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TENNESSEE ADMINISTRATIVE REGISTER



April 14, 2000
Volume 26, Number 4

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RILEY C. DARNELL
Secretary of State

Division of Publications
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Department of State, Authorization No. 305084, copies, April 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.

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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.

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ANNOUNCEMENTS

THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION - 0100

PETITION FOR DECLARATORY ORDER BEFORE

Name and Address of Petitioners:

Hillwood Wine and Liquor Mart, Inc. d/b/a Mr. Whiskers
31 White Bridge Road, Nashville, Tennessee 37206

PLB, Inc. d/b/a Bud's Discount Wine & Liquors
2139 Abbott Martin Road, Nashville, Tennessee 37215

Summary of the Facts of the Controversy:

Petitioners PLB, Inc. and Hillwood Wine & Liquor Mart, Inc. are Tennessee corporations wholly owned by Katherine Budslick (owner of PLB, Inc.) and Mary Budslick (owner of Hillwood Wine & Liquor Mart, Inc.) that operate retail liquor stores in Davidson County, Tennessee. In February of 1992, the two corporations entered into a settlement agreement which resolved certain contractual disputes with Quality Management, Inc. and Paul L. Budslick. Quality Management, Inc. had provided certain management services to the two liquor stores under a contract. In that settlement agreement, PLB and Hillwood grant an option to Budslick or his assignee to purchase the assets of Bud's Liquors and Mr. Whiskers upon certain terms and conditions described within the agreement.

On September 24, 1999, the Court of Appeals for the Western District of Tennessee, considering an appeal from the Chancery Court of Madison County, issued an opinion in the matter of *Ledbetter v. Townsend*, 1999 W.L. 787438 (Tenn. Ct. App.) in which the Court declared that a contract to sell a retail liquor store was void and unenforceable because it violated *T.C.A. §57-3-406* in that the contract granted a contractual right to purchase a liquor store to a person who already owned a retail liquor store in the state of Tennessee.

Petitioners request that the Board find and issue a declaratory order as to whether the option granted in 1992 to purchase two liquor stores would in fact be void and unenforceable as being in violation of *§57-3-406*.

Citation to the Statute which is the Subject of the Petition:

T.C.A. §57-3-406(a) in relevant part states;

No retailer licensed under §57-3-204 shall, directly or indirectly, operate more than one licensed retail business in this state. "Indirectly" means any kind of interest in such a retail business by way of stock ownership, loan, partners interest, or otherwise.

A contested case hearing for this matter has been scheduled before an administrative judge of the Administrative Procedures Division sitting on behalf of the Tennessee Alcoholic Beverage Commission on June 28, 2000 at 9:00 a.m. in the Hearing Room at 226 Capitol Boulevard, Suite 300, Nashville, Tennessee. The hearing will be conducted in accordance with the Tennessee Administrative Procedures Act (*T.C.A. §4-5-101, et seq.*), the Uniform Rules of Procedure for Hearing Contested Cases (*Rule 1360-4-1-.01, et seq.*) and any pertinent rules of the Tennessee Alcoholic Beverage Commission. Any party wishing to intervene in this action must do so pursuant to *T.C.A. §4-5-310*.

Anyone desiring more information in this matter may contact Dan Haskell, Attorney for Petitioners, at (615) 244-4994 or Gregory Harrison, Executive Director of the Tennessee Alcoholic Beverage Commission, at (615) 741-1602.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the Department of State on this the 31st day of March, 2000. (03-37)

DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180

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 13.00 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 May 2000 is 9.94 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 5.94 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 xxxxxxxxxxxxxxxxxxxxxx, 000000000000. 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
03-01	March 6, 2000	0400 Dept of Environment and Conservation Division of Underground Storage Tanks	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1200-1-15</i> <i>Petroleum Underground Storage Tanks Program</i></p> <p>1200-1-15-.01 Program Scope and Minimum Requirements for Tanks</p> <p>1200-1-15-.02 UST Systems: Design, Construction, General Operating Requirements, Repairs allowed</p> <p>1200-1-15-.03 Release Detection, Methods of release detection for tanks, Inventory Control</p> <p>1200-1-15-.04 Release Reporting, Investigation and Confirmation, Reporting of suspected releases</p> <p>1200-1-15-.07 Out-of-Service UST Systems and Closure, Temporary closure</p> <p>1200-1-15-.09 Administrative Guidelines and Procedures for the TN Petroleum Underground Storage Tank Fund, Loss, Restoration, and Establishment of Fund Eligibility</p> <p>1200-1-15-.10 Fee Collection and Certification Issuance Regulations, Failure to Pay the Annual Petroleum Underground Storage Tank Fee</p> <p>1200-1-15-.12 Indicia Of Ownership</p>	Cheryl Cole Division of Underground Storage Tanks 401 Church St 4 th Fl Nashville, TN 37243-1541 615-532-0987	May 20, 2000
03-02	March 15, 2000	0260 Board of Chiropractic Examiners	Rulemaking Hearing Rules	New Rules	<p><i>Chapter 0260-2</i> <i>General Rules and Regulations Governing the Practice of Chiropractic Examiners</i></p> <p>0260-2-.23 Consumer Right-To-Know Requirements</p>	Earl Roberts, OGC 26th Fl, TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	May 28, 2000
03-04	March 13, 2000	1200 Health Bureau of Health Services Administration Division of General Environmental Health	Rulemaking Hearing Rules	New Rules	<p><i>Chapter 1200-23-5</i> <i>Public Swimming Pools</i></p> <p>1200-23-5-.01 Definitions</p> <p>1200-23-5-.02 Operational Requirements For Public Swimming Pools</p> <p>1200-23-5-.03 Minimum Design Standards For Public Swimming Pools</p> <p>1200-23-5-.04 Establishment Permitting and Inspection System</p> <p>1200-23-5-.05 Fees</p> <p>1200-23-5-.06 Loss of Permit Document</p> <p>1200-23-5-.07 General Provisions</p> <p>1200-23-5-.08 Tables</p>	Jerrod Daniels Cordell Hull Bldg, 3 rd fl Nashville TN 37247-0101 615-741-3111	May 27, 2000

03-05	March 15, 2000	0870 TN Massage Licensure Board	Rulemaking Hearing Rules	New Rules	<i>Chapter 0870-1 General Rules Governing Licensed Massage Therapists and Establishments</i> 0870-1-.18 Consumer Right-To-Know Requirements	Robbie Bell, OGC 26th Fl, Snodgrass State Office Bldg 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	May 28, 2000
03-08	March 16, 2000	1150 Board of Occupational and Physical Therapy Examiners	Rulemaking Hearing Rules	New Rules	<i>Chapter 1150-1 General Rules Governing the Practice of Physical Therapy</i> 1150-1-.01 Definitions 1150-1-.02 Scope of Practice and Supervision 1150-1-.03 Necessity of Licensure 1150-1-.04 Qualifications for Licensure 1150-1-.05 Procedures for Licensure 1150-1-.06 Fees 1150-1-.07 Application Review, Approval and Denial 1150-1-.08 Examinations 1150-1-.09 Renewal of License 1150-1-.10 Reserved 1150-1-.11 Retirement and Reactivation of License 1150-1-.12 Reserved 1150-1-.13 Reserved 1150-1-.14 Code of Ethics 1150-1-.15 Disciplinary Actions, Civil Penalties, and Assessment of Costs. 1150-1-.16 Replacement License 1150-1-.17 Change of Name and/or Address 1150-1-.18 Mandatory Release of Client Records 1150-1-.19 Committee Meetings, Officers, Consultants, Records, and Declaratory Orders 1150-1-.20 Consumer Right-to-Know Requirements 1150-1-.21 Professional Peer Assistance	John Fitzgerald, Office of General Counsel, 26th Fl, William R. Snodgrass TN Twr, 312 8th Ave N, Nashville, TN 37247-0120 615-741-1611	May 30, 2000
03-09	March 17, 2000	1200 Dept of Health Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-8-1 Standards for Hospitals</i> 1200-8-1-.01 Definitions 1200-8-1-.02 Licensing Procedures 1200-8-1-.03 Disciplinary Procedures 1200-8-1-.04 Administration 1200-8-1-.05 Admissions, Discharges, and Transfers 1200-8-1-.06 Basic Hospital Functions 1200-8-1-.07 Optional Hospital Services 1200-8-1-.08 Bldg Standards 1200-8-1-.09 Life Safety 1200-8-1-.10 Infectious and Hazardous Waste	Anita Van Tries Dept of Health Health Care Facilities 1 st Fl, Cordell Hull Bldg 425 Fifth Ave N Nashville, TN 37247-0508 615-741-7586	May 30, 2000

03-10	March 21, 2000	1200 Dept of Health Bureau of Health Services	Proposed Rules	New Rules	<p><i>Chapter 1200-11-3</i> <i>Children's Special Services</i> 1200-11-3-.01 Statement of Purpose 1200-11-3-.02 Definitions 1200-11-3-.03 Eligibility Requirements (revised and effective April 30, 1999) 1200-11-3-.04 Covered Services 1200-11-3-.05 Authorization and Reimbursement for Services 1200-11-3-.06 Standards of Care 1200-11-3-.07 Out of State Treatment 1200-11-3-.08 Closure of Cases and Appeals</p>	Jerrod Daniels Cordell Hull Bldg, 3 rd fl Nashville TN 37247-0101 615-741-3111	July 28, 2000
03-12	March 21, 2000	1200 Dept of Health Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	New rules	<p><i>Chapter 1200-8-10</i> <i>Standards for Ambulatory Surgical Treatment Centers</i> 1200-8-10-.01 Definitions 1200-8-10-.02 Licensing Procedures 1200-8-10-.03 Disciplinary Procedures 1200-8-10-.04 Administration 1200-8-10-.05 Admissions, Discharges, and Transfers 1200-8-10-.06 Basic Services 1200-8-10-.07 Specialty Services 1200-8-10-.08 Bldg Standards 1200-8-10-.09 Life Safety 1200-8-10-.10 Infectious and Hazardous Waste 1200-8-10-.11 Records and Reports 1200-8-10-.12 Patient Rights 1200-8-10-.13 Procedures for the Withholding of Resuscitative Services 1200-8-10-.14 Disaster Preparedness</p>	Robbie Bell Office of General Counsel Dept of Health 7th Fl, TN Twr Nashville, TN 37247-0120 615-741-1611 Anita Van Tries Dept of Health 425 Fifth Ave N 1st Fl, Cordell Hull Bldg Nashville, TN 37247-0508 615-741-7586	June 4, 2000
03-21	March 29, 2000	0520 Board of Education	Proposed Rule	Amendments	<p><i>Chapter 0520-2-3</i> <i>Teacher Education and Licensure</i> 0520-2-3-.01 Licensure, General Requirements</p>	Karen Weeks State Board of Education 9th Fl, Andrew Johnson Twr 710 James Robertson Parkway Nashville, TN, 37243-1050 (615) 532-3528	July 28, 2000
03-24	March 29, 2000	1200 Dept of Health Board for Licensing Health Care Facilities	Rule Making Hearing Rules	Amendment	<p><i>Chapter 1200-8-6</i> <i>Standards for Nursing Homes</i> 1200-8-6-.06 Nursing Services</p>	Robbie H. Bell OGC 26 th Fl, TN Twr Nashville, TN 37243 615-741-1611 Anita Van Tries Health Care Facilities 1 st Fl, Cordell Hull Bldg. 425 Fifth Ave N Nashville TN 37247 615-741-7586	June 12, 2000

ANNOUNCEMENTS

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03-25	March 29, 2000	0400 Environment and Conservation Division of Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites 19-533	Robert L. Powell Division of Superfund 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	June 12, 2000
03-26	March 29, 2000	0400 Environment and Conservation Division of Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites 47-548	Robert L. Powell Division of Superfund 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	June 12, 2000
03-27	March 29, 2000	0400 Environment and Conservation Division of Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites 75-513	Robert L. Powell Division of Superfund 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	June 12, 2000
03-28	March 29, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendments	<i>Chapter 1660-2-7 Rules and Regulations Governing Operations of Vessels</i> 1660-2-7-.27 Douglas Lake	Sheryl Holtam, Staff Attorney TN Wildlife Resources Agency PO Box 40747 Nashville, TN 37204 (615) 781-6006	June 12, 2000
03-29	March 31, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Repeal	<i>Chapter 1660-1-14 Rules and Regulations of Hunts</i> 1660-1-14-.04 Tigrett Wildlife Management Area	Sheryl Holtam, Staff Attorney TN Wildlife Resources Agency PO Box 40747 Nashville, TN 37204 (615) 781-6006	June 14, 2000
03-30	March 31, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Repeal	<i>Chapter 1660-1-5 Rules and Regulations for Fishing</i> 1660-1-5-.01 Commercial Fishery Quota Permit Applications and Drawings 1660-1-5-.03 TWRA Lakes	Sheryl Holtam, Staff Attorney TN Wildlife Resources Agency PO Box 40747 Nashville, TN 37204 (615) 781-6006	June 14, 2000
03-31	March 31, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendment	<i>Chapter 1660-2-7 Rules and Regulations of Vessels</i> 1660-2-7-.05 Percy Priest Reservoir	Sheryl Holtam, Staff Attorney TN Wildlife Resources Agency PO Box 40747 Nashville, TN 37204 (615) 781-6006	June 14, 2000
03-32	March 31, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendment	<i>Chapter 1660-1-17 Rules and Regulations for Refuges and Wildlife Management Areas</i> 1660-1-17-.01 General Provisions for Commercial Use	Sheryl Holtam, Staff Attorney TN Wildlife Resources Agency PO Box 40747 Nashville, TN 37204 (615) 781-6006	June 14, 2000

03-33	March 31, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendment	<i>Chapter 1660-2-7 Rules and Regulations for Governing Operations of Vessels</i> 1660-2-7-.15 Chickamauga Lake	Sheryl Holtam, Staff Attorney TN Wildlife Resources Agency PO Box 40747 Nashville, TN 37204 (615) 781-6006	June 14, 2000
03-35	March 31, 2000	1200 Dept of Health Division of Communicable and Environmental Disease Services	Rulemaking Hearing Rules	Amendments	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	Jerrold R. Daniels 3 rd Fl, Cordell Hull Bldg 425 5 th Ave. N Nashville, TN 37247 (615) 741-3111	June 14, 2000

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

Applications will be heard at the June 28, 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 April 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

Select Specialty Hospital – Nashville, Inc.
2001 Church Street
Nashville (Davidson Co.), TN 37236
E. Graham Baker – (615)—383-3332
CN0002-016

The establishment of a 37-Bed Long Term Care Hospital to be located in leased space (the 4th and 5th floors) at Baptist Hospital, Nashville, Tennessee and will consist of approximately 19,876.52 square feet.
\$ 1,837,000.00

West Tennessee Diagnostic Center
Coatsland Avenue
Jackson (Madison Co.), TN 38301
James Allen – (901)—425-6734
CN0003-018

The acquisition of a second MRI unit and new construction of approximately 1,200 square feet to the West Tennessee Diagnostic Center located on Coatsland Drive, north of Skyline Drive.
\$ 2,034,568.00

Methodist Healthcare – McNairy Hospital
705 East Poplar Avenue
Selmer (McNairy Co.), TN 38375
John Borden – (901)—645-3221
CN0003-019

The expansion of the hospital by 27,000 square feet and the renovations of 7,000 square feet to provide updated facilities for the emergency room, same day surgery/out-patient services area, physical therapy/wellness/rehabilitation services, seven new inpatient rooms, dietary services, and educational services
\$ 7,118,395.00

NAME AND ADDRESS	DESCRIPTION
Regional Medical Center at Memphis (THE MED) 877 Jefferson Avenue Memphis (Shelby Co.), TN 38103 John Wellborn – (615)—269-0070 CN0003-020	The establishment of an acute inpatient rehabilitation unit of twenty (20) beds, on the third floor of its Adams Pavilion, at 842 Jefferson Street in downtown Memphis, Tennessee. The proposed unit will occupy an estimated 18,150 square feet of existing nursing unit space. \$ 908,000.00
Southern Tennessee Medical Center 185 Hospital Road Winchester (Franklin Co.), TN 37398 John Wellborn – (615)—269-0070 CN0003-021	The initiation of a fixed-base cardiac catheterization service at Southern Tennessee Medical Center. \$ 1,487,500.00

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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PROPOSED RULES

STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-2-3 TEACHER EDUCATION AND LICENSURE

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to *T. C. A. § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment 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 rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

AMENDMENTS

Amend Rule 0520-2-3-.01 Licensure, General Requirements by adding the following language as paragraph (17) so that as amended the rule shall read:

- (17) Candidates seeking licensure and endorsement as a health science education teacher or as a trade and industrial education teacher shall complete a program of studies in professional education not to exceed 18 semester hours. Candidates must be recommended by an institution of higher education with a preparation program approved according to standards and guidelines established by the State Board of Education.

Amend Rule 0520-2-3-.21 Effective Dates by adding the following language as paragraph (13) so that as amended the rule shall read:

- (13) Candidates seeking endorsement in the following areas shall meet the requirements of Rule 0520-2-3-.01(17) no later than September 1, 2002.

Health Science Education, 9-12
Trade and Industrial Education, 9-12

Amend paragraph (12) Rule 0520-2-3-.21 Effective Dates by deleting the words “ Health Science Education, 9-12” so that as amended the rule shall read:

- (12) Teacher candidates seeking licensure and endorsement in the following area shall meet the requirements of Rules 0520-2-3-.01(1) through (9) and 0520-2-3-.11 no later than September 1, 2002. This rule will supersede Rule 0520-2-3-.21(4) insofar as it applies to the area of endorsement listed below.

Early Childhood Education, PreK-4

Authority: *T.C.A. §49-1-302.*

The proposed rules set out herein were properly filed in the Department of State on the 29th day of March, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of July, 2000. (03-21)

**DEPARTMENT OF HEALTH - 1200
BUREAU OF HEALTH SERVICES**

**CHAPTER 1200-11-3
CHILDREN'S SPECIAL SERVICES**

Presented herein are proposed rules of 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 of Health to promulgate 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 rules are published. Such petition to be effective must be filed in the Bureau of Health Services Administration on the Fourth Floor of the Cordell Hull Building located at 425 5th Avenue, North, Nashville, Tennessee 37247 and in the Department of State, Fifth Floor, James K. Polk Office Building, Sixth and Deaderick, Nashville, TN 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule contact: Jacque Cundall, 425 5th Avenue North, 5th Floor, Nashville, TN 37247-4750, Department of Health, 615-741-0310.

SUBSTANCE OF THE PROPOSED RULE

NEW RULES

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1200-11-3-. 01 STATEMENT OF PURPOSE

- (1) In an effort to provide more comprehensive services to children with special health care needs in Tennessee, the Department of Health merged the Crippled Children's Services and the Speech and Hearing Services into one unit and implemented care coordination services to children enrolled in the program in 1992. The program was then identified as the Children's Special Services (CSS) program. The implementation of the TennCare managed care system with the resulting enrollment of previously non-Medicaid eligible CSS population requires the Department to redefine the CSS program's medical and financial eligibility, provider network, covered services, and reimbursement methods. The program recognizes the need to serve a broader group of children with special health care needs who meet the T.C.A 68-12-102 definition of " physically handicapped" .

Authority: T.C.A. §§4-5-202, 68-1-103, and 68-12-101 et seq.

1200-11-3-. 02 DEFINITIONS. Unless otherwise specifically indicated by the context, for the purpose of these rules and regulations, the terms used herein are defined as follows.

- (1) Assistive Technology/Augmentative Communication Devices – Any device or equipment that may promote independence and communication skills for children unable to utilize typical methods for independence.
- (2) Care Coordination/Case Management – Services to promote the effective and efficient organization and utilization of resources to assure access to necessary comprehensive services for children with special health care needs and their families.
- (3) Commissioner - The Commissioner of the Tennessee Department of Health or the Commissioner's designee.
- (4) Department - The Tennessee Department of Health.
- (5) Diagnostic Condition – Diagnoses specifically designated by the program as conditions qualifying a child for program eligibility.
- (6) Diagnostic Evaluation – Physical examinations, medical procedures, laboratory tests, or other procedures deemed necessary for diagnosis.
- (7) Durable Medical Equipment —Durable Medical Equipment means equipment that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is appropriate for use in the home. Orthotics, Prosthetics, and Communication Aid Devices are also included in the definition of " Durable Medical Equipment" .
- (8) Elective Hospital Admission - Any hospital admission for conditions or treatments not immediately necessary to save the patient's life or prevent impending harm.
- (9) Family - For the purpose of the CSS program, a family is defined as follows:
 - (a) Two or more persons related by birth, marriage, or adoption, which reside together. (If a household includes more than one family, the guidelines are applied separately to each family.);
 - (b) A person eighteen (18) years of age or older who is not living with any relatives;

- (c) A child under eighteen (18) years of age and his/her non-parent custodians when financial responsibility has been assigned to them by the court; or
 - (d) Parents of a child under eighteen (18) years of age when the child has been voluntarily placed outside the parent' s home.
- (10) Hospitalization - Any overnight stay in a hospital capable of providing the type of service(s) needed by the child and licensed pursuant to applicable regulations and/or statutes.
 - (11) Inpatient Hospital Services - Medical and surgical services (including screening, diagnostic, therapeutic, corrective, preventive, and palliative services) and facility usage charges (including room and board) provided during hospitalization in a licensed hospital.
 - (12) Medical Services – Medical, surgical, and rehabilitative treatment for conditions related to an approved diagnostic condition.
 - (13) Medically Related Services – Services deemed necessary to follow the treatment plan for an approved medical condition.
 - (5) Orthodontic/Dental Intervention - Medical, surgical, and rehabilitative treatment for conditions related to an approved cranial-facial diagnostic condition.
 - (6) Outpatient Hospital Services - Medical and surgical services (including screening, diagnostic, therapeutic, corrective, preventive, and palliative services) and facility usage charges (including temporary room and board) provided as an outpatient service by a licensed hospital or hospital-based Ambulatory Surgical Treatment Center.
 - (7) Outpatient/Clinic Services - Diagnostic evaluation or treatment services delivered in a public or private setting outside of the hospital.
 - (8) Pharmaceuticals and Supplies – Medications and supplies necessary for treatment related to a diagnostic condition covered by the program.
 - (9) Physically handicapped or crippled child - A child under the age of twenty-one (21) who shall be deemed “ chronically handicapped” by any reason of physical infirmity, whether congenital or acquired, as a result of accident or disease, which requires medical, surgical, dental, or rehabilitation treatment, and who is or may be, totally or partially incapacitated for the receipt of a normal education or for self support. This definition shall not include those children whose sole diagnosis is blindness or deafness; nor shall this definition include children who are diagnosed as psychotic. This definition does not prohibit CSS from accepting for treatment children with acute conditions such as, but not necessarily limited to, fractures, burns and osteomyelitis.
 - (10) Provider - A person, persons, or facility giving direct service to the child as outlined in the child' s plan of treatment.
 - (11) Rehabilitation – Services required to assist the individual to achieve or maintain independence. Rehabilitative services may include physical, speech/language, nutritional/feeding, and occupational therapies.
 - (12) Resident of Tennessee - A person who has established a bona fide residence in Tennessee. The test for such residence is (1) an intention to stay indefinitely in a place, joined with (2) some objective indication consistent with that intent, e. g., enrollment of a child in school.
 - (13) Support Services – Activities that may be necessary to assist the individual or family to access medically necessary and/or recommended care to participate in the activities of daily living.

- (14) TennCare-The State of Tennessee Medicaid Waiver program that replaced the State' s Medicaid program. The TennCare Bureau contracts with managed care organizations (MCOs) to provide a network of providers to serve TennCare enrolled children.
- (15) Third Party Payor – The payment for health care by a party other than the beneficiary.
- (16) Title V Children with Special Health Care Needs (CSHCN) - The Federal Title V CSHCN section of the Title V Maternal and Child Health CSHCN Block Grant that supports the program.

Authority: §§4-5-202, 68-1-103, and 68-12-101 et seq.

1200-11-3-. 03 ELIGIBILITY REQUIREMENTS.

- (1) Any child from birth to twenty-one years of age who is a resident of Tennessee will be deemed eligible for medical services and medically related services, provided the child meets the diagnostic and financial guidelines as established by the program.
- (2) Any child from birth to twenty-one years of age who is a resident of Tennessee and enrolled in TennCare will be deemed eligible for care coordination (case management) services, provided the child meets the administrative and diagnostic guidelines as established by the program.
- (3) Financial eligibility will be determined based on an amount equal to, or a percentage rate above, the Federal Poverty Guidelines as published annually in the Federal Register. Children will be eligible if the family income is at or below 200% of poverty, for the number in the family. When a family has more than one (1) child with an eligible condition, one person may be added to the total number of family members when determining eligibility. Family is defined in Rule 1200-11-3-. 02.
 - (a) Income shall include:
 - 1. Wages, salaries, and/or commissions;
 - 2. Income from rental property or equipment;
 - 3. Profits from self-employment enterprises, including farms;
 - 4. Alimony and/or child support;
 - 5. Inheritances;
 - 6. Pensions and benefits; and
 - 7. Public assistance grants.
 - (b) After the income of the family is determined, the gross monthly income may be adjusted for the following:

1. Verification of medical payments including medical or health insurance premiums made by the family for any family member during the previous twelve (12) months. The amount of such payments shall be prorated over twelve (12) months and deducted from the gross monthly income.
 2. Verification of child support or alimony paid to another household which shall be deducted from the gross monthly income.
- (4) The family's adjusted gross monthly income must fall within the program's financial guidelines in effect at the time of application. Income eligibility will be re-evaluated whenever there is recertification to the program.
 - (5) The child's medical diagnosis may determine the level of financial or supportive services provided by the program. Reimbursement for medical services must be directly related to the diagnosis or medical condition for which the child was determined eligible for the program.
 - (6) Any child who is enrolled on TennCare and meets the diagnostic criteria will automatically be eligible for one (1) year.

Authority: T.C.A. §§ 4-5-202, 68-1-103, 68-12-103, and 68-12-112.

1200-11-3-. 04 COVERED SERVICES

- (1) Covered services will be limited to services that directly relate to the diagnostic condition for which the child is eligible for the program. Services may include: inpatient hospitalization; outpatient hospitalization or clinic services; care coordination services; orthodontic/dental intervention; pharmaceuticals and supplies such as medication, nutritional supplements, other supplies; durable medical equipment; rehabilitative therapies, assistive technology/augmentative communication devices; or other support services as determined by the Commissioner and the program. This benefit may include rental or purchase of durable medical equipment; maintenance, repair, or replacement of durable medical equipment; and, where appropriate, training of the enrollee or the enrollee's family in the use of the equipment.
- (2) Services not covered.
 - (a) Transplant surgeries will not be covered. Drugs and supplies directly related to the transplant will also not be covered.
 - (b) Drug treatments will not be reimbursed unless the drug is FDA approved for the purpose intended.
 - (c) Dental and Orthodontic treatment will not be covered except in craniofacial malformations, cleft palate conditions, and designated cardiac conditions as outlined in program policy.
 - (d) Psychiatric treatment and psychological services will not be covered.
 - (e) Alcohol and drug treatment will not be covered.
 - (f) Ambulance fees and transportation will not be covered except for emergency transportation from one hospital to another.
- (3) The type and amount of covered services will be determined by the availability of funds. When budgetary constraints are indicated, the department may:

- (a) Create a waiting list of patients requesting elective hospital admissions. (The waiting list will be evaluated on a monthly basis and elective admissions will be approved according to availability of funds.);
- (b) Eliminate in-patient hospitalization services as defined in 1200-11-3-.02, except for life-threatening conditions and conditions that would cause a permanent disability, if not treated immediately;
- (c) Eliminate services for less severe diagnostic categories as designated by the program; or
- (d) Reduce the type and amount of support services, durable medical equipment, care coordination, or other covered services.

Authority: T.C.A. §§4-5-202, 68-1-103, and 68-12-101 et seq.

1200-11-3-. 05 AUTHORIZATION AND REIMBURSEMENT FOR SERVICES

- (1) Services must be authorized by the CSS program for reimbursement and must relate to the diagnosis for which the child is eligible for the program.
- (2) No reimbursement shall be made for services rendered under these rules, unless available third party payors, such as TennCare or private insurance, have been exhausted.
- (3) After all third party payors have been exhausted, or in the event no third party payors are available, reimbursement for services shall be in accordance with these rules.
- (4) Additional and concurrent charges over and above the amount covered by third party payors, or provided in these rules, shall not be submitted to the family. This does not preclude a family or other party from making a contribution toward the care of the child when they are willing and able.
- (5) Reimbursement.
 - (a) Reimbursement for inpatient hospitalization and rehabilitation services shall be based on a per diem rate as negotiated between the Department and the admitting facility.
 - (b) Reimbursement for office visits, outpatient/clinic visits, rehabilitation, occasional medical, and related services shall be based on the Physicians' Medicare Fee Schedule using the updated national conversion factor referenced in the Federal Register (updated October 31 every year).
 - (c) Reimbursement for therapies, medical supplies, durable medical equipment, prosthetics, orthotics, and orthodontic/dental intervention services shall be based on the American Medical Association Physicians' Current Procedural Terminology (CPT) codes relative value units and the Direct Purchase Authority for the CSS program.
 - (d) Reimbursement for nutritional supplements, hearing aids, and hearing aid supplies shall be based on the competitive bid system as designated in the State of Tennessee purchasing procedures.
- (6) Authorization of providers and vendors for reimbursement shall be determined in accordance with the standards as designated in these rules and determined by the program.

- (7) Billing procedures for hospitals, institutions, facilities, agencies, providers, vendors, or distinct parts thereof rendering care or medical services shall be determined by the Department.
- (8) No CSS provider shall charge CSS clients more than is charged for private clients for equivalent accommodations and services.

Authority: *T.C.A. §§4-5-202, 68-1-103, and 68-12-101 et seq.*

1200-11-3-. 06 STANDARDS OF CARE.

- (1) Participating physicians shall be licensed to practice medicine in Tennessee (or in the state where the service is delivered) and be certified and/or board eligible in their respective specialties. The Board of Dentistry must certify all dentists in their respective specialty. All other providers must be appropriately certified and/or licensed in their respective specialty.
- (2) Physicians and dentists participating in a TennCare Managed Care Organization (MCO) network shall be recognized by the program as providers and must complete an application to the CSS program for reimbursement purposes. Physicians and dentists not participating in a TennCare MCO network must complete an application and be approved to serve as a CSS provider.
- (3) All physicians and dentists must sign an agreement whereby they agree to abide by these rules and regulations and CSS program policy.
- (4) Hospitals, facilities, physicians, dentists, and therapists, as well as other providers and vendors receiving payment from the CSS program for a patient, may not submit to the family of that patient, concurrent charges over and above the amount covered by TennCare, private insurance, or as provided in these rules and regulations.

Authority: *T.C.A. §§68-1-103, 68-12-101 et seq.*

1200-11-3-. 07 OUT-OF-STATE TREATMENT.

- (1) Services may be provided in out-of-state facilities, with prior written approval from the CSS program director, when the following conditions are met.
 - (a) Evidence is provided by the referring physician that services requested are not available within Tennessee or explicit medical justification is given to prove such out-of-state treatment to be in the best interest of the child.
 - (b) Reimbursement for services shall be based on a negotiated rate paid by the CSS program in that state or that state's Medicaid rate, whichever is less.
 - (c) The out-of-state length of stay and estimated hospital charge shall be within the limits established by the program.
 - (d) The out-of-state estimated cost of out-patient follow-up and/or discharge services shall be equal or comparable to the Title V CSHCN rate in that state or that state's Medicaid rate, whichever is less.

- (e) Tennessee's Children's Special Services Rules and Regulations 1200-11-3-.05 Authorization and Reimbursement for Services shall apply.
- (2) In order to maintain continuity of care, children receiving services under these rules and regulations who move out of state shall be referred to the appropriate Title V CSHCN program within the state of new residence upon written permission of the legal guardian.

Authority: T.C.A. §§4-5-202, 68-1-103, and 68-12-101 et seq.

1200-11-3-. 08 CLOSURE OF CASES AND APPEALS.

- (1) Appeals
 - (a) Applicants who are denied participation in the Children's Special Services program, or participants who are discontinued from the program in accordance with these rules and regulations, may appeal the decision in writing to the program director within thirty (30) calendar days of receipt of the program's written notice of denial or closure. If the denial is upheld, the individual may appeal the decision in writing to the Commissioner within ten (10) calendar days of receipt of the written notice that the initial appeal has been denied. The decision of the Commissioner shall be final.
- (2) Closure of Cases
 - (a) Cases may be closed or participants may be denied services for the following reasons:
 1. Participant has received maximum treatment for the eligible diagnosis;
 2. Participant has attained the age of twenty-one (21). Those with a diagnosis of Cystic Fibrosis may remain on the program past the age of 21 years;
 3. Participant moved out of state;
 4. Participant expired;
 5. Participant not diagnostically eligible;
 6. Participant not financially eligible;
 7. Participant's family not interested; or
 8. Participant can not be located by the Department.

Authority: T.C.A. §§4-5-202, 68-1-103, and 68-12-101 et seq.

REPEALS

Rule 1200-11-3 Children' s Special Services is repealed in it' s entirety (the entire chapter).

Authority: T.C.A §§4-5-202 and 88-1-103

The proposed rules set out herein were properly filed in the Department of State on the 21st day of March, 2000, and pursuant to the instructions set out above, and in the absences of the filing of an appropriate petition calling for a rulemaking hearing, will become effective 28th day of July, 2000. (03-10)

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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RULEMAKING HEARINGS

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400 DIVISION OF ADMINISTRATIVE SERVICES

There will be public rulemaking hearings before the Tennessee Department of Environment and Conservation, Division of Administrative Services,, acting on behalf of the Commissioner, to consider the adoption and promulgation of rules pursuant to *Tennessee Code Annotated, Sections 11-1-10(f) and 11-9-108* and the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-101 et seq.* The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204*, and will take place at the following times and locations.

DATE	HEARING LOCATION	TIME
May 18, 2000	L & C Tower 5 th Floor Conference Room 401 Church Street Nashville, TN 37243-1535	1:00-2:00 p.m. DST

Individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person or by writing, telephone, or other means, and should be made no less than ten (10) days prior to the specific scheduled meeting date or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation, ADA Coordinator, Isaac Okoreeh-Baah, 7th Floor Annex, 401 Church Street, Nashville, TN 37243, (615) 532-0059. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

SUBSTANCE OF PROPOSED RULES

New Rule 0400-5-1-.01 Fees for Copies of Departmental Public Records of Rule Chapter 0400-5-1 Rules of the Department of Environment and Conservation-General shall read as follows:

NEW RULE

TABLE OF CONTENTS

0400-5-1-.01 Fees for Copies of Departmental Public Records

0400-5-1-.01 FEES FOR COPIES OF DEPARTMENTAL PUBLIC RECORDS

- (1) Purpose.

This rule is promulgated for the purpose of establishing fees to be charged for copies of the Department of Environment and Conservation' s public records.

(2) Definitions.

(a) “ Non-Routine Copying” means copying of documents:

1. that are not standard size documents; or
2. that require staff to assist in locating because a request is for a category of documents, rather than specific documents; or
3. that the request is for an entire file which includes documents which are not public records; or
4. that have notes attached, that are bound or stapled, or that otherwise require special handling to copy.

(a) “ Routine Copying” , means copying of loose leaf documents that are either 8½ x 11 or 8½ x 14, which can be automatically fed into a standard copier.

(3) Cost of Copying.

(a) Persons may obtain up to 25 routine copies from the same division within a thirty (30) day period free of charge.

(b) Persons obtaining 26 or more routine copies from the same division within a thirty (30) day period will be charged \$0.25 per copy for those copies in excess of 25 copies.

(c) The charge for non-routine copying shall be set per request based upon actual cost.

(4) Payment.

Payment in full shall be made in advance of copies being made.

*Authority: T.C.A. §4-5-201 et seq. and §11-1-10 1 (f).***OTHER INFORMATION**

The Division has prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Environmental Assistance Centers located as follows:

Environmental Assistance Center
2510 Mt. Moriah, Suite E 645
Perimeter Park
Memphis, TN 38115-1520
(901) 368-7939

Environmental Assistance Center
1221 South Willow Avenue
Cookeville, TN 38501
(615) 432-4015

Environmental Assistance Center
362 Carriage House Drive
Jackson, TN 38305-2222
(901) 661-6200

Environmental Assistance Center
Chattanooga State Office Building
540 McCallie Avenue, Suite 550
Chattanooga, TN 37402
(423) 634-5745

Environmental Assistance Center
3000 Morgan Road
Joelton, TN 37080

Environmental Assistance Center
2700 Middlebrook Pike, Suite 220
Knoxville, TN 37921-5602

(615) 299-8451

Environmental Assistance Center
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400

Environmental Assistance Center
2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371

(423) 594-6035

Environmental Assistance Center
537 Brick Church Park Drive
Nashville, TN 37243-1550
(615) 226-6918

Additional review copies are available at the following library locations:

E. G. Fisher Public Library
106 Hornsby Street
Athens, TN 37371-1812
(423) 745-7782

Maury County Public Library
211 West Eighth Street
Columbia, TN 38401-3282
(931) 388-6332

McIver' s Grant Public Library
204 North Mill Street
Dyersburg, TN 38024-4631
(901) 285-5032

Coffee County-Manchester Public Library
1005 Hillsboro Highway
Manchester, TN 37355-2099
(615) 723-5143

Hardin County Library
1013 Main Street
Savannah, TN 38372-1903
(901) 925-4314

Clarksville-Montgomery County Public Library
350 Pageant Lane, Suite 501
Clarksville, TN 37040-0005
(931) 648-8826

Art Circle Public Library
306 East First Street
Crossville, TN 38555-4696
(615) 484-6790

Kingsport Public Library
400 Broad Street
Kingsport, TN 37660-4292
(423) 229-9488

W. G. Rhea Public Library
400 West Washington Street
Paris, TN 38242-0456
(901) 642-1702

The " DRAFT" rules may also be accessed for review using <http://www.state.tn.us/environment/new.htm> to locate the Department' s World Wide Web Site.

Copies are also available for review at the Nashville central office (see address below). They may be obtained at the central office location by calling or writing Mr. Alan Jones at:

Tennessee Department of Environment and Conservation
Division of Community Assistance
8th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-1436

Office hours for the Division' s offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearings. In addition, written comments may be submitted prior to or after the public hearings to: Division of Community Assistance; Tennessee Department of Environment and Conservation; Attention: Mr. Alan Jones; 8th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-8011 or FAX 615-532-0199. However, such written comments must be received by the Division by 4:30 PM DST, June 5, 2000 in order to assure consideration.

Legal contact and/or party who will approve final copy for publication and is the contact for disk acquisition:

Mr. Bill Weems
Office of General Counsel
312 8th Avenue North
25th Floor, Snodgrass Building
Nashville, TN 37243
(615) 532-0131

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Department of Environment and Conservation, Division of Administrative Services.

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of March, 2000. (03-11)

TENNESSEE STATE BOARD OF EQUALIZATION - 0600

There will be a hearing before the Tennessee State Board of Equalization to consider the amendment of rules pursuant to *Tenn. Code Ann. §§67-1-305*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tenn. Code Ann. §4-5-204* and will take place in Room 29 of the Legislative Plaza, Nashville, Tennessee, at 10:30 a.m. on the 16th day of May, 2000.

Any individuals with disabilities who wish to participate in these proceedings should contact the Board to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact should 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 the Board's ADA Coordinator, Elaine Driver, at Ste. 1400, 505 Deaderick St., Nashville, TN 37243-0261 and tele. no. 615/741-6753.

For a copy of this notice of rulemaking hearing, contact: Kelsie Jones, Ste. 1600, 505 Deaderick St., Nashville, TN 37243-0280, and tele. no. 615/741-4883.

SUBSTANCE OF PROPOSED AMENDMENT

CHAPTER 0600-7 CONTESTED CASE PROCEDURES

Rule 0600-7-.03 is amended by deleting the words " Form No. SBOE-4" and substituting instead the words " Form No. SBOE-4 (duplicated with these rules)" and by deleting the words " Form No. SBOE-7" and substituting instead the words " Form No. SBOE-7 (duplicated with these rules)" and by making the referenced forms a part of these rules in the form attached to this notice.

Authority: T.C.A. §§67-1-305.

APPEAL TO THE STATE BOARD OF EQUALIZATION

This form must be COMPLETELY FILLED IN, SIGNED AND SWORN TO, IN TRIPLICATE (original and two copies **including any attachments**) with the State Board of Equalization. Any taxpayer, assessor of property, or taxing jurisdiction who desires to appeal to the State Board from action taken by the County Board of Equalization must do so before AUGUST 1 of the tax year for which the appeal is made **or** 45 days from the date of the County Board of Equalization's notice, **whichever is later**.

BOARD USE ONLY AND FILED

RETURN TO: **STATE BOARD OF EQUALIZATION
JAMES K. POLK STATE OFFICE BUILDING
505 DEADERICK STREET, SUITE 1600
NASHVILLE, TENNESSEE 37243-0280**

1. Name of Property Owner _____
(On Tax Notice)

2. Mailing Address _____
Street

City State Zip Code Tel. No.

3. The following information must be provided concerning any person who will represent the property owner in this appeal:

Name Relationship to owner (if agent, indicate registration no.)

Street Address

City State Zip Code Tel. No.

4. The classification of the property on which this complaint is made is: (Check One)

Real property (___) Tangible personal property (___) Intangible personal property (___)

5. The property is presently subclassified as: (Check One)

Residential (___) Commercial (___) Industrial (___) Farm (___) Public Utility (___)

6. County where property is located _____ Tax Year _____

7. Address of Property _____
Street City

8.

DESCRIPTION OF PROPERTY

District/ Ward	Map/ Block	Group	Control Map	Parcel	Special Interest	Acres
-------------------	---------------	-------	----------------	--------	---------------------	-------

9. Personal Property Identification Number (if applicable) _____

10. Was this property appealed to County Board of Equalization ? Yes (___) No (___)

(a) If yes, what was the value set by the County Board of Equalization? _____

Please attach a copy of the County Board of Equalization's decision.

(b) If no, please explain why no appeal was made: _____

11. Please indicate below the use of this property on January 1 of the tax year:

- | | |
|--|--|
| <input type="checkbox"/> Farm | <input type="checkbox"/> Office building |
| <input type="checkbox"/> Single family residence | <input type="checkbox"/> Warehouse |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Apartment | <input type="checkbox"/> Manufacturing |
| <input type="checkbox"/> Condominium | <input type="checkbox"/> Vacant land |
| <input type="checkbox"/> Hotel/motel | <input type="checkbox"/> Other: |

12. The basis of this complaint is: (Check one)

- The property has been erroneously classified or subclassified.
- The property has been assessed on the basis of an appraised value that is more than the basis of value provided for by law.*
- Property other than property owned by the taxpayer has been assessed on the basis of appraised values which are less than the basis of value provided for by law.*
- Property has been assessed which should be lawfully exempt from assessment and taxation.

*The law is generally understood as requiring that property be valued for property taxes at its fair market value as of January 1st of the tax year. For more information refer to Publication No. 307183, "Producing Evidence At Your Hearing."

13. If the property being appealed was purchased within the last five (5) years please provide the following information:

Date Property Acquired: _____ Purchase Price: \$ _____

14. Is any part of the property rented: Yes (___) No (___)
If yes, Annual Gross Income
\$ _____

15. What do you believe the fair market value (not assessment) of the above described property was on January 1 of the year for which this assessment was made? _____

16. On what information or evidence is the above opinion of value based? (attach additional pages as necessary): _____

AFFIDAVIT: I do hereby verify that the foregoing statements are true and correct to the best of my knowledge and belief.

Name: _____ Signature _____

Date _____

=====

State of Tennessee, _____ County

Personally appeared before me _____ a Notary Public in and for said County, the above named affiant, with whom I am personally acquainted, who, being duly sworn, says that the statements in the above complaint are true to the best of the affiant's knowledge and belief.

This _____ day of _____ 20 _____

Notary Public

My commission expires: _____

**APPEAL TO THE STATE BOARD OF EQUALIZATION
FROM DENIAL OF EXEMPTION FROM PROPERTY TAXES**

Property Location: _____ **County**

This form should be completed, signed, notarized, and filed in triplicate (3 copies) with the State Board of Equalization by any applicant for property tax exemption or Assessor of Property desiring to appeal to the State Board from the initial determination made on the application.

Return to: State Board of Equalization
Ste. 1600, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0280

	Assessor's Map Identification Number of Property		
District/ Ward Parcel	Map/ Block	Special Interest	Group Control Map

1. Name of property owner: _____

2. Mailing address of property owner: _____
Box Number Street/Route

City State Zip Telephone

3. Property address: _____
Box Number Street/Route

4. Name and address of person who will represent the appellant in this proceeding: _____

Box Number Street/Route

City State Zip Telephone

5. Why do you think the decision of the Exemption Designee (based on the information previously submitted) was in error? Please explain.

I, _____, do hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date _____ Signature _____

Sworn to and subscribed before me this _____ day of _____, 19 _____.

My Commission expires

Notary Public

SBOE-7 Rev. Nov. 1998
CT-0051

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of March, 2000. (03-36)

**TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION - 0620
BUREAU OF TENNCARE**

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to *Tennessee Code Annotated, 71-5-105 and 71-5-109*. 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 Room 16 of the Legislative Plaza, 6th Avenue North, Nashville, Tennessee, at 9:00 a.m. C.D.T. on the 19th day of May, 2000.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Finance and Administration, Bureau of TennCare, 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 time for the Bureau of TennCare to determine how it may reasonably provide such aid or service. Initial contact may be made with the Bureau of TennCare's ADA Coordinator by mail at the Bureau of TennCare, 729 Church Street, Nashville, Tennessee 37247-6501 or by telephone at (615) 741-0155 or 1-800-342-3145.

For a copy of this notice of rulemaking hearing, contact George Woods at the Bureau of TennCare, 729 Church Street, Nashville, Tennessee 37247-6501 or call (615) 741-0145.

SUBSTANCE OF PROPOSED RULE

Paragraph (25) of rule 1200-13-12-.01 Definitions is amended by deleting the period (.) after the content of subparagraph (d) and adding a semicolon (;) and the word “ and” and also by adding a new subparagraph (e) which shall read as follows:

- (e) When applied to enrollees under 21 years of age, services shall be provided in accordance with EPSDT requirements including federal regulations as described in 42 CFR Part 441, Subpart B, and the Omnibus Budget Reconciliation Act of 1989.

Authority: *T.C.A. §§4-5-202, 4-5-203, 71-5-105, 71-5-109, Executive Order No. 23.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of March, 2000. (03-38)

BOARD OF MEDICAL EXAMINERS - 0880

There will be a hearing before the Board of Medical Examiners to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, 63-6-101 and 63-6-207*. 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 on the First Floor of the Cordell Hull Building located at 425 5th Avenue North, Nashville, Tennessee at 2:30 p.m. (CDT) on the 25th day of May, 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, 1st Floor Cordell Hull Building, 425 5th 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, Rules Coordinator, 1st Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN, 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULE**AMENDMENTS**

Rule 0880-2-.08 Examination is amended in paragraph (4) by adding the following language as a new subparagraph (d), so that as amended the new subparagraph shall read as follows:

- (4) (d) The seven (7) year limitation for the USMLE contained in subparagraph (4) (b) of this rule will not apply to applicants who

1. Are or have been working towards both an M.D. and Ph.D. degree in an institution or program accredited by the LCME and regional university accrediting body; and
2. Was or is a student in good standing, who was or is enrolled in the institution or program; and
3. Ph.D. studies are in a field of biological sciences tested on Step 1 of the USMLE. (These fields include but are not limited to anatomy, biochemistry, physiology, microbiology, pharmacology, pathology, genetics, neuroscience, and molecular biology. Fields explicitly not included are business, economics, ethics, history, and other fields not directly related to biological science); and
4. Presents a verifiable and rational explanation for the fact that he or she was unable to meet the seven (7) year limit.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-207.

Rule 0880-2-.02 Fees, is amended by deleting subparagraphs (1) (a), (c), and (f) in their entireties and substituting instead the following new subparagraphs (1) (a), (c), and (f), so that as amended the new subparagraphs shall read as follows:

- | | | |
|---------|---|----------|
| (1) (a) | Application Fee - a non refundable fee to be paid by all licensure applicants regardless of the type of license applied for. It must be paid each time an application for licensure is filed. | \$280.00 |
| (1) (c) | Out-of-State and International Application Processing Fee - This fee is nonrefundable. | \$280.00 |
| (1)(f) | Licensure Renewal Fee - To be paid biennially by all licensees. This fee also applies to licensees who reactivate a retired license or who reactivate an inactive license. | \$150.00 |

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-1-106, 63-6-201, 63-6-207, 63-6-208, 63-6-210, 63-6-211 and 4-3-1011.

The notice of rulemaking set out herein was properly filed in the Department of State on the 16th day of March, 2000. (03-07)

BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS - 1020

There will be a hearing before the Tennessee Board of Examiners for Nursing Home Administrators to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 63-16-103*. 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. (CDT) on the 23rd day of May, 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 1020-1-.02, Fees, is amended by deleting subparagraph (1) (g) and renumbering the remaining subparagraph accordingly.

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, and 63-16-103.*

Rule 1020-1-.05, Licensure, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

- (1) An applicant shall obtain a Board approved examination application form and, if applicable, a Board approved A.I.T. application form from the Board Administrative Office, respond truthfully and completely to every question or request for information contained in the forms and submit it along with all documentation and the fees required by rule 1020-1-.02(1)(a), (c), and (g) to the Board Administrative Office.

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-16-103, 63-16-104, 63-16-105, and 63-16-106.*

Rule 1020-1-.10, Examination, is amended by deleting part (1) (a) 3. in its entirety and renumbering the remaining part accordingly, and is further amended by deleting part (1) (b) 3. and subparagraph (2) (a) in their entirety and substituting instead the following language, so that as amended, the new part (1) (b) 3. and the new subparagraph (2) (a) shall read:

- (1) (b) 3. Applicants who fail to successfully complete the examination may apply to retake it by complying with the requirements stated in subparagraph (1) (a) of this rule.
- (2) (a) To take the examination, an applicant must submit the Jurisprudence Examination Fee as provided in Rule 1020-1-.02 (1)(g).

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-16-103, 63-16-104, 63-16-105, and 63-16-106.*

Rule 1020-1-.13, Licensure Retirement and Reactivation, is amended by deleting subparagraph (2) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (c) shall read:

- (2) (c) A licensee who applies for reactivation of a retired license before the expiration of five (5) years from the date of retirement must submit, along with the reactivation request, certification of attendance and completion of at least twenty-seven (27) clock hours of Board approved continuing education as a prerequisite to licensure reactivation. A licensee who applies for reactivation of a retired Tennessee license after the expiration of five (5) years from the date of retirement must submit, with the reactivation request, certification of attendance and completion of at least fifty (50) clock hours of Board approved continuing education and an AIT program pursuant to Rule 1020-1-.06. If licensed and actively practicing in another state, reactivation may be accomplished by endorsement. The required hours must have been begun and completed within the twelve (12) months immediately preceding the date of reactivation; and

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-16-103, 63-16-107, 63-16-108, and 63-16-109.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 15th day of March, 2000. (03-06)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

There will be a hearing before the Tennessee Wildlife Resources Commission to consider the promulgation of rules and amendments of rules pursuant to *Tennessee Code Annotated, Section 70-1-206*. 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 Room ABC at Farm Bureau Headquarters, 147 Bear Creek Pike, Columbia, Tennessee, commencing at 9:00 A.M. CST on the 24th day of May, 2000.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Wildlife Resources Agency 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 Wildlife Resources Agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Wildlife Resources Agency ADA Coordinator, Donna Woodward, Room 229, Tennessee Wildlife Resources Agency Building, Ellington Agricultural Center, Nashville, Tennessee 37204 and telephone number 615, 781-6594.

For a copy of this notice of rulemaking hearing, contact: Sheryl Holtam, Attorney, Tennessee Wildlife Resources Agency, P. O. Box 40747, Nashville, TN 37204, telephone number 615, 781-6606.

SUBSTANCE OF PROPOSED RULES**AMENDMENTS**

1660-1-27-.04 Stones River Hunter Education Center is amended by adding new Subparagraphs (c) and (d) to Paragraph (1) so that, as amended, the rule shall read:

- (1) Use Fees
 - (a) Adult (16 years of age and older) - \$4.00 per 2 hours.
 - (b) Youth (15 years of age or less) - \$1.00 per 2 hours.
 - (c) Adult Annual Fee (16 years of age and older) - \$100.00
 - (d) Youth Annual Fee (15 years of age or less) - \$25.00

1660-1-27-.05 Bartlett Hunter Education Center is amended by adding new Subparagraphs (c) and (d) to Paragraph (1) so that, as amended, the rule shall read:

- (a) Adult (16 years of age and older) - \$6.00 per 2 hours.
- (b) Youth (15 years of age or less) - \$2.00 per 2 hours.
- (c) Adult Annual Fee (16 years of age and older) - \$100.00
- (d) Youth Annual Fee (15 years of age or less) - \$25.00

Authority: T.C.A. §§70-1-206 and 70-2-224.

NEW RULE**TABLE OF CONTENTS**

1660-1-27-.06 John Sevier Hunter Education Center

1660-1-27-.06 JOHN SEVIER HUNTER EDUCATION CENTER

- (1) Use Fees
 - (a) Adult (16 years of age and older) - \$4.00 per 2 hours.
 - (b) Youth (15 years of age or less) - \$1.00 per 2 hours.
 - (c) Adult (16 years of age and older) - annual fee \$100.00.
 - (d) Youth (15 years of age or less) - annual fee \$25.00.

Authority: T.C.A. §§70-1-206 and 70-2-224.

AMENDMENT

Rule 1660-2-7-.09 Watauga L ake is amended by adding a new paragraph three (3), so that, as amended, the rule shall read:

- (3) Vessels being operated on Watauga L ake at U. S. Forest Service' s Rat Branch Boat Ramp (WRM 37.0L) as delineated by a line of informational buoys, shall be operated as follows:
 - (a) Motorboats shall operate at a Slow No-Wake speed.
 - (b) Motorboats shall not tow a person on water skis, surfboard or similar devices.

Authority: *T.C.A. §§70-1-206 and 69-10-209.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of March, 200. (03-34)

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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 March 1, 2000 and ending March 31, 2000..


RILEY C. DARNELL
Secretary of State

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