1370-1-.20 Advertising		
01-19	Jan 31 2000	0540 Bd of Electrolysis Examiners	Rulemaking Hearing Rules	Amendments	<i>Chapters 0540-1 General Rules Governing Electrology Electrologists</i> 0540-1-.04 Qualifications for Licensure and Electrology Instructors <i>0540-3 General Rules Governing Schools of Electrology</i> 0540-3-.04 Standards for License	John Fitzgerald OGC 26 th Fl Snodgrass Bldg 312 8th Ave N Nashville TN 37247-0120	April 15, 2000
01-20	Jan 31 2000	0450 Bd of Professional Counselors Marital and Family Therapists and Clinical Pastoral Therapists	Rulemaking Hearing Rules	Amendments	<i>Chapter 0450-1 General Rules Governing Professional Counselors</i> 0450-1-.04 Qualifications for Licensure 0450-1-.07 Application Review Approval Denial Interviews <i>Chapter 0450-2 General Rules Governing Marital and Family Therapists</i> 0450-2-.07 Application Review Approval Denial Interviews	Shirley Corry OGC 7th Fl Snodgrass Bldg 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	April 15, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-21	Jan 31 2000	1365 Bd of Social Workers	Rulemaking Hearing Rules	Amendments	<i>Chapter 1365-1 General Rules and Regulations</i> 1365-1-.05 Procedures for Certification and License 1365-1-.06 Fees 1365-1-.07 Application Review Approval Denial 1365-1-.08 Examinations 1365-1-.09 Renewal of Certificate or License	John Fitzgerald, OGC 26th Fl Snodgrass Tower 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	April 15, 2000
01-23	Jan 31 2000	1150 Bd of Occupational and Physical Therapy Examiners Committee of Physical Therapy	Rulemaking Hearing Rules	Amendments	<i>Chapter 1150-1 Rules of the Bd of Occupational and Physical Therapy Examiners Committee of Physical Therapy</i> 1150-1-.04 Qualifications for Licensure 1150-1-.06 Fees 1150-1-.08 Examinations	John Fitzgerald OGC 26 th Fl Snodgrass Tower 312 8 th Ave N Nashville TN 37247-0120 (615) 741-1611	April 15, 2000
01-24	Jan 31 2000	1330 Bd of Respiratory Care	Rulemaking Hearing Rules	New Rules	<i>Chapter 1330-1 General Rules Governing Respiratory Care Practitioners</i> 1330-1-.01 Definitions 1330-1-.02 Scope of Practice 1330-1-.03 Reserved 1330-1-.04 Reserved 1330-1-.05 Qualifications and Procedures for Licensure 1330-1-.06 Fees 1330-1-.07 Application Review Approval and Denial 1330-1-.08 Examinations 1330-1-.09 Renewal of License 1330-1-.10 Supervision 1330-1-.11 Retirement and Reactivating of License 1330-1-.12 Continuing Education 1330-1-.13 Professional Ethics 1330-1-.14 Temporary License or Permit 1330-1-.15 Disciplinary Grounds Actions, and Civil Penalties 1330-1-.16 License	Robbie Bell OGC 26 th Fl Snodgrass Tower 312 8 th Ave N Nashville TN 37247-0120 (615) 741-1611	April 15, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-24, cont.					1330-1-.17 Change of Name and/or Address 1330-1-.18 Mandatory Release of Client Records 1330-1-.19 Bd Meetings Officers Consultants and Records and Declaratory Orders 1330-1-.20 Advertising 1330-1-.21 Upgrade Classification Requirements 1330-1-.22 ABG Endorsement 1330-1-.23 Consumer Right-To-Know Requirements		

HEALTH FACILITIES COMMISSION - 0720**NOTICE OF BEGINNING OF REVIEW CYCLE**

Applications will be heard at the March 22, 2000 Health Facilities Commission Meeting except as otherwise noted.

**Denotes applications being placed on the Consent Calendar.*

+Denotes competing applications.

This is to provide official notification that the Certificate of Need applications listed below have begun their official 90-day review cycle effective January 1, 2000. The review cycle includes a 60-day period of review by the Division of Assessment and Planning within the Tennessee Department of Health or their designated representative. During this 60-day period, the appropriate agency may hold a public hearing, if requested, with respect to each application and will conclude the period with a written report. Pursuant to Public Chapter 120, Acts of 1993, certain unopposed applications may be placed on a "consent calendar." Such applications are subject to a 60-day review cycle, including a 30-day period of review by the Division of Assessment and Planning or their designee. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk. For more information concerning each application or its review cycle, you may contact the Tennessee Department of Health/Division of Assessment & Planning (615/741-0244), their designee, or the Health Facilities Commission (615/741-2364).

NAME AND ADDRESS	DESCRIPTION
Cumberland Medical Center, Inc. 421 South Main Street Crossville (Cumberland Co.), TN 38555-5031 Philip M. Wells – (615)376-9995 CN9911-098	The renovation, modernization and expansion of portions of the Medical Center at its current location, involving the following areas whose services the Medical Center already provides: ICU/CCU, telemetry unit, cardiac rehab, physical therapy, cardiology, pharmacy, powerhouse and miscellaneous offices \$ 9,369,294
*Community Care of Rutherford County, Inc. 901 East County Farm Road Murfreesboro (Rutherford Co.), TN 37127 Leon Mansfield (615)893-2624 CN9912-102	The replacement of 44 existing nursing home beds and the remodeling of the existing area for ancillary space. The project will consist of approximately 21,000 square feet of new construction and 4,000 square feet of renovations. If approved, this project will complete a replacement/renovation project originally begun under CN9705-044A, issued September 29, 1997. \$ 2,916,083
Hendersonville Hospital 355 New Shackle Island Road Hendersonville (Sumner Co.), TN 37075 John Wellborn – (615)269-0070 CN9912-103	Initiate mobile lithotripsy two times per month at Hendersonville Hospital. \$ 535,000

NAME AND ADDRESS	DESCRIPTION
McKenzie Medical Center MRI/ODC 205 Hospital Drive McKenzie (Carroll Co.), TN 38201 John Wellborn – (615)269-0070 CN9912-104	Establishment of an outpatient diagnostic center with MRI services. Other services will include CT, x-ray, ultrasound, nuclear medicine, mammography, and EKG/treadmill. \$ 2,501,770
Cool Springs Surgery Center 2001 Mallory Lane Brentwood (Williamson Co.), TN 37067 John Wellborn – (615)269-0070 CN9912-105	Establishment of an ambulatory surgical treatment center to be located at 2001 Mallory Lane, Brentwood, Tennessee. The proposed ambulatory surgical treatment center will consist of approximately 12,350 square feet of space and will have two (2) operating rooms and one (1) procedure room. \$ 4,070,811
Royal Care of Ridgely 117 N. Main Street Ridgely (Lake Co.), TN 38080 Pete Prins – (901)264-5555 CN9912-106	Increase the number of skilled nursing home beds from 100 to 106 by the conversion of two office areas and one currently unlicensed semi-private room. \$ 5,220
+Orthopaedic & Sports Medicine Clinic, P.L.L.C. 155 Hospital Road, Suite C Winchester (Franklin Co.), TN 37398 Rick Rudisell – (615)883-5637 CN9912-107	Establishment of an outpatient diagnostic center and the acquisition of a G.E. 1.5 Cigna MRI unit. The center will be located at 144 Hospital Road, Winchester, Tennessee. \$ 1,230,000
Harton Regional Medical Center 1801 North Jackson Street Tullahoma (Coffee Co.), TN 37388 John Wellborn – (615)269-0070 CN9912-108	Convert the current mobile MRI services at Harton Regional Medical Center to fixed services. \$ 2,526,177
Tennessee Pain Surgery Center 3901 Central Pike, Suite 400 Hermitage (Davidson Co.), TN 37076 John Wellborn – (615)269-0070 CN9912-109	Establishment of an ambulatory surgery treatment center limited to specialized chronic pain management procedures. The center will be located on the second floor of an existing professional office building at 5045 Old Hickory Boulevard, Hermitage, Tennessee. \$1,518,019

NAME AND ADDRESS

DESCRIPTION

Saint Thomas Outpatient Neurosurgical Center
 4230 Harding Road
 Nashville (Davidson Co.), TN 37205
 Mark Mason – (615)327-9547
 CN9912-110

Establishment of an ambulatory surgery treatment center dedicated to neurosurgery and chronic pain management, in a medical office building on the Saint Thomas Hospital campus.
 \$ 3,336,608

+Southern Tennessee Medical Center
 185 Hospital Road
 Winchester (Franklin Co.), TN 37398
 John Wellborn – (615)269-0070
 CN9912-111

Replace the mobile MRI services at Southern Tennessee Medical Center with a fixed MRI service on the hospital campus at 185 Hospital Road, Winchester (Franklin County), Tennessee. The project will require remodeling of 1,600 square feet of space on the first floor of Southern Tennessee Medical Center at Winchester, which will become vacant when CT services are relocated in an ongoing building project. No new services will be initiated and no other major medical equipment other than the MRI will be acquired in the project.
 \$ 2,558,000

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pg. 14

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

(For the text of the Emergency rules see issue of T.A.R. cited)

- 1200 - Department of Health - Division of Communicable and Environmental Disease Services - Emergency rules revising the list of notifiable diseases, chapter 1200-14-1 Communicable Diseases, 1200-14-1-.02 Notifiable Diseases, 1200-14-1-.03 Physicians Reports, 1200-14-1-.04 Health Officer's Report, 1200-14-1-.41 Reports of Sexually Transmitted Diseases. T.A.R. , volume 26, number 1 (January 2000). Filed December 14, 1999; effective through May 27, 2000. (12-12)

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pg. 16

PROPOSED RULES

DEPARTMENT OF HEALTH - 1200 OFFICE OF GENERAL COUNSEL

CHAPTER 1200-18-1

Presented herein is a proposed rules repeal by the Department of Health submitted pursuant to *T.C.A. §4-5-202* in lieu of a rulemaking hearing. It is the intent of the department to repeal these rules without a rulemaking hearing, unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the *Tennessee Administrative Register* in which the proposed repeal is published. Such petition to be effective must be filed in the Office of General Counsel on the twenty-sixth floor of the Tennessee Tower located at 312 Eighth Avenue, North, Nashville, Tennessee 37243 and in the Department of State, Fifth Floor, James K. Polk Building, Sixth and Deaderick, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the repeal of the rules, or submitted by a municipality which will be affected by the repeal of the rules, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

REPEALS

Chapter 1200-18-1 is repealed (the entire chapter).

Authority: *T.C.A. §§4-5-202 and 68-1-103.*

The proposed rule repeal set out herein was properly filed in the Department of State on the 27th day of January, 2000, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will be come effective on the 30th day of May, 2000. (01-05)

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pg. 18

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT

(For the text of the Public Necessity rules see issue of T.A.R. cited)

- 1220 - Department of Health - Nutrition Services Section - Public necessity rules dealing with merchant sanctions, civil money penalties in lieu of disqualification, issuance of State sanctions on merchants for reasons of program abuse, training of staff in the Program's fourteen regional offices, informing merchants and handling amendment of their contracts with the Department, chapter 1200-15-2 Special Supplemental Nutrition Program for women, Infants and Children, T.A.R., volume 26, number 1 (January 2000). Filed December 30, 1999; effective through June 12, 2000. (12-29)

- 1220 - Tennessee Regulatory Authority - Consumer Services Division - Public necessity rules establishing a database of residential telephone subscribers who object to receiving telephone solicitations and the underlying program to service and enforce such a database, chapter 1220-4-11 Telephone Solicitation Regulations - Do Not Call Register, T.A.R., volume 26, number 1 (January 2000). Filed December 30, 1999; effective through June 12, 2000. (12-31)

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pg. 20

RULEMAKING HEARINGS

BOARD FOR LICENSING CONTRACTORS - 0680

There will be a hearing before the Board for Licensing Contractors to consider the promulgation of rules pursuant to *Tennessee Code Annotated, Section 62-6-108*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the conference room located at Holiday Inn – Brentwood, located at 760 Old Hickory Boulevard, Brentwood, Tennessee at 3:00 PM on the 22nd day of March, 2000.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance, Board for Licensing Contractors office, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Board to determine how it may reasonably provide such aid or service. Initial contact may be made with Verne Norris, the Department of Commerce and Insurance’s ADA Coordinator at 500 James Robertson Parkway, Nashville, Tennessee, 741-0481.

For a copy of this notice of rulemaking hearing, contact: Phyllis Blevins, 500 James Robertson Parkway, Suite 110, Nashville, Tennessee 37243, 741-8307.

SUBSTANCE OF PROPOSED RULES

CHAPTER 0680-3 LIMITED LICENSED ELECTRICIANS

NEW RULES

TABLE OF CONTENTS

0680-3-.01	Definitions	0680-3-.04	Change of Address
0680-3-.02	Application and Examination	0680-3-.05	License Renewal
0680-3-.03	Fees	0680-3-.06	Disciplinary Action and Civil Penalties

0680-3-.01 DEFINITIONS.

- (1) Unless otherwise stated, as used in this Chapter:
 - (a) “Board” means the Board for Licensing Contractors created by *T.C.A. §62-6-101 et seq.*
 - (b) “Limited Licensed Electrician” means limited licensed electrician as defined by *T.C.A. §62-6-102.*

Authority: *T.C.A. §§62-6-102 and 62-6-108.*

0680-3-.02 APPLICATION AND EXAMINATION.

- (1) Applications for initial licensure as a limited licensed electrician are available upon request from the office of the Board.
- (2) Initial license applications submitted to the Board must be accompanied by a nonrefundable application fee and the initial license fee as set forth in Rule 0680-3-.03.
- (3) Any application submitted to the Board without a valid registration card number issued by the division of fire prevention under the authority of *T.C.A. §68-102-150* will be considered incomplete.
- (4) Costs for examinations, where applicable, shall be paid directly to the entity designated by the Board to administer the exam.

Authority: *T.C.A. §§62-6-108 and 62-6-111.*

0680-3-.03 FEES.

- (1) Fees charged by the Board are as follows:

(a) Initial license fee.	\$150.00
(b) License renewal fee.	\$100.00
(c) Late renewal fee.	\$ 25.00
(d) Replacement license.	\$ 25.00

Authority: *T.C.A. §§ 62-6-108 and 62-6-111.*

0680-3-.04 CHANGE OF ADDRESS.

A licensee shall notify the office of the Board in writing within thirty (30) days of any change of address.

Authority: *T.C.A. §§ 62-6-108 and 62-6-111.*

0680-3-.05 LICENSE RENEWAL.

- (1) Each license issued under this chapter will expire biennially on the last day of the month of its issuance.
- (2) Applications for the renewal of licenses will be made on a form provided by the Board and shall be filed no later than the expiration date set by this rule. Applications will not be considered filed until the applicable fee(s) prescribed in these rules is received.
- (3) Licenses will be subject to late renewal for a period of three (3) months following their expiration date by payment of the prescribed renewal fee and a late renewal fee.
- (4) Any individual or entity desiring to renew a license more than three (3) months after its expiration date must:

- (a) submit a new application for initial licensure to the Board;
- (b) pay the appropriate fee(s); and
- (c) satisfactorily complete the examination for licensure.

Provided however, the Board may in its discretion waive such examination, assess late renewal penalties or impose civil penalties.

Authority: *T.C.A. §§62-6-108, 62-6-111 and 62-6-131.*

0680-3-.06 DISCIPLINARY ACTION AND CIVIL PENALTIES.

- (1) The Board for Licensing Contractors may, in a lawful proceeding with respect to any individual or entity licensed or required to be licensed by this state under T.C.A. §62-6-103, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for each separate violation of statutes, rules or orders enforceable by the Board in accordance with the following schedule:

<u>Violation</u>	<u>Penalty</u>
<i>T.C.A. §62-6-111</i>	\$0-\$1000

- (2) Each day of continued violation may constitute a separate violation.
- (3) In assessing civil penalties, the following factors may be considered:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of non-compliance; and
 - (e) The interest of the public.
- (4) The grounds for disciplinary action against licensees are set out in T.C.A. §62-6-111, and the Board may initiate proceedings against an limited licensed electrician for faulty electrical work and for the following grounds in the best interest of the public:
 - (a) Fraud or deceit in obtaining a license, including the submission to the Board of any knowingly false or forged evidence in, or in support of, an application for a license; or
 - (b) Dishonesty, fraud or gross negligence, including knowingly or through gross negligence making misleading, deceptive or untrue representations in the performance of services.

Authority: *T.C.A. §§56-1-308, 62-6-108 and 62-6-111.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of January, 2000. (01-18)

**DEPARTMENT OF HEALTH - 1200
BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS**

There will be a hearing before the Tennessee Board of Alcohol and Drug Abuse Counselors to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 68-24-605*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 27th day of March, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1200-30-1-.07, Application Review, Approval, Denial, Interview, is amended by deleting part (8) (a) 1. in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (9), so that as amended, the new part (8) (a) 1. and the new paragraph (9) shall read:

- (8) (a) 1. The application has not been completed by the applicant within sixty (60) days after it was initially reviewed and received by the Board; or
- (9) Request to re-open application - When an application has been closed pursuant to Paragraph (8) of this rule, the Board may consider re-opening the application upon receipt of a written request and appropriate notarized documentation from the applicant stating the extenuating circumstances and/or the medical condition that caused the Board's deadline to not be met. If applicable, a letter must accompany such request from the applicant's personal physician attesting to the medical condition that caused the Board's deadline to not be met.

Authority: *T.C.A. §§4-5-202, 4-5-204, and 68-24-605.*

Rule 1200-30-1-.15, Disciplinary Actions, Civil Penalties, and Declaratory Orders is amended by deleting paragraph (4) and subparagraph (5) (b) in their entirety and renumbering the remaining paragraphs accordingly.

Authority: *T.C.A. §§4-5-202, 4-5-204, and 68-24-605.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 12th day of January, 2000. (01-03)

**DEPARTMENT OF HEALTH - 1200
TENNESSEE MEDICAL LABORATORY BOARD**

There will be a hearing before the Tennessee Medical Laboratory Board to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 68-29-105*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 30th day of March, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact: Jerry Kosten, Regulations Manager, Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1200-6-1-.15, Personnel Licensure Discipline, Informal Settlements, Civil Penalties, Assessment of Costs, and Subpoenas, is amended by deleting the catchline in its entirety and substituting instead the following new catchline, and is further amended by deleting paragraph (2) in its entirety and renumbering the remaining paragraphs accordingly, so that as amended, the new catchline shall read:

1200-6-1-.15 PERSONNEL LICENSURE DISCIPLINE, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SUBPOENAS.

Authority: *T.C.A. §§4-5-202, 4-5-204, 68-29-105, and 68-29-127.*

Subparagraph (3) (b) of Rule 1200-6-1-.19, Board Meetings, Officers, Consultant, Records, and Declaratory Orders, is amended by deleting the words "informal" and informally."

Authority: *T.C.A. §§4-5-202, 4-5-204, and 68-29-105.*

Rule 1200-6-3-.05, Licensure Discipline, Informal Settlements, Assessment of Costs, and Subpoenas, is amended by deleting the catchline in its entirety and substituting instead the following new catchline, and is further amended by deleting paragraph (3) in its entirety and renumbering the remaining paragraphs accordingly, so that as amended, the new catchline shall read:

RULE 1200-6-3-.05 LICENSURE DISCIPLINE, ASSESSMENT OF COSTS, AND SUBPOENAS.

Authority: *T.C.A. §§4-5-202, 4-5-204, 68-29-105, and 68-29-126.*

Rule 1200-6-3-.11, Referral of Cultures to the Department of Health, is amended by adding the following language as new subparagraph (1) (t) and the corresponding footnote:

- (1) (t) Streptococcus, Group A**

**Isolated from necrotizing fasciitis wound cultures or normally sterile sites.

Authority: *T.C.A. §§4-5-202, 4-5-204, 68-29-105, and 68-29-107.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of January, 2000. (01-09)

TENNESSEE COMMISSION OF INDIAN AFFAIRS - 0785

There will be a hearing before the Tennessee Commission of Indian Affairs to consider the promulgation of amendments of rules pursuant to *Tennessee Code Annotated 4-34-103 (10)*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the following location: Room 29, Legislative Plaza, Nashville, TN 37243, on April 8, 2000, at 12:00 P.M. Central Time.

Written comments will be included in the hearing records if received by the close of business on February 8, 2000, at the Division of Natural Heritage, 8th floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

Any individuals with disabilities who wish to participate in these proceeding (to review these filings) should contact the Tennessee Commission of Indian Affairs to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Commission of Indian Affairs to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Commission of Indian Affairs ADA Coordinator, Toye Heape, 7th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-0459, (615) 532-0745. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

For a copy of this notice of rulemaking hearing, contact: Toye Heape, 7th Floor, L & C Annex, 401 Church Street, Nashville, TN, 37243, Tennessee Commission of Indian Affairs, (615) 532-0745.

SUBSTANCE OF PROPOSED RULES**CHAPTER 0785-1****RECOGNITION CRITERIA FOR NATIVE AMERICAN INDIAN INDIVIDUALS IN TENNESSEE****AMENDMENTS**

Paragraph 2 of rule 0785-1-.05 Recognition Criteria for Native American Indian Individuals is amended by adding subparagraphs (c) through (f) so that, as amended, the paragraph shall read:

- (2) Individuals may be enrolled with the state by satisfying any of the following means of documentation:
- (a) The applicant has a roll number or certificate of Indian blood from a federally-recognized tribe; or
 - (b) The applicant is a direct descendant of an individual previously recognized as a Native American Indian by the State of Tennessee. The applicant will be required to provide proof of relationship to the enrolled individual; or
 - (c) The applicant has a roll number or membership in a state recognized tribe; or
 - (d) The applicant's birth certificate shows the applicant's parent(s) to be Native American Indian: or
 - (e) The applicant has a family tree which shows a direct ancestor of the applicant to appear on a roll of a federally recognized Native American Indian tribe. All family trees will be subject to verification by professional genealogists at the applicant's
 - (f) expense; or
 - (g) The applicant signs an affidavit stating he/she is a Native American Indian. If the applicant has a living relative at least ten years older than the applicant, the relative must also sign the affidavit. In addition to the affidavit, the applicant shall provide at least one of the following:
 - 1. A family Bible or hymnal showing that the applicant's direct ancestors were Native American Indian.
 - 2. Death records of the applicant's direct ancestor(s) showing the ancestor(s) to be Native American Indian.
 - 3. Records of direct ancestor(s) from the Indian Court of Claims
 - 4. School, church or health records, or other compelling documentation which shows the applicant to be Native American Indian.
- (2) All Native American Indians previously recognized by the State of Tennessee will continue to be recognized and will not have to reapply for recognition.

Authority: *T.C.A. §4-34-103 (10).*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of January, 2000. (01-16)

BOARD OF DISPENSING OPTICIANS - 0480

There will be a hearing before the Tennessee Board of Dispensing Opticians to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 63-14-101*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 20th day of March, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 0480-1-.06, Fees, is amended by adding the following language as new subparagraphs (1) (i) and (1) (j), and renumbering the remaining subparagraph accordingly:

- | | | | |
|-----|-----|-------------------------------|-----------|
| (1) | (i) | Continuing Education Late Fee | \$ 200.00 |
| (1) | (j) | Reinstatement Fee | \$ 400.00 |

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-14-101, and 63-14-106.*

Rule 0480-1-.09, Renewal of License, is amended by adding the following language as new subparagraph (1) (f), and renumbering the remaining subparagraph accordingly and is further amended by deleting parts (2) (a) 1. and (2) (a) 2. in their entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) and the new parts (2) (a) 1. and (2) (a) 2. shall read:

- (1) (f) Any individual who renews his license after the Board's deadline, but before the Board administratively revokes the license shall:
 1. Meet the requirements of paragraph (c); and
 2. Pay the renewal late fee as provided in Rule 0480-1-.06.
- (2) (a) 1. Payment of the current renewal and state regulatory fees as provided in rule 0480-1-.06; and
- (2) (a) 2. Payment of the reinstatement fee as provided in rule 0480-1-.06.

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-14-101, 63-14-106, and 63-14-107.*

Rule 0480-1-.12, Continuing Education, is amended by deleting subparagraph (4) (b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (4) (c), so that as amended, the new subparagraphs (4) (b) and (4) (c) shall read:

- (4) (b) For reactivation of revoked or suspended licensure - No person whose license has been revoked or suspended for failure to comply with continuing education may be reinstated without submitting proof of successful completion of continuing education that will accumulate at the same rate as those licenses which are active. The required clock hours of continuing education must have been successfully completed within six (6) months immediately preceding the date of reinstatement. A license which has been revoked for noncompliance with the CE requirement shall also be subject to the continuing education late fee pursuant to rule 0480-1-.06.
- (4) (c) Continuing education hours obtained as a prerequisite for reactivating a license may not be counted toward the calendar year requirement.

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-14-101, 63-14-104, 63-14-106, and 63-14-111.*

Rule 0480-1-.15, Disciplinary Actions and Civil Penalties, is amended by deleting paragraph (3) in its entirety.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, and 63-14-101.*

Subparagraph (5) (b) of Rule 0480-1-.19, Board Meetings, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting the words “informal” and “informally.”

Authority: *T.C.A. §§ 4-5-202, 4-5-204, and 63-14-101.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of January, 2000. (01-10)

TENNESSEE REAL ESTATE APPRAISER COMMISSION - 1255

There will be a hearing before the Tennessee Real Estate Appraiser Commission to consider the promulgation of rules and amendments to rules pursuant to *T.C.A. §62-39-203*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *T.C.A. §4-5-204*, and will take place in Room 140, Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 10:00 A.M. on Monday, March 20, 2000.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Verna Norris, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615)741-0481.

For a copy the entire text of this notice of rulemaking hearing, contact the Tennessee Real Estate Appraiser Commission, attention Sandy Moore, 500 James Robertson Parkway, Sixth Floor, Nashville, Tennessee 37243 at (615) 741-1831.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1255-1 GENERAL PROVISIONS

AMENDMENTS

Rule 1255-1-.04 Application for Appraiser License or Certificate is amended by deleting the text of paragraph (3) and substituting instead the following language so that, as amended, paragraph (3) shall read:

- (3) Each applicant shall complete all application and examination requirements within one (1) year of the date the Commission grants approval for the applicant to take the required examination. An applicant may not take the required examination more than four (4) times within the one (1) year period following approval; thereafter, an applicant wishing to take the required examination shall reapply and submit a new application fee. The Commission may grant exceptions to the requirements set forth in this paragraph upon appropriate individual request.

Authority: *T.C.A. §§62-39-203, 62-39-204, 62-39-312 and 62-39-333.*

Rule 1255-1-.04 Application for Appraiser License or Certificate is further amended by deleting the text of paragraph (5) and substituting instead the following language so that, as amended, paragraph (5) shall read:

- (5) Filing and Fees. Properly completed applications must be accompanied by the appropriate fees. Once the application has been filed and processed, the application fee may not be refunded. The following fees shall be charged:
- (a) Application for initial real estate appraiser license \$125.00
 - (b) Application for initial real estate appraiser certificate \$125.00
 - (c) License or certificate issuance fee \$350.00

- (d) Application for upgrade/downgrade \$125.00
- (e) Letter of good standing \$ 25.00

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206, 62-39-307, 62-39-315 and 62-39-333.

Rule 1255-1-.09 Licensure and Certification is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) As a prerequisite to making application for licensure, or for certification as a state certified residential real estate appraiser, an applicant must first register as a real estate appraiser trainee, in addition to meeting all other lawful requirements, then provide proof of the following experience:
 - (a) A minimum of twenty-four (24) months of progressive appraisal experience, under the direct supervision of a state certified residential real estate appraiser or a state certified general real estate appraiser, of a grade and character which indicates to the Commission that the applicant is competent in the Uniform Standards of Professional Appraisal Practice; or
 - (b) Equivalent experience, as determined by the Commission, which demonstrates the applicant’s competence in the Uniform Standards of Professional Appraisal Practice. Equivalent experience is limited to the following:
 - 1. A minimum of twenty-four (24) months of experience as a licensed or certified real estate appraiser in another state, territory or possession of the United States, or in any country; provided, that the applicant has otherwise met all other requirements of Title 62, Chapter 39, and the rules established by the Commission; or
 - 2. A minimum of twenty-four (24) months of appraisal experience as an employee of a federal, state or local governmental agency, bank or lending institution.
- (2) As a prerequisite to making application for certification as a state certified general real estate appraiser, an applicant must first register as a real estate appraiser trainee, in addition to meeting all other lawful requirements, then provide proof of the following experience:
 - (a) A minimum of thirty (30) months of progressive appraisal experience, under the direct supervision of a state certified residential real estate appraiser or a state certified general real estate appraiser, of a grade and character which indicates to the Commission that the applicant is competent in the Uniform Standards of Professional Appraisal Practice; or
 - (b) Equivalent experience, as determined by the Commission, which demonstrates the applicant’s competence in the Uniform Standards of Professional Appraisal Practice. Equivalent experience is limited to the following:
 - 1. A minimum of thirty (30) months of experience as a licensed or certified real estate appraiser in another state, territory or possession of the United States, or in any country; provided, that the applicant has otherwise met all other requirements of Title 62, Chapter 39, and the rules established by the Commission; or
 - 2. A minimum of thirty (30) months of appraisal experience as an employee of a federal state or local governmental agency, bank or lending institution.

- (3) Effective January 1, 1992, a registered trainee or applicant for registration as a trainee may apply to take the appraiser license or certified residential examination; provided, that the applicant has completed all appropriate education requirements. A registered trainee may not apply to take the certified general examination until the trainee has completed all other requirements for general certification.
- (4) An applicant to take the appraiser license or certified residential examination must submit an application on a form approved by the Commission along with a nonrefundable examination application fee of fifty dollars (\$50.00).
- (5) The Commission will grant a license or residential certificate to an applicant only upon such applicant completing all other requirements for licensure or residential certification. If, after passing the licensure or residential certification examination, a registered trainee fails to meet all other requirements for licensure or residential certification prior to the expiration of the trainee's registration, and the trainee fails to renew such registration, then the trainee must reapply and retake the examination.
- (6) If, upon passing the required examination, the Commission finds an applicant has satisfied all requirements for licensure or certification, the Commission shall issue to the applicant a real estate appraiser license or certificate.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206, 62-39-304 and 62-39-333.

Rule 1255-1-.12 License and Certificate Renewal is amended by deleting the text of paragraph (2) and substituting instead the following language so that, as amended, paragraph (2) shall read:

- (2) An application for renewal must be accompanied by the following renewal fee, plus the applicable federal registry fee:
 - (a) Renewal of real estate appraiser license \$350.00
 - (b) Renewal of real estate appraiser certificate \$350.00

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206, 62-39-301 and 62-39-333.

Rule 1255-1-.12 License and Certificate Renewal is further amended by deleting the text of paragraph (4) and substituting instead the following language so that, as amended, paragraph (4) shall read:

- (4) If a license or certificate holder fails to renew his or her license or certificate before thirty (30) days prior to the expiration thereof, the license or certificate holder may, upon payment of a one hundred dollar (\$100.00) penalty, apply for renewal. No late renewal will be granted if over six (6) months have passed since the expiration of the license or certificate.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206, 62-39-307, 62-39-315 and 62-39-333.

Rule 1255-1-.13 Registered Trainee is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Effective July 1, 1997, any person serving as a real estate appraiser trainee must register with the Commission.

- (2) The Commission shall determine an applicant's eligibility for registration as a trainee. An applicant for registration as a real estate appraiser trainee must successfully complete the following requirements prior to obtaining registration:
 - (a) Obtain the required application form from the Commission;
 - (b) Provide on the application form proof of having obtained a high school diploma or its equivalent;
 - (c) Provide on the application form the name and certificate number of the certified real estate appraiser under whose direct supervision the applicant will serve;
 - (d) Submit proof of completion of a minimum of an approved thirty (30) hour course in Appraisal Principles and an approved fifteen (15) hour course in the Uniform Standards of Professional Appraisal Practice; and
 - (e) Submit with the application a nonrefundable application and registration fee of one hundred twenty-five dollars (\$125.00).
- (3) Upon receipt of a properly completed application form and the required fee, the Commission shall issue to the applicant a real estate appraiser trainee registration certificate and number.
- (4) A trainee registration shall expire two (2) years after the date of issuance. A trainee may renew the registration, within thirty (30) days prior to its expiration, by filing the prescribed form with the Commission and paying a renewal fee of one hundred twenty-five dollars (\$125.00). If a registered trainee fails to file the prescribed form and pay the renewal fee within the time specified, the registered trainee may, upon payment of a one hundred dollar (\$100.00) penalty, apply for renewal. No late renewal will be granted if more than six (6) months have passed since the expiration of the registration.
- (5) Each registered trainee shall notify the commission of such registered trainee's current residence address, current business address and name of the registered trainee's sponsor appraiser. When a registered trainee changes residence address, business address or sponsor appraiser, such registered trainee shall notify the Commission, in writing, of such change within thirty (30) days thereafter.
- (6) All appraisal reports relating to real property in this state which are prepared by a registered trainee must be prepared under the direct supervision of the registered trainee's sponsoring certified real estate appraiser.
- (7) A registered trainee may conduct property inspections alone (without being accompanied by the sponsor appraiser) only after completing five hundred (500) hours of acceptable experience. In order to conduct property inspections pursuant to this paragraph, the registered trainee shall submit a form to the Commission on which both the registered trainee and the sponsoring certified real estate appraiser shall certify the experience.
- (8) No registered trainee may represent him or herself as a licensed or certified appraiser or use the appellation "state licensed real estate appraiser," "state certified residential real estate appraiser," "state certified general real estate appraiser," or any form thereof, or do any other act which gives or is designed to give the impression that the registered trainee is a licensed or certified real estate appraiser.

Authority: *T.C.A. §§62-39-105, 62-39-203, 62-39-206, 62-39-304, 62-39-317 and 62-39-333.*

**CHAPTER 1255-2
EVALUATION OF APPRAISER EDUCATION**

AMENDMENTS

Rule 1255-2-.05 Course Provider Applications is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The provider of any course(s) in real estate appraisal for which the approval of the Tennessee Real Estate Appraiser Commission is sought shall submit an application on a form prescribed by the Commission.
- (2) The provider shall submit with the application the following:
 - (a) A resume outlining the education and experience of the instructor(s) of such course(s);
 - (b) A detailed description of the content of such course(s);
 - (c) The projected schedule for the teaching of such course(s); and
 - (d) Such other information as the Commission may reasonably request.
- (3) Any provider of any course in the Uniform Standards of Professional Appraisal Practice shall, in addition to the above requirements, indicate on the application form that the provider will make available to all students a copy of the edition of the Uniform Standards of Professional Appraisal Practice which is taught in the course.

Authority: *T.C.A. §§62-39-203 and 62-39-333.*

Rule 1255-2-.10 Inspection is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

By applying for the Commission's approval of any course in real estate appraisal, the provider applicant agrees to permit periodic inspections and monitoring by the Commission or its authorized representative for the purpose of evaluating facilities, course content, instructor performance, or any other relevant aspect of the administration and conduct of such course. The provider applicant also agrees to provide the Commission, on a quarterly basis, with a list of all scheduled courses for the quarter, including the time, date and location of such courses, in order to facilitate such inspection.

Authority: *T.C.A. §§62-39-203 and 62-39-333.*

Rule 1255-2-.12 Withdrawal of Approval is amended by deleting the text of subparagraph (1)(a) and substituting instead the following language so that, as amended, subparagraph (1)(a) shall read:

- (a) The conduct of a provider, an instructor, or any other school representative in either the establishment or conduct of a course violates, or fails to meet the requirements of, the provisions of this chapter of other applicable law;

Authority: *T.C.A. §§62-39-203 and 62-39-333.*

Rule 1255-2-.14 Repetition of Course Content is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The Commission will not award credit for completion of required qualifying real estate appraisal education if the content of any course for which credit is claimed duplicates or repeats the content of a course for which credit has been previously received.
- (2) A license or certificate holder may obtain continuing education credit for any course taken more than once if the course has undergone a significant update or if the license or certificate holder has not taken the course within the previous five (5) years.
- (3) In general, an applicant for trainee registration, licensure, certification or renewal thereof may not claim credit for the same course as both qualifying and continuing education during the same renewal period; however, an applicant for upgrade may claim as qualifying education a course the applicant has taken for continuing education, but only if the applicant successfully completed the course examination.

Authority: *T.C.A. §§62-39-203 and 62-39-333.*

Rule 1255-2-.15 Fees is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The required fee from a course provider for course approval shall be two hundred dollars (\$200.00) for each course. Once the application has been filed and processed, the application fee may not be refunded.
- (2) Course approval shall be valid for a two (2)-year period from the date of approval and shall be renewed biennially thereafter.
 - (a) The provider of an approved course who wishes to renew such approval shall submit an application, on a form approved by the Commission, along with a renewal fee of two hundred dollars (\$200.00) within thirty (30) days prior to the approval's expiration.
 - (b) In order to renew course approval and in addition to the payment of the appropriate fee, the provider shall also submit with the application a notarized statement certifying that the provider has not significantly changed the content of the course since its original approval.
 - (c) If a provider fails to renew course approval within thirty (30) days of the approval's expiration date, the provider may, upon payment of a fifty dollar (\$50.00) penalty, apply for late renewal. No late renewals of course approval will be granted if over three (3) months have passed since expiration.
- (3) No fee will be required from state universities, colleges and junior colleges which provide courses for qualifying or continuing education.

Authority: *T.C.A. §§62-39-203 and 62-39-333.*

**CHAPTER 1255-3
EVALUATION OF APPRAISAL EXPERIENCE**

AMENDMENTS

Rule 1255-3-.01 Real Estate Appraisal Experience is amended by deleting the text of paragraph (1) and substituting instead the following language so that, as amended, paragraph (1) shall read:

- (1) An applicant for licensure must possess at least twenty-four (24) months of real estate appraisal experience. Hours may be treated as cumulative in order to achieve the necessary two thousand (2,000) hours of appraisal experience.

Authority: T.C.A. §§62-39-203, 62-39-303 and 62-39-333.

Rule 1255-3-.01 Real Estate Appraisal Experience is further amended by deleting the text of paragraph (2) and substituting instead the following language so that, as amended, paragraph (2) shall read:

- (2) An applicant for certification as a certified residential real estate appraiser must possess at least twenty-four (24) months of real estate appraisal experience. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500) hours of appraisal experience.

Authority: T.C.A. §§62-39-203, 62-39-312, 62-39-313 and 62-39-333.

Rule 1255-3-.01 Real Estate Appraisal Experience is further amended by deleting the text of paragraph (3) and substituting instead the following language so that, as amended, paragraph (3) shall read:

- (3) An applicant for certification as a certified general real estate appraiser must possess at least thirty (30) months of real estate appraisal experience. Hours may be treated as cumulative in order to achieve the necessary three thousand (3,000) hours of appraisal experience. One thousand five hundred (1,500) of the required hours shall be earned in non-residential appraisal experience.

Authority: T.C.A. §§62-39-203, 62-39-312, 62-39-313 and 62-39-333.

Rule 1255-3-.03 Criteria for Standard and Review Appraisal Experience is amended by deleting the text of part (1)(a)2. and substituting instead the following language so that, as amended, part (1)(a)2. shall read:

- (1) (a) 2. Condemnation Appraisals:
 - (i) If a partial acquisition appraisal is performed and a valuation of both the before and after values are given then an additional twenty-five percent (25%) credit will be awarded. This credit shall be rounded to the nearest hour.

Authority: T.C.A. §§62-39-203, 62-39-303, 62-39-312 and 62-39-333.

**CHAPTER 1255-5
STANDARDS OF PROFESSIONAL PRACTICE**

AMENDMENTS

Rule 1255-5-.01 Uniform Standards of Appraisal Practice is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The Tennessee Real Estate Appraiser Commission adopts by reference the most current edition of the “Uniform Standards of Professional Appraisal Practice” as published in the Federal Register and modified from time to time by the Appraisal Standards Board of the Appraisal Foundation.
- (2)
 - (a) Unless otherwise indicated, the provisions of this chapter shall apply to any person holding a license or certificate as a licensed real estate appraiser, certified residential real estate appraiser, or certified general real estate appraiser in this state.
 - (b) In addition, rule 1255-5-.02 Civil Penalties, paragraphs (2) through (4), shall apply to any person required to hold a license or certificate to engage in the practice of real estate appraisal in this state, regardless of whether such person has actually obtained such license or certificate.
- (3) Unless otherwise provided by applicable law or rule, the holder of a license or certificate as a licensed real estate appraiser, certified residential real estate appraiser or certified general real estate appraiser shall at all times comply with the “Uniform Standards of Professional Appraisal Practice.” In performing the acts and services of a real estate appraiser, the appraiser shall conform to the “Uniform Standards of Professional Appraisal Practice” which are in effect at the time the services are performed.
- (4) The appraiser shall state and prominently place on the face of the appraisal report the type of report format utilized.
- (5) The appraiser shall identify all persons providing material assistance in the appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice.
- (6) The appraiser shall sign each written appraisal report relating to real property in this state that he or she prepares, in accordance with the “Uniform Standard of Professional Appraisal Practice.” The appraiser shall not affix his or her signature to any written appraisal report relating to real property in this state which was not prepared under the appraiser’s direct supervision.
 - (a) An appraisal report will be deemed to have been prepared under the direct supervision of an appraiser only when:
 1. The appraiser supervises and is involved in the preparation of the report and has input into and full knowledge of the report prior to its completion; and
 2. The appraiser has the authority to, and does, make any necessary and appropriate changes to the final report.
- (6) Prior to serving as the sponsor appraiser for a registered trainee, and appraiser shall have obtained a minimum of two (2) years experience as a state certified residential or state certified general real estate appraiser.
- (8) Failure to comply with the “Uniform Standards of Professional Appraisal Practice” constitutes grounds for the revocation, suspension or restriction of any license or certificate issued by the Commission and/or the imposition of civil penalties pursuant to *T.C.A. §62-39-326*.

Authority: *T.C.A. §§56-1-308, 62-39-203, 62-39-204, 62-39-323, 62-39-326 and 62-39-333.*

**CHAPTER 1255-6
RECIPROCITY
AMENDMENTS**

Rule 1255-6-.01 Reciprocal Agreements is amended by deleting the text of paragraph (2) and substituting instead the following language so that, as amended, paragraph (2) shall read:

- (2) If, in the determination of the Commission, the requirements in paragraph (1) have been met, then upon receipt of nonrefundable application fee of one hundred twenty-five dollars (\$125.00), a license or certificate issuance fee of three hundred fifty dollars (\$350.00) and a federal registry fee of fifty dollars (\$50.00), the Commission shall grant to an applicant a reciprocal license or certificate to appraise real estate in the State of Tennessee.

Authority: *T.C.A. §§62-39-203, 62-39-322 and 62-39-333.*

Rule 1255-6-.02 Temporary Practice Permits is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) For purposes of this rule only, “assignment” shall mean one or more real estate appraisals and written appraisal reports which are covered by a contract to provide real estate appraisal services.
- (2) A nonresident of this state who shows proof of such nonresident’s proper licensure or certification in another state, territory or possession of the United States, or any country, may apply to the Commission for a temporary practice permit to perform a single assignment.
- (3) An applicant for a temporary practice permit must submit an application to the Commission on a form approved by the Commission, along with a letter of good standing from the applicant’s state, territory, possession or country of residence.
- (4) An applicant for a temporary practice permit shall submit with the application a nonrefundable application fee of one hundred fifty dollars (\$150.00) for each assignment in this state. The applicant shall provide with the application a list of each specific parcel of real property included in the assignment. Such permit shall expire six (6) months after its issuance.
- (5) Upon appropriate written request, the Commission may grant an extension of any temporary practice permit it has issued. In no event may a temporary practice permit be valid for more than one (1) year from the date of its issuance.
- (6) An individual nonresident may obtain no more than four (4) temporary practice permits in a single calendar year.

Authority: *T.C.A. §§62-39-203, 62-39-322, 62-39-333 and 62-39-338.*

The notice of rulemaking set out herein was properly filed in the Department of State on this 31st day of January, 2000. (01-25)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

**PROCLAMATION 00-2
 AMENDING PROCLAMATION 99-22
 SPORT FISHING PROCLAMATION**

Pursuant To The Authority Granted By *Title 70, Tennessee Code Annotated, And Sections 70-4-107 And 70-4-119* Thereof, The Tennessee Wildlife Resources Commission Proclaims The Following Amendment To Section I. Endangered Species, General Seasons, Creel And Possession Limits, And Minimum Length Of Proclamation 99-22, Sport Fishing Proclamation, Dated The 28th Day Of October, 1999.

SECTION I. ENDANGERED SPECIES, GENERAL SEASONS, CREEL AND POSSESSION LIMITS, AND MINIMUM LENGTH LIMITS

Amend Line 16 By Adding The Words “And Sm” After “Lm”, And Replace 13" With 14" Under Minimum Length To Read:

	<u>Daily Limit</u>	<u>Minimum Length</u>
Lm And Sm From Barkley Reservoir.....	5	14"

Amend Line 17 By Adding New Lines That Read “South Of Trm 111.1....”, And “North Of Trm 111.1.... 5.....14” To Read:

Lm Bass From Kentucky Lake.....		
South Of Trm 111.1.....	5	13"
North Of Trm 111.1.....	5	14"

Delete Lines 24-26 And Amend Line 20 By Adding “And Kentucky Lake” After “Pickwick Lake” To Read:

Sm Bass From Pickwick Lake And Kentucky Lake.....	5	14"
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Proclamation 00-2 Received And Recorded This 31st Day Of January, 2000. (01-15)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 00-3
AMENDING PROCLAMATION 99-24
COMMERCIAL TAKING OF FISH AND TURTLES**

Pursuant to the authority granted by *Title 70, Tennessee Code Annotated, and Sections 70-1-206, 70-4-107, and 70-4-119* thereof, the Tennessee Wildlife Resources Commission proclaims the following amendments to Section II. LICENSE REQUIREMENT, Section III. GENERAL PROVISIONS, and Section V. REPORT REQUIREMENTS of Proclamation 99-24, COMMERCIAL TAKING OF FISH AND TURTLES, dated the 28th day of October, 1999.

SECTION II. LICENSE REQUIREMENT

Amend this Section by deleting the present language in its entirety and by substituting instead the following new language:

“A commercial fishing license is required by anyone engaging in or assisting anyone engaging in commercial fishing. Commercial fishermen must obtain a free Paddlefish Permit or a free Sturgeon Permit from TWRA prior to harvesting paddlefish and sturgeon from the waters of the State. A free Paddlefish and/or Sturgeon Permit may be obtained by written request. Sequentially numbered tags, which must be secured to harvested paddlefish and sturgeon, will be issued to Paddlefish and/or Sturgeon Permit holders. Commercial fishermen must obtain a free Turtle Permit from TWRA to harvest turtles from the waters of the State.”.

SECTION III. GENERAL PROVISIONS

Amend Item B. by adding the sentence “This season shall be effective through April 23, 2003.” after the second sentence.

Amend the fourth sentence by replacing the number “30” with “32”, and add the words “or blocked (with the tail remaining on the fish) a minimum of 24 inches from the fork of the tail to the flesh behind the gill arch (measured along the side of the fish) after the word “length”.

Amend Item K. by deleting the present language in its entirety and by substituting instead the following new language:

Prior to sale at a permanent in-state wholesale dealer’s business location or prior to being marketed out-of-state, paddlefish carcasses may not be altered in such a manner that the length of the fish may not be determined (measuring 32 inches from the eye to fork in tail or blocked a minimum of 24 inches from the fork in tail to the flesh behind the gill arch, measured along the side of the fish)”).

Amend Item L. by adding the words “and sturgeon” after the word “paddlefish”.

SECTION V. REPORT REQUIREMENTS

Amend this section by adding the words “and/or Sturgeon” after the word “Paddlefish” in the third sentence and adding the words “and sturgeon” after the word “paddlefish” in the second, third, and fourth sentences in the first paragraph, and after the word “paddlefish” in the first and second sentences in the second paragraph.

Proclamation 00-3 received and recorded this 31st day of January, 2000. (01-14)



CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning January 3, 2000 and ending January 31, 2000..


RILEY C. DARNELL
Secretary of State

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pg. 42

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pg. 44

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pg. 46