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TENNESSEE ADMINISTRATIVE REGISTER



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RILEY C. DARNELL
Secretary of State

Division of Publications
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Nashville TN 37243 - 0310

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Department of State, Authorization No. 305084, 475 copies, January 2001. This public document was promulgated at a cost of \$ 1.75 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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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 13.50 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 February, 2001 is 9.43 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 5.43 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 December, 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	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
12-01	Dec 1, 2000	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendment	Chapter 1660-1-2 Rules and Regulations for Birds 1660-1-2-.02 Migratory Bird Hunting Chapter 1660-1-8 Rules and Regulations of Hunts 1660-1-8-.05 Permit Applications and Drawings	Sheryl Holtam TWRA P.O. Box 40747 Nashville, TN 37204 615-781-6606	February 14, 2001
12-02	Dec 1, 2000	1200 Dept of Health Medical Laboratory Board	Rulemaking Hearing Rules	Amendments New Rule Amendments	Chapter 1200-6-1 General Rules Governing Medical Laboratory Personnel 1200-6-1-15 Personnel Licensure Discipline, Informal Settlements, and Civil Penalties 1200-6-1-.26 Consumer Right-To-Know Requirements Chapter 1200-6-3 General Rules Governing Medical Laboratories 1200-6-3-.05 Licensure Discipline and Informal Settlements	Robbie Bell OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	February 14, 2001
12-03	Dec 1, 2000	1200 Health Medical Laboratory Board	Rulemaking Hearing Rules	Amendments	Chapter 1200-6-3 General Rules Governing Medical Laboratories 1200-6-3-.15 Alternate Site Testing 1200-6-3-.16 Waived Testing	Robbie Bell OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	February 14, 2001
12-04	Dec 4, 2000	1180 Board of Examiners in Psychology	Rulemaking Hearing Rules	Amendments	Chapter 1180-1 General Rules Governing the Practice of Psychologists and Psychological Examiners 1180-1-.01 Definitions Chapter 1180-2 Rules Governing Psychologists 1180-2-.04 Examinations 1180-2-.05 Temporary License Chapter 1180-3 Rules Governing Psychological Examiners 1180-3-.04 Examinations 1180-3-.05 Temporary License	John Fitzgerald OGC 26th Fl Snodgrass Twr 312 8th Ave. N Nashville, TN 37247-0120 615-741-1611	February 24, 2001
12-07	Dec 11, 2000	0400 Dept of Environment and Conservation Division of Water Supply	Rulemaking Hearing Rules	Amendment	Chapter 1200-5-7 Rules and Regulations Applied to the Safe Dams Act of 1973 1200-5-7-.02 Definitions 1200-5-7-.04 Certificates of Construction, Operation, and Alteration 1200-5-7-.07 Design Standards For New Dams 1200-5-7-.08 Engineering Requirements 1200-5-7-.09 Fees	Alan Leiserson OGC Snodgrass Twr 312 8th Ave N Nashville TN 37243-1548 615-532-0125	February 19, 2001

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SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
12-08	Dec 11, 2000	0800 Dept of Agriculture Division of Forestry	Proposed Rules	New Rules	0080-7-1-01 Applicability and Scope 0080-7-1-02 Definitions 0080-7-1-03 Natural Resources 0080-7-1-04 Camping 0080-7-1-05 Closing Areas 0080-7-1-06 Transportation 0080-7-1-07 Commercial Operations 0080-7-1-08 Groups and Organizations 0080-7-1-09 Abandoned and Unattended Property 0080-7-1-10 Disorderly Conduct 0080-7-1-11 Penalties and Assistance	Patricia Clark Dept of Agriculture P.O. Box 406627 Nashville, TN 37204 615-837-5093	April 30, 2001
12-09	Dec 13, 2000	0400 Environment and Conservation Division of Superfund	Rulemaking Hearing Rules	Amendments	Chapter 1200-1-13 Hazardous Substance Remedial Action 1200-1-13-.07 Site Promulgation Process 1200-1-13-.08 Remediation Goals 1200-1-13-.09 Remedial Investigation and Feasibility Study 1200-1-13-.12 Final Operation and Maintenance Plan	Robert L. Powell Division of Superfund 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	February 26, 2001
12-10	Dec 13, 2000	0450 Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists	Rulemaking Hearing Rules	Amendments	Chapter 0450-1 General Rules Governing Professional Counselors 0450-1-01 Definitions	John Fitzgerald OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	February 26, 2001
12-11	Dec 13, 2000	1155 Board of Registration in Podiatry	Rulemaking Hearing Rules	Amendments	Chapter 1155-2 General Rules and Regulations Governing the Practice of Podiatry 1155-2-06 Fees 1155-2-07 Application Review, Approval, Denial, Interviews 1155-2-08 Examinations Chapter 1155-3 General Rules Governing Podiatry X-Ray Operators 1155-3-01 X-Ray Operators 1155-3-03 Education And Training 1155-3-04 Examinations for Certification 1155-3-05 Grandfather	John Fitzgerald OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	February 26, 2001

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
12-11, cont.					1155-3-06 Reciprocity 1155-3-07 Renewal 1155-3-08 Continuing Education 1155-3-09 Disciplinary Action		
12-12	Dec 13, 2000	0260 Board of Chiropractic Examiners	Rulemaking Hearing Rules	Amendments	<i>Chapter 0260-2</i> <i>General Rules Governing Chiropractic Examiners</i> 0260-2-04 Qualifications for Licensure 0260-2-05 Procedures for Licensure 0260-2-06 Fees 0260-2-07 Application Review, Approval, Denial, Interviews 0260-2-08 Examinations 0260-2-12 Continuing Education 0260-2-14 Temporary License 0260-2-19 Board Members, Officers, Consultants, Records, and Declaratory Orders	Robert A. O'Connell OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	February 26, 2001
12-13	Dec 8, 2000	GOC 1240 Dept of Human Services Community and Field Services	GOC Stay of Effective Date		1240-4-3-.07(4)(e)3., 4., 11., 12., 13., 14. Staff 1240-4-6-.07(4)(f)2., 7., 8. Staff	Fred Standbrook Suite G-3 War Memorial Bldg Nashville TN 37243-0059 615-741-3074	Originally effective Dec. 13, 2000 New date: February 11, 2001
12-15	Dec 13, 2000	1200 Dept of Health Board of Alcohol and Drug Abuse Counselors	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-30-1</i> <i>Rules Governing Licensure of Alcohol and Drug Abuse Counselors</i> 1200-30-1-.05 Licensure Process 1200-30-1-.09 Renewal Of License 1200-30-1-.11 Licensure Retirement and Reactivation 1200-30-1-.15 Disciplinary Actions, Civil Penalties, And Declaratory Orders	John Fitzgerald OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	February 26, 2001
12-16	Dec 18, 2000	1045 Board of Optometry	Rulemaking Hearing Rules	Amendments	<i>Chapter 1045-2</i> <i>General Rules Governing the Practice of Optometry</i> 1045-2-.10 Disciplinary Actions, Civil Penalties, Declaratory Orders, Assessment of Costs and Subpoenas	John Fitzgerald, OGC 26th Fl Snodgrass Twr 312 Eighth Ave N Nashville, TN 37247-0120 615-741-1611	March 3, 2001

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SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER 7 RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
12-21	Dec 21, 2000	1200 Dept of Environment and Conservation Bureau of Environment Division of Air Pollution Control	Rulemaking Hearing Rules	Amendment	<i>Chapter 1200-3-26 Administrative Fees Schedule</i> 1200-3-26-.02 Construction and Annual Emission Fees	Mr. Ron Culberson Air Pollution Control 9th Fl. & C Annex 401 Church St Nashville, TN 37243-1531 (615)532-0561	March 16, 2001
12-22	Dec 27, 2000	0400 Dept of Environment and Conservation Division of Ground Water Protection	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-6 Regulations to Govern Subsurface Sewage Disposal Systems</i>	Kent D. Taylor Division of Ground Water Protection 10 th Fl. L&C Twr 401 Church St Nashville, TN 37243-1540 (615) 532-0762	March 12, 2001
12-28	Dec 29, 2000	0400 Dept of Environment and Conservation Division of Water Pollution Control	Rulemaking Hearing Rules	New Chapter	<i>Chapter 1200-4-13. Inter-basin Water Transfers</i> 1200-4-13-.01 Purpose, Scope, and Applicability 1200-4-13-.02 Definitions 1200-4-13-.03 Individual Permit Applications 1200-4-13-.04 Public Involvement 1200-4-13-.05 Criteria for Issuance of Individual Permits 1200-4-13-.06 Permit Terms and Conditions 1200-4-13-.07 General Permits 1200-4-13-.08 Enforcement and penalties 1200-4-13-.09 Hearings 1200-4-13-.10 Annual Certification 1200-4-13-.11 Protected Areas	Alan Leiserson OGC Snodgrass Twr 312 8 th Ave N Nashville TN 37243-1548 615-532-0125	March 14, 2001
12-31	Dec 29, 2001	0100 Alcoholic Beverage Commission	Rulemaking Hearing Rules	Amendment	0100-1-.03 Conduct Of Business, Consumption on Licensed Premises	Shari Danielle Elks Alcoholic Beverage Commission 226 Capitol Blvd Suite 300 Nashville, TN 37243-0755 (615) 741-1602	March 14, 2001

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

Applications will be heard at the February 28, 2001 Health Facilities Commission Meeting except as otherwise noted.

*Denotes applications being placed on the Consent Calendar.

+Denotes applications under simultaneous review.

This is to provide official notification that the Certificate of Need applications listed below have begun their official 90-day review cycle effective December 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 the Department of Mental Health and Mental Retardation. During this 60-day period, the Department of Health 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 Department of Health, Division of Assessment and Planning or the Department of Mental Health and Mental Retardation. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk.

Pursuant to T.C.A., Section 68-11-108(h)(1) effective April 5, 2000, any health care institution wishing to oppose a Certificate of Need must file a written objection with the Tennessee Health Facilities Commission and serve a copy on the contact person no later than fifteen (15) days before the regularly scheduled Tennessee Health Facilities Commission meeting at which the application will be heard.

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
Roane Medical Center 412 Devonia Street Harriman (Roane Co.), TN 37748 Lin S. Howard – (615)—251-1063 CN011-107	The establishment of an eight (8) bed Geriatric Psychiatric unit through the conversion of existing beds. \$ 165,000
Morristown Regional Cancer Center, LLC 507 South Gay Street Knoxville (Knox Co.), TN 37902 Jon M. Foster – (865)—632-5210 CN0011-108	The relocation and change of ownership of a linear accelerator, in order to provide radiation therapy services, on property owned by Morristown-Hamblen Hospital. The facility will be located at 908 West Fourth North Street in Morristown (Hamblen County), Tennessee. The linear accelerator will be adjacent to the campus of Morristown Hamblen Hospital. \$ 3,984,177
Baptist Memorial Hospital 6019 Walnut Grove Road Memphis (Shelby Co.), TN 38120 Arthur Maples – (901)—227-4137 CN0011-109	The discontinuance of obstetrics and NICU services at Baptist Memorial Hospital-Walnut Grove location. \$ 15,000

NAME AND ADDRESS

DESCRIPTION

Baptist Memorial Hospital for Women
6225 Humphreys Boulevard
Memphis (Shelby Co.), TN 38120
Arthur Maples – (901)—227-4137
CN0011-110

The establishment of a new 140-bed hospital to be located at 6225 Humphreys Boulevard in Memphis, Shelby County, Tennessee. The hospital facilities were previously approved under CN9712-095A. Baptist Memorial Hospital for Women will offer NICU, ICU services, general surgery and outpatient diagnostic services. Upon licensure of Baptist Memorial Hospital for Women, Baptist Memorial Hospital will delicense 140-beds from their license.

\$ 956,700

InteCardia-Tennessee East Catheterization, LLC
Wolf River Parkway at Riverdale Road
Germantown (Shelby Co.), TN 38138
William H. West – (615)—259-1450
CN0011-111

The initiation of cardiac catheterization services and the acquisition of cardiac catheterization laboratory equipment at an estimated project cost of 4.4 million dollars. The service will be located on the southeast corner of the Wolf River Parkway and Riverdale Road Intersection in Germantown (Shelby County), Tennessee. This service is a part of the previously approved Certificate of Need CN9907-056A granted to InteCardia-Tennessee for Mid-South Heart Institute-East. \$ 4,381,689

InteCardia-Tennessee East Diagnostic, LLC
Wolf River Parkway at Riverdale Road
Germantown (Shelby Co.), TN 38138
William H. West (615)—259-1450
CN0011-112

The establishment of a cardiac outpatient diagnostic center, the acquisition of a positron emission tomography scanner, CT scanner and the initiation of PET services at an estimated project cost of 8.4 million dollars. The service will be located on the southeast corner of the Wolf River Parkway and Riverdale Road Intersection in Germantown (Shelby County), Tennessee. This application encompasses part of the previously approved Certificate of Need CN9907-056A granted to InteCardia-Tennessee for Mid-South Heart Institute-East. \$ 8,081,689

Tennessee Oncology, PLLC
2018 Murphy Avenue
Nashville (Davidson Co.), TN 37203
William H. West – (615)—259-1450
CN0011-113

The acquisition of a Positron Emission Tomography (PET) scanner and a Multislice Scanner CT scan unit and the initiation of positron emission tomography services. The 2,500 square foot leased facility will be located at 2018 Murphy Avenue in Nashville (Davidson County), Tennessee. \$ 4,288,000

The Village at Germantown
Adjacent to and East of Germantown Parkway
North of Neshoba Road
Germantown (Shelby Co.), TN 38138
William H. West – (615)—259-1450
CN0011-114

The establishment of a skilled nursing home facility, with 30 beds licensed as skilled nursing facility beds and certified as Medicare SNF beds, as part of a continuing care community. The facility will be located adjacent to and east of Germantown Parkway, north of Neshoba Road (no address has been assigned), in Germantown (Shelby County), Tennessee.

\$ 4,621,814

GOVERNMENT OPERATIONS COMMITTEE**DEPARTMENT OF HUMAN SERVICES - 1240****NOTICE STAY OF EFFECTIVE DATE OF RULES**

Please be advised that pursuant to Tennessee Code Annotated, Section 4-5-215, the House Government Operations Committee voted to stay for sixty (60) days the effectiveness of the following rules:

Dept. of Human Services, Community and Field Services, Licensure Rules for Child Care Centers Serving Pre-School Children, Parts 3, 4, 11, 12, 13, and 14 of subparagraph (e) of paragraph (4) of rule 1240-4-3-.07, Staff, in the rulemaking hearing rules filed by the Department of Human Services on September 29, 2000, to have become effective December 13, 2000.

Dept. of Human Services, Community and Field Services, Licensure Rules for Child Care Centers Serving School-Age Children, Parts 2, 7, and 8 of subparagraph (f) of paragraph (4) of rule 1240-4-6-.07, Staff, in the rulemaking hearing rules filed by the Department of Human Services on September 29, 2000, to have become effective December 13, 2000.

The Notice of Stay of Effective Date of Rules was properly filed in the Department of State on the 8th day of December, 2000, and will be effective from the date of filing for a period of 60 days. The stay of effective date of rules will remain in effect through the 11th day of February, 2001, unless properly withdrawn by the agency. (12-13)

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

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

- 1500 - Tennessee Human Rights Commission, emergency rule providing for the hiring of private contractors to investigate complaints of discrimination, chapter 1500-1, Rules for Acting Upon Complaints of Discrimination, 10 T.A.R. (October 2000) - Effective September 7, 2000 through February 18, 2001. (09-16)
- 1500 - Tennessee Human Rights Commission, emergency rule providing for the hiring of private contractors to investigate complaints of discrimination, chapter 1500-1, Rules for Acting Upon Complaints of Discrimination, 10 T.A.R. (October 2000) - Effective September 7, 2000 through February 18, 2001. (09-13)
- 1660 - Wildlife Resources Commission - Emergency rules dealing with waterfowl blind sites, Chapter 1660-1-2, Rules and Regulations for Birds; and Chapter 1660-1-8, Rules and Regulations for Hunts, 10 T.A.R. (October 2000) - Effective September 6, 2000 through February 19, 2001. (09-19)

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PROPOSED RULES

DEPARTMENT OF AGRICULTURE - 0080 DIVISION OF FORESTRY

CHAPTER 0080-7-1 PROTECTION OF STATE FORESTS

Presented herein are the proposed new rules and amendments of the Tennessee Department of Agriculture pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Agriculture 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 petitions to be effective must be filed with the Tennessee Department of Agriculture, Ellington Agricultural Center, P.O. Box 40627, Nashville, TN 37204 and in the Publications Division of the Department of State, Eighth Floor, William R. Snodgrass Tower, located at 312 Eighth Avenue North, Nashville, TN 37243, 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 a standing committee of the General Assembly.

For a copy of these proposed new rules and amendments, contact: Ken Arney, State Forester, Tennessee Department of Agriculture, Ellington Agricultural Center, P.O. Box 40627, Nashville, TN 37204, telephone number 615-837-5411.

PROPOSED NEW RULES

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0080-7-1-.05	Closing Areas	0080-7-1-.11	Penalties and Assistance
0080-7-1-.06	Transportation		

0080-7-1-.01 APPLICABILITY AND SCOPE

Tennessee State Forests belong to the people of the State of Tennessee and are for the use of the public. All visitors are welcome. To prevent the abuse and misuse of the privileges, natural resources and facilities provided, the following rules and regulations governing public use are adopted.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.02 DEFINITIONS

- (1) "Commissioner" means the commissioner of agriculture;
- (2) "Department" means the department of agriculture;
- (3) "District Forester" means the official in charge of a Forestry District or their representative;
- (4) "Division" means the division of forestry within the department;
- (5) "Multiple use" means the management and use of forests such that a variety or mix of natural resource benefits are derived from that land. "Multiple use" includes, but is not limited to, a combination of timber production, demonstration, watershed protection, wildlife management, recreation, and aesthetics;
- (6) "Natural Resource" includes but is not limited to: fruit, timber, grass, rocks, roots, flowers, leaves, minerals, water, artifacts, and soil;
- (7) "State Forester" means the director of the division of forestry or his representative;
- (8) "State forests," means those lands owned by the state and/or administered under the jurisdiction of the division.

Authority: *T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)*

0080-7-1-.03 NATURAL RESOURCES

- (1) Cutting, removal, gathering, planting, destruction or damaging of any natural resource is prohibited on any State Forest; provided, however, such actions may be carried out with the written authorization of the District Forester or under the District Forester's supervision.
- (2) The collection of plants, rocks, minerals, animal life, botanical specimens or other natural objects is prohibited. Provided however, persons officially representing reputable scientific or educational institutes may obtain authorization for such collecting from the District Forester where the objects collected will become part of a permanent collection open to the public and the scientific community.

Authority: *T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)*

0080-7-1-.04 CAMPING

- (1) The District Forester may restrict camping in any State Forest, including locations and the times camping is allowed. This includes emergency restrictions when, in the opinion of the District Forester, conditions in an area normally open to the public are such as to endanger natural resources or the public.
- (2) Camping and the use of trailers or other camper units are permitted only at designated locations. The District Forester may issue written permits to persons desiring to camp in backcountry, or other isolated sections of a forest

area. The District Forester may designate portions of a forest area in which such permits will not be required by marking on a map which shall be available for public inspection in the District Office.

- (3) Quiet shall be maintained in all campgrounds between the hours of 10:00 p.m. and 6:00 a.m.
- (4) The gathering of wood for use as fuel in campgrounds or picnic areas is limited to dead material on the ground, except where such gathering is prohibited by the District Forester by the posting of appropriate signs.
- (5) Camping equipment must be completely removed and camping sites cleaned and returned to their natural condition by campers before leaving.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.05 CLOSING ROADS, TRAILS, AND OTHER AREAS

- (1) The District Forester may establish a reasonable schedule of visiting hours for all portions of a Forest area.
- (2) The District Forester may temporarily close or restrict the public use of roads, trails and any or all portion of a State Forest when necessary for the protection of the area or the safety and welfare of visitors or property. Temporary closures extending beyond one hundred twenty (120) days must have the approval of the State Forester.
- (3) All persons shall abide by the officially posted signs designating closed areas and visiting hours.
- (4) Tampering with posted signs or barricades, traveling on closed or restricted use roads, driving around or through signs or barricades marking closed or restricted areas, is a Class A misdemeanor, punishable as provided by general law.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., T.C.A. §39-17-108, Executive Order No. 41 (February 4, 1991)

0080-7-1-.06 TRANSPORTATION: SADDLE AND PACK ANIMALS AND OFF-ROAD VEHICLES

- (1) The District Forester may designate areas for use by certain types of transportation. Unauthorized off road travel by any means of transportation is prohibited.
- (2) Riders of saddle and pack animals are;
 - (a) Permitted only on those trails or routes designated for their use, unless the District Forester has issued a permit authorizing cross-county travel;
 - (b) Not permitted on paved or main-traveled roadways except where necessary for ingress to and egress from trails or privately owned property;
 - (c) Required to have, in their possession, evidence of a negative test for Equine Infectious Anemia.
- (3) Riders of motorcycles, trail bikes, all-terrain vehicles, bicycles and other off-road vehicles:
 - (a) May use only the unpaved roadways maintained by the Forestry Division and not the public roadways unless they and their vehicle are licensed for the public roadways;

- (b) Must have all equipment in good working order with properly functioning mufflers and spark arresters;
- (4) The District Forester may designate certain areas for the use of off-road vehicles. These areas will be posted for such use and may be used only during daylight hours. Use of off-road vehicles in any area of a State Forest except on unpaved roadway maintained by the Forestry Division or in areas posted for use by off-road vehicles is strictly prohibited.

Authority: T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., T.C.A. § 44-2-1302, T.C.A. § 55-9-302, T.C.A. §§ 4-3-201 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.07 COMMERCIAL OPERATIONS

- (1) Engaging in a business or commercial solicitation of any kind within a State Forest is prohibited without a written permit from the District Forester or a fully executed contract with the Department of Agriculture, Forestry Division.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.08 GROUPS AND ORGANIZATIONS

- (1) Public meetings, assemblies, gatherings, demonstrations, and other events are permitted within state forests on lands that are open to the general public provided a permit has been issued by the District Forester.
- (2) Any application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, and estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.09 ABANDONED AND UNATTENDED PROPERTY

- (1) Abandoning vehicles or other personal property is prohibited in a State Forest. Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission from the District Forester, constitutes abandonment. The District Forester may impound abandoned property.
- (2) In the event unattended property interferes with a safe and orderly management of the State Forest, the District Forester may impound it at any time.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.10 DISORDERLY CONDUCT AND VANDALISM

- (1) Disorderly conduct, as defined in T.C.A. §39-17-305 and vandalism as defined in T.C.A. §39-14-408 are prohibited in a State Forest.

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

0080-7-1-.11 PENALTIES AND ASSISTANCE

- (1) Violation of these rules may be a misdemeanor and punishable under the general law relating to misdemeanors.
- (2) The District Forester may call upon any law enforcement officer or agencies and state departments and agencies for assistance in enforcing these rules and regulations.
- (3) Division of Forestry personnel will likewise provide assistance, when requested, to any law enforcement officer or agency or state department or agencies in enforcing state law or in the enforcement of the rules and regulations of other departments

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

AMENDMENTS

Rules 0400-8-1-.01 through 04 00-8-1-.07 entitled Rules of the Department of Conservation, Chapter 0400-8-1, Use of Look-out Towers for Communication Systems are amended by renumbering these rules as 0080-8-1-.01 through 0080-8-1-.07 and by renaming and transferring said rules as follows:

**RULES OF THE
DEPARTMENT OF AGRICULTURE
DIVISION OF FORESTRY
CHAPTER 0080-8-1
USE OF LOOKOUT TOWERS FOR COMMUNICATION SYSTEMS**

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

Rules 0400-8-1-.01 through 04 00-8-1-.07 entitled Rules of the Department of Conservation, Chapter 0400-8-1, Use of Look-out Towers for Communication Systems are further amended by:

deleting the words “Department of Conservation” wherever they appear and substituting in lieu thereof the words “Department of Agriculture.”

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

Rules 0400-8-1-.01 through 04 00-8-1-.07 entitled Rules of the Department of Conservation, Chapter 0400-8-1, Use of Look-out Towers for Communication Systems are further amended by:

deleting the current authority line in each rule and by substituting in lieu thereof the following new authority line:

Authority: T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)

Authority: *T.C.A. §§4-3-201 et seq., T.C.A. §§11-1-101 et seq., T.C.A. §§11-4-101 et seq., Executive Order No. 41 (February 4, 1991)*

The proposed rules set out herein were properly filed in the Department of State on the 6th day of December, 2000, and pursuant to the instructions set out above, and in the absence of the filing of a petition calling for a rulemaking hearing, will become effective on the 30th day of April, 2001. (12-08)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT

- 0400 - Department of Environment and Conservation, Division of Water Pollution Control, Public necessity rules implementing Section 8 of the Inter-Basin Water Transfer Act, , Chapter 1200-4-13, Inter-Basin Water Transfers, 10 T.A.R. (October 2000) - Filed September 29, 2000; effective through March 13, 2001. (09-29)
- 0620 - Department of Finance and Administration, Bureau of TennCare, Public necessity rules dealing with the Revised Consent Decree, rule 1200-13-12-.11 Appeal of Adverse Actions Affecting a TennCare Program Enrollee, 12 T.A.R. (December 2000) - Filed November 2, 2000; effective through April 16, 2001. (11-09)
- 0940 - Department of Mental Health and Developmental Disabilities, Office of the Commissioner, Public necessity rules dealing with the Abuse Registry, cChapter 0940-1-4 Reporting to Statewide Abuse Registry of Suspected Client Abuse, Neglect, Mistreatment 10 T.A.R. (October 2000) - Filed September 21, 2000; effective through March 5, 2001. (09-20)

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RULEMAKING HEARINGS

THE BOARD FOR PROFESSIONAL COUNSELORS, MARITAL AND FAMILY THERAPISTS, AND CLINICAL PASTORAL THERAPISTS - 0450

There will be a hearing before the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-22-102. 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 2nd day of April, 2001.

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 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, Division of Health Related Boards, 425 Fifth Ave. North, First Floor, Cordell Hull Bldg., Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 0450-1-.03, Necessity of Certification or Licensure, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) These rules shall not apply to any Christian Science practitioner or to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his pastoral or professional duties, or to any person who is licensed to practice medicine, when providing counseling services as part of his professional practice.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, 63-22-107, 63-22-113, 63-22-117, 63-22-118, and 63-22-120.

Rule 0450-2-.05, Procedures for Licensure, is amended by deleting subparagraph (1) (l) and its parts, and part (5) (e) 1. in their entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (l) and the new part (5) (e) 1. shall read:

- (1) (l) An applicant, upon being deemed eligible by the board, shall be required to pass the written and oral examinations, pursuant to rule 0450-2-.08.

- (5) (e) 1. failure to take the written examination required by the board within nine (9) months following the issuance of the temporary license;

Authority: T.C.A. §§ 4—5—202, 4—5—204, 63—22—102, 63—22—106, 63—22—107, and 63—22—121.

Rule 0450-2-.06, Fees, is amended by deleting part (4) (b) 1. in its entirety and substituting instead the following language, and is further amended by deleting part (4) (b) 8. in its entirety, so that as amended, the new part (4) (b) 1. shall read:

- (4) (b) 1. Application \$250.00

Authority: T.C.A. §§ 4—3—1011, 4—5—202, 4—5—204, 63—1—103, 63—1—112, 63—22—102, 63—22—106, and 63—22—107.

Rule 0450-2-.08, Examinations, is amended by deleting the introductory sentence in its entirety and substituting instead the following language, and is further amended by deleting paragraphs (1), (2), (3), (4) and (6) in their entirety and substituting instead the following language, so that as amended, the new introductory sentences and the new (1), (2), (3), (4) and (6) shall read:

0450-2-.08 EXAMINATIONS. Except as provided in this rule, an individual seeking licensure shall be required to pass Board-approved written and oral examinations. Except as provided in this rule, passing the written examination is a prerequisite to taking the oral examination.

- (1) Written Examination - The written examination shall be passed by all applicants except those who upgrade or are approved for licensure by reciprocity pursuant to rule 0450—2—.04.
 - (a) The Board adopts as its written examination for marital and family therapists licensure the Professional Examination Service (PES) published examination or their successor examination, as developed by the Association of Marital and Family Therapy Regulatory Boards.
 - (b) Upon being deemed eligible, the Board shall send an examination admissions form to approved applicants.
 - (c) The applicant shall complete the examination admissions form and return to PES.
 - (d) PES shall provide the applicant information to schedule the examination at Prometric Testing Centers.
 - (e) PES shall notify the Board and the applicant of the written examination results.
 - (f) Passing scores on the examination are determined by PES. Such passing scores as certified to the Board by PES are adopted by the Board as constituting successful completion of the written examination. A passing score will qualify the applicant for the oral examination, if all other requirements pursuant to rule 0450—2—.05 have been successfully completed.
- (2) Oral Examination
 - (a) Oral examinations are required for all applicants except those approved to upgrade from CMFT to LMFT.

- (b) An oral examination is scheduled for each applicant as soon as reasonable after the Board's receipt of a passing score from the written examination or upon being deemed eligible by the board. Notification of admission to the oral examination will be provided to applicants in writing from the Board's administrative office at least thirty (30) days prior to the examination date.
 - (c) An oral examination shall be conducted by a two (2) or three (3) member committee, appointed by the president of the Board, whose written report and recommended action shall be forwarded to the Board. A passing score shall be seventy-five percent (75%).
 - (d) The Board determines oral examination sites, and respective applicants shall be notified in writing as to the location, time, and date.
 - (e) The oral examination of an applicant shall cover:
 - 1. The applicant's knowledge of the content and interpretation of T.C.A. §§ 63—22—101, et seq.
 - 2. The applicant's knowledge of the Board's current code of ethics pursuant to rule 0450—2—.13; and
 - 3. Other practice-related areas.
 - (f) The Board's administrative office will notify applicants in writing of the oral examination results once ratified by the full Board.
 - (g) If the applicant has met all other requirements, a passing score will qualify him for licensure.
- (3) If an applicant neglects, fails, or refuses to take either the written or oral examination or fails to pass either the written or oral examination for licensure under these rules within twelve (12) months after being deemed eligible by the Board, the application will be denied. However, such an applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.
- (4) Written or oral re-examination
- (a) Written Examination.
 - 1. Applicants who fail to pass the written examination may apply for re-examination.
 - 2. Such a request must be received in the Board's administrative office on or before the thirtieth (30th) day after the applicant's receipt of notification of the examination results.
 - 3. Applicants for re-examination shall be approved pursuant to paragraph (1) of this rule.
 - (b) Oral Examination
 - 1. Applicants who fail to pass the oral examination may apply for re-examination.
 - 2. Such a request must be received in the Board's administrative office on or before the thirtieth (30th) day after the applicant's receipt of notification of the examination results.
 - 3. Individuals requesting re-examination will be scheduled for the next available examination.

- (6) The Board may, at its discretion, delay a decision on eligibility to take the written and/or oral examinations or re-examinations for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and shall be made within sixty (60) days from the date of the official review of the application by the Board.

Authority: T.C.A. §§ 4—5—202, 4—5—204, 63—22—102, 63—22—103, 63—22—106, and 63—22—107.

Rule 0450-2-.13, Professional Ethics is amended by deleting the introductory sentence in paragraph (2) in its entirety and is further amended by deleting subparagraph (2) (b) in its entirety, so that as amended, the new introductory sentence in paragraph (2) and the new subparagraph (2) (b) shall read:

- (2) Certified or Licensed Marital and Family Therapist - The board adopts the code of ethical principles of the American Association for Marriage and Family Therapy (AAMFT) published as the AAMFT CODE OF ETHICS of July 1, 1998, or its successor publication.
- (2) (b) A copy of this code of ethics may be obtained by writing the American Association for Marriage and Family Therapy, 1133 15th Street, Suite 300, Washington, D.C. 20005-2710.

Authority: T.C.A. §§ 4—5—202, 4—5—204, 63—22—102, 63—22—106, and 63—22—110.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of December, 2000. (12-26).

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF SUPERFUND**

There will be a hearing conducted by the Division of Superfund on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendment of rules pursuant to T.C.A. Sections 68-212-203 and 68-212-215. 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 at Paris Landing State Park, Board Meeting Room, 16055 Highway 79 North, Buchanan, Tennessee 38222-4109 on February 20, 2001 at 6:00 p.m. Individuals with disabilities who wish to participate 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, by writing, telephone, or other means and should be made no less than ten (10) days prior to the hearing date to allow time to provide such aid or services. Contact: Tennessee Department of Environment and Conservation, ADA Coordinator, 7th Floor Annex, 401 Church Street, Nashville, TN 37248, (615)532-0059. Hearing impaired callers may use the Tennessee Relay Service, (1-800-848-0298)

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-1-13
HAZARDOUS SUBSTANCE SITE REMEDIAL ACTION**

AMENDMENTS

Rule 1200-1-13-.13 List of Inactive Hazardous Substance Sites is amended by deleting the following site from the list, such deletion being made in a manner so that the entire list remains in numerical order:

Site Number	Site Name
Henry County (40)	
40-508	Oak Grove (Celotex) Buchanan, TN

Authority: T.C.A. §§68-212-206(e) and § 68-212-215(e).

The notice of rulemaking set out herein was properly filed in the Department of State on the 20th of December, 2000. (12-17)

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF SUPERFUND**

There will be a hearing conducted by the Division of Superfund on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendment of rules pursuant to T.C.A. Sections 68-212-203 and 68-212-215. 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 at the Tennessee Department of Environment and Conservation, Knoxville Environmental Assistance Center, Conference Room - Suite 220, 2700 Middlebrook Pike, Knoxville, TN 37921 on February 27, 2001 at 6:00 p.m. Individuals with disabilities who wish to participate 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, by writing, telephone, or other means and should be made no less than ten (10) days prior to the hearing date to allow time to provide such aid or services. Contact: Tennessee Department of Environment and Conservation, ADA Coordinator, 7th Floor Annex, 401 Church Street, Nashville, TN 37248, (615)532-0059. Hearing impaired callers may use the Tennessee Relay Service, (1-800-848-0298)

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-1-13
HAZARDOUS SUBSTANCE SITE REMEDIAL ACTION**

AMENDMENTS

Rule 1200-1-13-.13 List of Inactive Hazardous Substance Sites is amended by adding the following site to the list, such addition being made in a manner so that the entire list remains in numerical order:

Site Number	Site Name
Knox County (47)	
47-560	Smokey Mountain Smelters Knoxville, TN

Authority: T.C.A. §§68-212-206(e) and § 68-212-215(e).

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th of December, 2000. (12-23)

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF SUPERFUND**

There will be a hearing conducted by the Division of Superfund on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendment of rules pursuant to T.C.A. Sections 68-212-203 and 68-212-215. 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 at the Unicoi County Courthouse, Courtroom, 100 North Main Street, Erwin, TN 37650-0169 on February 26, 2001, at 6:00 p.m. Individuals with disabilities who wish to participate 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, by writing, telephone, or other means and should be made no less than ten (10) days prior to the hearing date to allow time to provide such aid or services. Contact: Tennessee Department of Environment and Conservation, ADA Coordinator, 7th Floor Annex, 401 Church Street, Nashville, TN 37248, (615)532-0059. Hearing impaired callers may use the Tennessee Relay Service, (1-800-848-0298)

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-1-13
HAZARDOUS SUBSTANCE SITE REMEDIAL ACTION**

AMENDMENTS

Rule 1200-1-13-.13 List of Inactive Hazardous Substance Sites is amended by adding the following site to the list, such addition being made in a manner so that the entire list remains in numerical order:

Site Number	Site Name
86-506	Unicoi County (86) General Metal Fabricators Erwin, TN

Authority: T.C.A. §§68-212-206(e) and § 68-212-215(e).

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of December, 2000. (12-24)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF WATER SUPPLY

There will be hearings before the Division of Water Supply Staff representing the Water Quality Control Board of the Department of Environment and Conservation to hear comments from the public concerning amendments to the Regulations for Public Water Systems and Drinking Water Quality Chapter 1200-5-1 pursuant to T.C.A. 68-221-701 et seq. The proposed amendments were drafted primarily to incorporate into state regulations the revisions to the public notice regulations promulgated by the EPA May 4, 2000. This proposal also updates facility maintenance fee schedules, the laboratory certification rules and requires tank inspectors doing wet tank inspections to follow AWWA standards. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated Section 4-5-204. The hearings will take place at the following locations on the dates and times indicated below.

Jackson Environmental Assistance Center
362 Carriage House Drive
Jackson, TN 38305
10:00 AM CST
February 20, 2001

Fleming Training Center
2022 Blanton Drive
Main Auditorium
Murfreesboro, TN
10:00 AM CST
February 21, 2001

Knoxville Environmental Assistance Center
Suite 220 State Plaza
2700 Middlebrook Pike
11:00 AM EST
February 22, 2001

Written comments will be also considered if received at the Division of Water Supply, 401 Church Street, Nashville, TN 37243-1549 by the close of business February 28, 2001.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than (10) days prior to the scheduled meeting date to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department's ADA Coordinator, Mr. Issac Okareeh-Baah, Division of Real Property Management, 7th Floor, L&C Annex, 401 Church Street, Nashville, TN 37243-0449 whose telephone number is (615) 532-0059.

For a copy of the entire text of this notice of rulemaking hearing, contact the nearest office of the Tennessee Division of Water Supply at 1-888-891-8332 or the central office of the Division at 615-532-0191. A complete text of the proposed Rules may also be found by visiting the Department of Environment and Conservation's Web site at <http://www.state.tn.us/environment/dws>.

SUMMARY OF PROPOSED RULE

The United States Environmental Protection Agency revised the rules requiring public water systems to notify their customers of serious drinking water standards violations (tier 1) May 4, 2000. The EPA revision mandates that public water systems must give notice to their customers of any condition found in the water system that might pose an acute risk to public health from short-term exposures. EPA also prescribes the form, manner, delivery methods and minimum informational content of the notice. The notice must be given as soon as practical but no later than 24 hours after the system discovers the violation. Prior to the revision of the rules, public water systems had up to 72 hours to provide the public with notice of an acute risk caused contamination in drinking water.

The federal rules also describe the form, manner, and timing for notices to the public of less serious violations of the drinking water standards and provide that public water systems may use their Consumer Confidence Reports as a vehicle to transmit information on less serious violations to their customers.

To retain primacy for the drinking water program, states must adopt and implement the federal public notice program by May 6, 2002.

These rules also propose to modify the fee schedules contained in Rule 1200-5-1-.32 Fees for Public Water Systems. All systems up to 30,000 persons will pay at the rate of \$1.00 per connection per year with the minimum fee established as \$200. Systems serving more than 30,000 connections will pay a graduated fee ranging from \$0.75 per connection to \$0.30 per connection per year.

These amendments also clarify the requirements for public water systems and commercial laboratories to become certified for analyzing drinking water samples for compliance purposes.

These amendments also propose to require persons conducting inspections of drinking water storage tanks follow approved sanitary precautions when entering tanks filled with drinking water.

The notice of rulemaking set out herein was properly filed in the Department of State on the 20th day of December, 2000. (12-19)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
BOARD OF WATER AND WASTEWATER OPERATOR CERTIFICATION

There will be a series of three (3) public hearings before the Department of Environment and Conservation on behalf of the Board of Water and Wastewater Operator Certification to consider the promulgation of amendments of the rules pursuant to T.C.A. §§ 68-221-901 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 on the dates and the times and locations listed below:

February 12, 2001 9:00 a.m. CT	James Blanton Auditorium J. R. Fleming Environmental Training Center 2022 Blanton Drive Murfreesboro, TN
February 14, 2001 9:00 a.m. CT	Training Room Jackson Utility Division 604 S. Royal St. Jackson, TN
February 16, 2001 9:00 a.m. ET	Suite 220 Knoxville Environmental Assistance Center 2700 Middlebrook Pike Knoxville, TN

Any individuals with disabilities who wish to participate in these proceedings should contact the Tennessee Department of Environment and Conservation 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 dates (February 12, February 14, or February 16, 2001), to allow time for the Department of Environment and Conservation to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Department of Environment Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville, TN 37243, (615) 532-0059. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

For a copy of this notice of rulemaking hearing, contact W. Brent Ogles, Technical Secretary, Board of Water and Wastewater Operator Certification, c/o Fleming Training Center, 2022 Blanton Drive, Murfreesboro, TN 37129, (615) 898-8090.

SUBSTANCE OF PROPOSED RULES

Subparagraph (b) of paragraph (1) of rule 1200—5—3—.01, Application for Certificate is amended by deleting the language of the subparagraph in its entirety and replacing with the following so that, as amended, the subparagraph shall read:

- (b) An application for certification must be submitted to the Secretary of the Board and include the following items:
1. A sworn and notarized application signed by the applicant.
 2. Payment of a non-refundable \$65.00 fee for each application for examination.
 3. A copy of any verifying document in support of an application must be submitted with the application unless the applicant has previously provided such documentation to the Secretary of the Board. This includes, but is not limited to, proof of high school education or equivalent of the applicant. College

transcripts, if needed to document experience credit, must be submitted directly from the college and/or university to the Secretary to the Board. Credit for enrollment in special training courses and programs will only be granted to an applicant upon verification that he/she satisfactorily completed all course or program requirements. If training credit is requested, a copy of a course attendance card, a class roster, or a certificate of completion must be submitted to the Secretary. This paragraph does not apply to applicants seeking certification as a small water system operator.

Subparagraph (b) of paragraph (2) of rule 1200—5—3—.01, Application for Certificate is amended by deleting the language of the subparagraph in its entirety and replacing with the following so that, as amended, the subparagraph shall read:

- (b) An application for certification must be submitted to the Secretary of the Board and include the following items:
 - 1. A sworn and notarized application signed by the applicant.
 - 2. Payment of a non-refundable \$65.00 fee for each application for reciprocity.
 - 3. A copy of any verifying document in support of an application must be submitted with the application unless the applicant has previously provided such documentation to the Secretary of the Board. This includes, but is not limited to, proof of high school education or equivalent of the applicant. College transcripts, if needed to document experience credit, must be submitted directly from the college and/or university to the Secretary to the Board. Credit for enrollment in special training courses and programs will only be granted to an applicant upon verification that he/she satisfactorily completed all course or program requirements. If training credit is requested, a copy of a course attendance card, a class roster, or a certificate of completion must be submitted to the Secretary. This paragraph does not apply to applicants seeking certification as a small water system operator.

Paragraph (1) of rule 1200—5—3—.03, Fees, is amended by deleting the language of the paragraph and replacing it with the following so that, as amended, the paragraph shall read:

- (1) Fees for certification shall be required of each applicant and paid in advance as follows:
 - (a) Application fee for each operator examination or reciprocity request applied for:.....\$ 65.00
 - (b) Discount annual renewal fee for each operator certificate: (Payment prior to February 1).....\$ 25.00
 - (c) Standard annual renewal fee for each operator certificate: (Payment from February 1 through June 30.)
.....\$ 50.00

Paragraph (2) of rule 1200-5-3-.07, Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators, is amended by adding a new subparagraph (e) so that, as amended, the subparagraph shall read:

- (e) An operator’s classification may be changed by the Board if the operator is employed at a water plant or distribution system that has been incorrectly classified by the Department for one year or more. The operator must hold a valid certificate equal to the incorrect plant or system classification and must have applied for and achieved the certificate based on the incorrect classification.

Paragraph (4) of rule 1200—5—3—.08, Classification of Wastewater Treatment Plants and Wastewater Collection Systems, is amended by deleting the language of the paragraph and replacing it with the following so that, as amended, the paragraph shall read:

(4) Types of Wastewater Systems:

- (a) A wastewater treatment plant, except Biological/Natural, will be classified either as Grade I, II, III or IV in accordance with the following point totals:

Grade IV	76 or more points
Grade III	56 to 75 points
Grade II	55 points or less
Grade I	This classification is for a wastewater treatment plant with a capacity of seventy-five thousand gallons per day or less. This classification serves as a Collection System certification for Grade I Collection Systems with less than fifteen (15) service connections.
Biological/Natural	This classification is for wastewater systems using natural biological treatment as the predominant means for treatment. This includes stabilization ponds, intermittent sand filters, recirculating sand filters, spray-irrigation, constructed wetlands, aerated lagoons, and overland flow systems. This classification serves as a Collection System certification for Grade I Collection Systems with less than fifteen (15) service connections.

Point totals for plant classification shall be computed in accordance with the following rating value criteria:

Rating Value
Points

Design Flow - For every one million gallons per day design capacity, fraction thereof, a plant will be awarded rating value of: 2 pts.
(30 points maximum)

Effluent Discharge - Based upon the following factors, a plant will be awarded rating values of:

Receiving stream (sensitivity)	0-7 pts.*
Land disposal - evaporation	2 pts.
Subsurface disposal	4 pts.

Variation in Raw Wastes - Based upon the variation in the quality of the raw wastes, a plant will be awarded a rating value of: 0-6 pts.*

Preliminary Treatment Units - A plant employing any of the following pre-liminary treatment processes will be awarded rating values of:

Manually cleaned screens	2 pts.
Mechanically cleaned screens	3 pts.
Preaeration	2 pts.
Comminutor, barminutor, grinders, etc.	3 pts.

Grit removal	3 pts.
Raw sewage pumping	3 pts.
Flow equalization basins (Aerated)	5 pts.
Flow equalization basins (Unaerated)	2 pts.
Fine screens	3 pts.

Primary Treatment Units - A plant employing any of the following primary treatment processes will be awarded rating values of:

Pre-chlorination	3 pts.
Primary Clarifiers	5 pts.
Primary Clarifiers with chemical settling aid	7 pts.
Swirl system	3 pts.

Secondary Treatment Units - A plant employing any of the following secondary treatment processes will be awarded rating values of:

Secondary Clarifiers	5 pts.
Flocculation with or without chemical aid	7 pts.
Trickling Filter without recirculation	6 pts.
Trickling Filter with recirculation	8 pts.
Activated Sludge+	
Oxidation ditch	8 pts.
Mechanical aeration	9 pts.
Diffused or dispersed aeration	10 pts.
Batch Treatment (ICEAS, etc.)	10 pts.
Pure oxygen	15 pts.

+ Add ten (10) additional points for a two-stage activated sludge facility

Tertiary Treatment Units/Advanced Treatment - A plant employing any of the following tertiary, or advanced, treatment processes will be awarded rating values of:

Polishing pond or Effluent flow equalization	2 pts.
Land application of treated effluent	5 pts.
Chemical treatment removal	6 pts.
Denitrification	10 pts.
Sand or mixed media filters	8 pts.
Activated Carbon Beds	10 pts.
Nitrification required by permit	
By Activated Sludge	6 pts.
Nitrification by other process	5 pts.

Disinfection - Based upon the type of disinfection process employed, a plant will

be awarded rating values of:

Chlorination	5 pts.
Dechlorination	5 pts.
Ozonization	10 pts.
Ultraviolet	5 pts.

Sludge Treatment and Handling - A plant employing any of the following sludge treatment and handling facilities will be awarded rating values of:

Anaerobic digestion	
Unheated	5 pts.
Heated	10 pts.
Aerobic digestion	7 pts.
Drying beds	3 pts.
Sand bed with polymer added	5 pts.
Gravity thickener	5 pts.
Dissolved air floatation thickener	8 pts.
Vacuum filter	8 pts.
Centrifuge	8 pts.
Belt Press, Plate & Frame	8 pts.
Solids reduction (Incinerator, wet oxidation, etc.)	15 pts.
Land application	5 pts.
Chemical stabilization with lime	8 pts.
All other dewatering units including wedgewire and vacuum beds, both with polymers	5 pts.
Composting: In vessel	10 pts.
Composting: Static Pile	5 pts.
Sludge Lagoon	3 pts.

Laboratory Control by Plant Personnel - Based upon the type and difficulty of laboratory work performed at a plant, a plant will be awarded rating values of:

Bacteriological (Complexity)	0-10 pts.*
Chemical/Physical (Complexity)	0-10 pts.*

Total Points **

* See Table 2

** If a rating value points total would not accurately reflect special conditions at a plant and a material distortion in its rating would occur, the Board will establish the classification of the plant after a review of its special conditions.

Table 2

Effluent Discharge - Points are assigned to a plant based upon the following receiving stream sensitivity criteria:
0-7 pts.*

The key concept is the degree of dilution provided under low flow conditions. Assigned point are:

Secondary, or equivalent to secondary, wastewater treatment only is required.	1 pt.
Advanced secondary treatment.	3 pts.
Tertiary treatment.	5 pts.
Effluent used in a direct reuse system.	7 pts.

Variation in Raw Wastes - Points are assigned to a plant based upon the variation from slight to extreme of the following factors:
0-6 pts.*

The key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation can be in terms of strength, toxicity, shock.

- Recurring deviations or excessive variations in strength and/or flow less than 100 percent.
0 pts.
- Recurring deviations or excessive variations in strength and/or flow from 100 to 200 percent.
2 pts.
- Recurring deviations or excessive variations in strength and/or flow of more than 200 percent.
4 pts.
- Raw wastes subject to toxic waste discharges. 6 pts.

Laboratory Control by Plant Personnel - Points are assigned in accordance with the type of laboratory control performed at the plant:

Bacteriological/biological (complexity) 0-10 pts.*

The key concept is to credit bacteriological/biological lab work done on-site by plant personnel. Assigned point values are:

- Lab work done outside the plant. 0 pts.
- Membrane filter procedures. 3 pts.
- Use of fermentation tubes or any dilution method 5 pts.
- Biological identification. 7 pts.

Chemical/physical (complexity) 0-10 pts.*

The key concept is to credit chemical/ physical lab work done on-site by plant personnel.

- Lab work done outside the plant. 0 pts.
- Push-button or visual methods for simple tests such as pH, settleable solids. 3 pts.
- Additional procedures such as DO, COD, BOD, gas analysis, titrations, solids, volatile content. 5 pts.
- More advanced determinations such as specific nutrients, total oils, phenols, etc. 7 pts.
- Highly sophisticated instrumentation such as atomic absorption and gas chromatography. 10 pts.

These terms describe the minimum level of effluent quality attainable for treated wastewater under standard design conditions in terms of the arithmetic mean of the values for effluent samples collected in a period of thirty consecutive days for the following parameters: five-day biochemical oxygen demand (BOD₅); total suspended solids (TSS); and acidity/alkalinity (pH).

- (i) “Equivalent to secondary wastewater treatment” means the 30-day average for BOD₅ does not exceed 45 mg/l and there is no ammonia limit.
- (ii) “Secondary wastewater treatment” means the 30-day average for BOD₅ does not exceed 30 mg/l and there is no ammonia limit.
- (iii) “Advanced secondary wastewater treatment” means that the biochemical oxygen demand is expressed as the carbonaceous form (CBOD₅) that is equal to or greater than 10 mg/l and is equal to or less than 25 mg/l; and there is an ammonia limit.

- (iv) "Tertiary wastewater treatment" means that the CBOD₅ is less than 10 mg/l and there is an ammonia limit.
- (b) Grade I Collection System. This classification is for a wastewater collection system that uses collector and/or transmission lines to transport wastewater to a treatment plant and which serves no more than five thousand service connections.
- (c) Grade II Collection System. This classification is for a wastewater collection system that uses collector and/or transmission lines to transport wastewater to a treatment plant and which serves more than five thousand service connections.

Paragraph (2) of rule 1200-5-3-.09, Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators, is amended by adding a new subparagraph (e) so that, as amended, the subparagraph shall read:

- (e) An operator's classification may be changed by the Board if the operator is employed at a water plant or distribution system that has been incorrectly classified by the Department for one year or more. The operator must hold a valid certificate equal to the incorrect plant or system classification and must have applied for and achieved the certificate based on the incorrect classification.

Rule 1200-5-3-.13 Effective Date is amended by deleting the language of the entire rule and replacing it with the following so that, as amended, the rule shall read:

The effective date of these Amended Rules shall be September 17, 2001.

Authority: T.C.A. §§ 4-5-101 et seq., 4-5-202, 68-203-101, 68-203-103, 68-221-906, 68-221-907, 68-221-908, 68-and 68-221-913.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of December, 2000. (12-30)

TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION - 0620

There will be a hearing before the Tennessee Department of Finance and Administration to consider the promulgation of rules concerning limitations of liability on State contracts pursuant to Tennessee Code Annotated Sections 12-4-119 (Chapter 722 of 2000, and 12-4-109. This 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 Multi Media Room of the William Snodgrass Tennessee Tower Building located at 3rd Floor, 312 8th Avenue North, in Nashville, Tennessee at 9:00 a.m., Central Standard Time, on the 20th day of February, 2001.

If an individual with a disability wishes to participate in this rulemaking process or review this filing of Notice of Rulemaking and may need assistance to do so, the individual should contact the Department of Finance and Administration to discuss any auxiliary aids or services that may be needed to facilitate participation or review. Such contact may be in person, by writing, telephonically or otherwise, and should be made as far in advance of the rulemaking hearing date or the date the party intends to review the filings as possible, to allow time for the Department of Finance and Administration to provide such aid or service. The Department urges that no less than fifteen (15) days notice be given. Initial contact may be made with Renee Jackson at 21st Floor, 312 8th Avenue North, Nashville, Tennessee, (615. 741-1343).

For a copy of the entire text of this notice of rulemaking hearing, contact April Woodruff at Suite 2100, 312 8th Avenue North, William R. Snodgrass Tennessee Tower, Nashville, Tennessee 37243, (615. 741-0320).

SUBSTANCE OF PROPOSED RULE**CHAPTER 0620-3-7
LIMITATIONS OF LIABILITY IN STATE SERVICES****0620-3-7-.01 POLICY STATEMENT AND SCOPE OF RULES**

- (1) The General Assembly of Tennessee, in Public Chapter 722 of 2000, authorized this Department to promulgate rules setting forth the circumstances when, and the procedures under which, the State would purchase services while accepting limitations of the liability of contractors for damage claims.
- (2) Public Chapter 722 forbids the State from accepting any limitation of the contractor's liability for intentional torts, criminal acts, or fraudulent conduct. Public Chapter 722 also forbids the State from accepting any limitation of liability for an amount less than two times the value of the contract. Furthermore, neither the Public Chapter nor these regulations authorize the State to indemnify contractors for the acts or negligence of the contractors or third parties. All limitations of liability authorized under these rules must be subject to these limitations.
- (3) These rules shall apply to contracts for the purchase of information technology services that are procured pursuant to the Rules of the Department of Finance and Administration, Chapter 0620-3-3, Personal Service, Professional Service, and Consultant Service Contracts.

Authority: T.C.A. 4-5-202, 12-4-109, Public Chapter 722 of 2000.

0620-3-7-.02 APPROVAL FOR LIMITATION OF LIABILITY

- (1) Approval Timeliness.
 - (a) Any request to permit the limitation of contractor liability in a state contract for information technology services must be made and a decision made thereon at the appropriate time in the procurement process

to ensure that no such decision shall detrimentally impact the fairness of the procurement or the interests of the state in competitive procurements.

- (b) Generally, this shall require that such a request be made and a decision rendered prior to the procuring agency request for Department of Finance and Administration approval of the subject procurement method (and a copy of any such approval shall be presented with this request..
 - (c) In a formal Request for Proposals process, however, a procuring agency may determine to request approval for a limitation of liability after receiving written comments from potential proposers pursuant to the process. In which case, the request to limit liability shall be made and a decision rendered prior to the procuring agency request for Department of Finance and Administration approval to amend the Request for Proposals (and a copy of any such approval shall be presented with this request..
 - (d) The agency may request, and the Department of Finance and Administration may authorize, initiation of a new procurement process including a contractor's limitation of liability at any stage of the procurement process, in circumstances where the applicable procurement process has failed to provide a qualified proposer.
 - (e) The State may accept a limitation of liability, subject to the conditions set forth in regulation 0620-3-7-.01 supra, in the course of competitive or non-competitive negotiations authorized by the Commissioner of Finance and Administration pursuant to regulation 0620-2-2-.08 (or any other grant of statutory or regulatory authority authorizing such negotiations..
- (2) Approval Process.
- (a) If any agency seeking to purchase information technology services considers it necessary to accept a limitation of liability, it shall submit a request to use a limitation of liability clause to the Commissioner of Finance and Administration
 - (b) The request to use a limitation of liability shall be submitted under the signature of the procuring agency commissioner or chief executive. The request for approval shall contain justification that addresses the following:
 1. the text of the limitation of liability sought to be used;
 2. the risks of liability to the State created by the information technology services purchased under the contract, and the impact on the State by allowing a limitation;
 3. the conditions in the market which justify a limitation of liability;
 4. the anticipated impact on the State's procurement if limitation of liability is not allowed; and,
 5. the identification of one or more persons in the procuring agency familiar with the information set forth in the request to permit a limitation of liability.
 - (c) The request will be approved or disapproved by the Commissioner of Finance and Administration or authorized designee. The Commissioner may approve the language submitted or may authorize acceptance of limitation of liability under alternative language. Any approval will be in writing and detail the specific limitation of liability approved.

- (3) Approval Documentation. Said written approval permitting a limitation of liability shall be filed with the Comptroller of the Treasury. The written approval shall be presented along with the subject information technology contracting documents submitted to the Department of Finance and Administration for approval processing.

Authority: T.C.A. 4-5-202, 12-4-109, Public Chapter 722 of 2000.

This notice of rulemaking set out herein was properly filed in the Department of State on the 20th day of December, 2000. (12-20)

**DEPARTMENT OF HEALTH - 1200
DIVISION OF EMERGENCY MEDICAL SERVICES**

There will be a hearing before the Division of Emergency Medical Services to consider the promulgation of amendments of rules pursuant to T.C.A. §§ 68-140-504, 68-140-506, 68-104-508, 68-140-509, and 68-140-517. 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, Ground Floor, located at 425 Fifth Avenue, North, Nashville, Tennessee at 10:00 a.m., Central Time, on the 9th day of March, 2001.

Any individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Department of Health, Division of Emergency Medical Services, 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 or the date the party plans to review such filings, to allow time for the Division of Emergency Medical Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the department's ADA coordinator at the Andrew Johnson Tower, 11th Floor, 710 James Robertson Parkway, Nashville, TN 37243-0675, or 615-741-6350.

For a copy of the entire text of the notice of rulemaking, contact Joseph B. Phillips, Director, Division of Emergency Medical Services, Cordell Hull Building, First Floor, 425 Fifth Avenue, North, Nashville, TN 37247-00701, telephone 615-741-2584.

SUBSTANCE OF PROPOSED RULES

Rule 1200-12-1-.04 Emergency Medical Technician (EMT) is amended by deleting the language of the existing rule in its entirety and inserting the following language so that, as amended, the rule shall read:

1200-12-1-.04 EMERGENCY MEDICAL TECHNICIAN (EMT). All persons desiring licensure as an Emergency Medical Technician pursuant to T.C.A. Title 68, Chapter 140 must comply with the following requirements and standards.

- (1) Emergency Medical Technician Licensure Requirements
 - (a) Must be at least eighteen (18) years of age.
 - (b) Be able to read, write, and speak the English language.
 - (c) Must possess an academic high school diploma or a general equivalency diploma (G.E.D).
 - (d) Must have no history within the past three years of habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants.
 - (e) Must present evidence to the Division of Emergency Medical Services of a medical examination certify-

ing physical health sufficient to conduct activities associated with patient care, including visual acuity, speech and hearing, use of all extremities, absence of musculoskeletal deformities, absence of communicable diseases, and suitable emotional fitness to provide for the care and lifting of the ill or injured.

- (f) Must successfully complete an approved basic Emergency Medical Technician course including all examinations within one (1) year of completion of training.
 - 1. Written Examinations
 - (i) Achieve a passing score on an EMS Board approved licensing examination.
 - (ii) Applicants who fail to pass the examinations shall be eligible to reapply for examination.
 - 2. Practical Examination
 - (i) All applicants must successfully complete an EMS Board approved practical examination.
 - (ii) Applicants who fail to pass the practical examination shall be eligible to reapply for examination.
- (g) Must submit an Application for Licensure form as provided by the Division of Emergency Medical Services.
- (h) Must remit the appropriate licensure and application fees, if applicable, as determined under rule 1200-12-1-06.
- (2) EMT Paramedic Requirements
 - (a) Must meet all the Emergency Medical Technician licensure requirements in paragraph (1).
 - (b) Must successfully complete an EMT Paramedic course accredited or recognized by the Division of Emergency Medical Services of the Tennessee Department of Health.
 - (c) Effective July 1, 2006, any individual applying for initial EMT-P licensure must hold, as a minimum, an associate's degree from a regionally accredited college or university.
 - (d) Must successfully complete an EMS Board approved Emergency Medical Technician Paramedic level course, including completion of all examinations within one (1) year of completion of training.
 - 1. Written Examinations
 - (i) Achieve a passing score on an EMS Board approved licensing examination.
 - (ii) Applicants who fail to pass the examinations shall be eligible to reapply for examination.
 - 2. Practical Examination
 - (i) An EMS Board approved practical examination must be successfully completed by all applicants.
 - (ii) Applicants who fail to pass the practical examination shall be eligible to reapply.
 - (e) Must submit an Application for Licensure form as provided by the Division of Emergency Medical Services.

- (f) Must remit the appropriate licensure and application fees, if applicable, as determined under rule 1200-12-1-06.
- (3) Responsibilities of the Emergency Medical Technician when providing patient care:
- (a) The EMT shall perform initial patient survey, shall provide emergency care through careful assessment of the patient, and shall recognize injuries and illness. The EMT shall also gain knowledge of pre-existing medical conditions, previously prescribed medications, medical preference, and identification of the patient.

- 1. Emergency Medical Technicians and Emergency Medical Technician-Paramedics shall be permitted to perform extended skills or procedures, when such treatment is conducted under authorized medical control.

The following definitions shall apply under this part:

- (i) “Medical Control” shall mean the instruction and advice provided by a physician and the orders by a physician or nurse authorized under written agreement which define the treatment of a patient, where direct communication, written protocols, or standing orders are provided, and such procedures are in accordance with locally or regionally approved medical practices.
 - (ii) “Protocols” shall mean a ranking or formal listing of procedures that may be utilized for patient care after physician or medical facility communications have been established.
 - (iii) “Standing Orders” shall mean orders based on an agreement established by a medical practitioner, or the staff of a medical facility or association, delegating authority to agents within their control to commence treatment and authorizing procedures for patient care that may be utilized until the patient is presented for continuing medical care.
2. Emergency Medical Technicians or students during training in an accredited program may receive instruction in extended skills and authorization for procedures, including the administration or use of physician controlled devices for:
- (i) treatment of anaphylaxis with epinephrine, respiratory distress with inhaled bronchodilators, suspected chest pain with aspirin and suspected cardiac conditions with lingual or sublingual nitroglycerine;
 - (ii) airway management with Board approved airway procedures;
 - (iii) venipuncture and intravenous fluid therapy with EMS Board approved solutions; and
 - (iv) treatment of hypoglycemia with blood glucose monitoring and administration of intravenous Dextrose solutions.
3. Emergency Medical Technician Paramedics or students during training in accredited programs, may utilize the following procedures under medical control.
- (i) Perform electrocardiographic monitoring, recognize and treat cardiac dysrhythmias
 - (ii) Perform gastric, esophageal, or tracheal intubation and suction.

- (iii) Administer intravenous solutions or blood products by peripheral venipuncture of scalp, extremities, and external jugular veins or intraosseous infusions, or by pre-established indwelling lines.
 - (iv) Administer by oral, parenteral, endotracheal, or other indicated means, medications of any of the following classes of drugs:
 - (I) Antiarrhythmic agents
 - (II) Chronotropic agents
 - (III) Vagolytic agents
 - (IV) Analgesic agents
 - (V) Alkalinizing agents
 - (VI) Vasopressor agents
 - (VII) Anticonvulsive agents; or
 - (VIII) Other drugs which may be deemed necessary by the ordering physician.
 - (v) Perform chest decompression.
 - (vi) Perform cricothyrotomy
4. Emergency medical services personnel may defer administration of extended skills or treatment under the following circumstances:
- (i) when the technician acknowledges inadequate proficiency to perform the procedure;
 - (ii) when the technician cannot understand the orders or the situation limits control at the scene of the emergency; or
 - (iii) when the procedure is judged to be inappropriate to the condition of the patient, the EMT or EMT-Paramedic should so advise the physician providing such orders, within prudent and professional conduct.
- (b) The EMT shall render necessary emergency care through supportive assistance for conditions requiring transport for definitive medical care including medical emergencies, behavioral emergencies, illness, disease or infirmity.
 - (c) The EMT shall report essential information concerning the patient, the patient's medical condition, and treatment to the medical personnel who assume responsibility for continuing care of the patient.
 - (d) The EMT shall effectively utilize EMS Telecommunications for coordination and information exchange with EMS dispatchers, medical facilities, physicians, and systems users, and shall conduct radio transmissions appropriately with regard for rules, regulations, and procedures.
 - (e) Emergency Medical Services personnel authorized by the Division shall maintain a current course completion certificate in basic life support procedures at the professional rescuer/health care provider level.

- (4) License Classification for the Emergency Medical Technician. Upon remitting the license fee, if applicable, and approval of the appropriate application, individuals completing license procedures will be licensed in a category representative of the experience and additional qualifications recognized by the Division of Emergency Medical Services.
 - (a) Emergency Medical Technician: a person who has completed the EMT training course and who has qualified by examinations to perform pre-hospital emergency patient care. Upon demonstration of additional training and successful completion of qualifying examinations, the EMT may initiate and administer intravenous fluid therapy, and other procedure(s) approved by the EMS Board as listed in paragraph (3), upon the order of a physician or authorized registered nurse.
 - (b) Emergency Medical Technician-Paramedic: a person who has successfully completed an accredited program in Tennessee for Emergency Medical Technician-Paramedics or comparable training and education in another state, and received endorsement from the training institution; who has completed written and practical qualifying examinations; and who is licensed to practice advanced emergency medical care upon the order or under the supervision of a physician or authorized registered nurse.
 - (c) Licensures in categories previously established by the EMS Board shall continue in effect until expiration or renewal within the categories established above.
- (5) Proscribed acts of the EMT and EMT-Paramedic the following acts shall be cause for revocation, suspension, or denial of license renewal.
 - (a) Violation or attempted violation, or assisting in or abetting the violation of or conspiring to violate, any provision of this chapter. Or conviction of any felony or any offense involving moral turpitude, or the laws of the State of Tennessee, any other state, or the United States.
 - (b) Habitual intoxication or personal misuse of any drugs or the use or intoxication liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the person's ability to practice as an EMT.
 - (c) Making false statements or representations, being guilty of fraud or deceit in obtaining licensure.
 - (d) Making false or materially incorrect or inconsistent entries in any patient records or in the records of any ambulance service, health care facility, school, institution or other work place location.
 - (e) Failure to report patient care which accurately reflects the evaluation and treatment of each patient.
 - (f) Abandoning or neglecting a patient requiring emergency care following assumption of duty.
 - (g) Unauthorized use or removal of narcotics, drugs, supplies, or equipment from any ambulance, health care facility, school, institution or other work place location.
 - (h) Performing or attempting emergency care techniques or procedures without proper authorization, license, training or supervision.
 - (i) Assigning persons to perform functions contrary to the Emergency Medical Services Acts or rules and regulations of the Division of Emergency Medical Services.
 - (j) Failure to submit application, required documentation, or applicable fee by the license expiration date.

- (k) Permitting or allowing another person to use his or her license for the purpose of practicing or impersonating as an EMT.
 - (l) Discriminating in the rendering of emergency care because of race, religion, or national origin.
 - (m) Gross malpractice or negligence or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the provision of emergency care.
 - (n) Failure to submit required fees or submission of checks with insufficient funds.
 - (o) Failure to submit required documentation of continuing education hours used for license renewal upon demand by the Division.
- (6) License Renewal Requirements.
- (a) Emergency Medical Technicians shall qualify for license renewal by completing the following requirements:
 1. Submit the renewal application and appropriate fee (if applicable) with documentation of all requirements prior to the expiration date of the license cycle.
 2. Submit proof of current registration with the National Registry of Emergency Medical Technicians; or
 3. Complete a patient care-oriented license renewal examination with a minimum score of 80%; or
 4. Complete two (2.0) Continuing Education Units (CEU) or two (2.0) college credit hours (quarter) in EMT-related studies, as approved by the Division.
 - (i) The due date for completion of the required continuing education is the expiration date of the EMT's license renewal.
 - (ii) All EMT's must retain independent documentation of completion of all continuing education hours. This documentation must be retained for a period of four (4) years from the end of the renewal period in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested by the Division during its verification process. Certificates verifying the individual's completion of the continuing education program(s) consist of any one or more of the following:
 - (I) continuing education program's sponsor, date, length in hours awarded, program title, licensed individual's name, and license number; or
 - (II) an original letter on official stationery from the continuing education program's sponsor indicating date, length in hours awarded, program title, licensed individual's name, and license number.
 5. Dates for license renewal examinations will be scheduled by the Division and approved by the EMS Board.
 - (b) Emergency Medical Technician-Paramedics shall qualify for license renewal by completing the following requirements.

1. Submit the renewal application and appropriate fee (if applicable) with documentation of all requirements prior to the expiration date of the license cycle.
 2. Submit proof of current registration with the National Registry of Emergency Medical Technicians; or
 3. Complete a license renewal examination with a minimum score of 80%; or
 4. Complete three (3.0) Continuing Education units or three (3.0) college credit hours (quarter) in EMT or paramedical related studies, as approved by the Division.
 - (i) The due date for completion of the required continuing education is the expiration date of the EMT's license renewal.
 - (ii) All EMT's must retain independent documentation of completion of all continuing education hours. This documentation must be retained for a period of four (4) years from the end of the renewal period in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested by the Division during its verification process. Certificates verifying the individual's completion of the continuing education program(s) consist of any one or more of the following:
 - (I) continuing education program's sponsor, date, length in hours awarded, program title, licensed individual's name, and license number; or
 - (I) an original letter on official stationery from the continuing education program's sponsor indicating date, length in hours awarded, program title, licensed individual's name, and license number.
 5. Dates for license renewal examinations will be scheduled by the Division and approved by the EMS Board.
 6. EMT-Paramedic renewal shall qualify for renewal of the EMT license.
- (c) License renewal examinations and continuing education units will not be required of persons when a license expiration date is assigned for periods of less than one (1) year. Proportional adjustments may be made in continuing education unit requirements.
- (7) Reinstatement for a lapsed license
- (a) Emergency Medical Technician
 1. When license has lapsed for less than one (1) year, an individual may reinstate license by meeting and completing all applicable license and license renewal standards, successfully completing the EMT license written (attaining a minimum score of 70% and practical examinations, and submitting all applicable fees.
 2. When the license has lapsed for more than one (1) year, an individual must complete the EMT course in its entirety and comply with license requirements in effect under paragraph (1).
 - (b) The EMT-Paramedic
 1. When license has lapsed for less than one (1) year an individual may reinstate license by meeting and completion of all applicable license and license renewal standards and successfully completing the

- EMT-P license written (attaining a minimum score of 70%) and practical examinations, and submitting all applicable fees.
2. When license has lapsed for more than one (1) year, an individual may reinstate license by submitting all applicable fees and forms and successfully completing the EMT-P written and practical examinations and by successfully completing the required clinical rotations and field internship under the supervision of an accredited Paramedic training program. All requirements must be completed within thirty-six (36) months of license expiration.
- (c) For the purpose of renewal of Emergency Medical Technician license which has expired, the EMS Board authorizes the Department to renew and condition license for “Good Cause” when the Division receives written notification and a request for consideration within sixty (60) days of expiration. If no notification is initiated by the individual, then “Good Cause” cannot be applied.
1. “Good Cause” for delayed compliance with the regulations shall include:
 - (i) personal illness or hospitalization;
 - (ii) extensive travel or relocation within the affected time period;
 - (iii) conflicting professional or educational schedules (military);
 - (iv) immediate family illness or death; and
 - (v) extraordinary circumstances beyond the control of the licensee.
 2. The following reasons shall not constitute “Good Cause”:
 - (i) failure to submit necessary forms or fees by the expiration date;
 - (ii) willful defiance of rules; and
 - (iii) possession of an expired card for more than sixty-one (61) days without inquiry to the Division concerning renewal status.
- (d) Persons who have completed continuing education or renewal examination within their prior license period may reinstate an expired license by submitting appropriate documentation, the license fee and renewal application, and the reinstatement fee of twenty-five dollars (\$25.00) within sixty (60) days of their expiration date.
- (8) Out-of-state requirements for License. Any EMT or EMT-Paramedic who holds current certification/license from another state or and who has successfully completed an approved U.S. Department of Transportation EMT course may apply for Tennessee EMT or EMT-Paramedic license by complying with the following:
- (a) conform to all license requirements for Tennessee Emergency Medical Technicians;
 - (b) submit appropriate documentation of extended skills training conducted by an authorized EMT Instructor/Coordinator; and
 - (c) submit the appropriate application forms and fees, if applicable, to the Division of Emergency Medical Services.
- (9) Personnel licensed by the Department, upon a change of name or residency shall notify the Division of Emergency Medical Services in writing within thirty (30) days of such change. Notifications for renewal or disciplinary action shall be posted to the address listed on file with the Division and, unless returned by the post office, shall constitute

effective notice for renewal or action upon license status. Return by the post office shall be interpreted as a willful violation for failure to retain a current address on file.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-140-504, 68-140-506, 68-140-508, 68-140-509.

Paragraph (4) of Rule 1200-12-1-.06 Schedule of Fees is amended by deleting the language of the existing paragraph and inserting the following language, so that, as amended, the paragraph shall read:

- (4) Emergency Medical Services Personnel Fees – Personnel applying for licensure, certification, authorization, renewal, or reinstatement shall remit application processing and license fees as follows.

- (a) Fees for licensed personnel

	Application	License
1. Emergency Medical Technical – Basic	\$40.00	\$60.00
2. Emergency Medical Tech. IV	\$70.00	\$80.00
3. Emergency Medical Tech. – Paramedic	\$75.00	\$100.00
(b) Renewal fees for all classes of licenses in		\$48.00
(c) Fees for Emergency Medical First Responders	\$20.00	\$25.00
(d) Renewal fees for Emergency Medical First Responders		\$24.00
(e) Fees for Emergency Medical Dispatcher	\$30.00	\$30.00
(f) Renewal fees for Emergency Medical Dispatcher		\$30.00
(g) When applicable, renewal fees may be pro rated on a birth month renewal system.		
(h) Applicants may also be required to pay a fee directly to the National Registry or other appropriate national or board-approved testing agency.		

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-140-504, 68-140-506, 68-39-508, and 68-140-517.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of December, 2000. (12-25)

BOARD OF MEDICAL EXAMINERS - 0880

There will be a hearing before the Board of Medical Examiners to consider the promulgation of new rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-6-101 and 63-6-224. 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 Ground Floor of the Cordell Hull Building located at 425 5th Avenue North, Nashville, Tennessee at 2:30 p.m., CST, on the 27th day of February, 2001.

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) 523-4397.

For a copy of the entire text of this notice of rulemaking hearing contact: Jerry Kosten, Regulations Manager, 1st Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN, 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULE

NEW RULES

TABLE OF CONTENTS

0880-5-.12 SUPERVISION

0880-5-.12 SUPERVISION. – The employing physician(s), or a physician designated by the employing physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the physician(s)' practice. That supervision, control and responsibility does not require the physical presence of the physician(s) at all times at the site where the services are being provided. However, it does require that the physician(s) be capable of being physically present at the site where the services are being provided within thirty (30) minutes.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101 and 63-6-224.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of December, 2000. (12-29)

BOARD OF SOCIAL WORKER CERTIFICATION AND LICENSURE - 1365

There will be a hearing before the Tennessee Board of Social Worker Certification and Licensure to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-23-108. 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 Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 24th day of April, 2001.

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

SUBSTANCE OF PROPOSED RULES

Rule 1365-1-.05, Procedures for Certification and Licensure, is amended by adding the following language as new subparagraphs (2) (i), (2) (j), (3) (j), and (3) (k) and renumbering the remaining subparagraphs in paragraph (2) and (3) accordingly.

- (2) (i) An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his personal records / logs of the two thousand (2000) clinical contact hours of supervised experience.
- (2) (j) An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his supervisor(s) records / logs of the two thousand (2000) clinical contact hours of supervised experience.
- (3) (j) An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his personal records / logs of the two thousand (2000) clinical contact hours of supervised experience.
- (3) (k) An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his supervisor(s) records / logs of the two thousand (2000) clinical contact hours of supervised experience.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-103, 63-23-108, and 63-23-109.

The notice of rulemaking set out herein was properly filed in the Department of State on the 6th day of December, 2000. (12-06)

BOARD OF VETERINARY MEDICAL EXAMINERS - 0880

There will be a hearing before the Tennessee Board of Veterinary Medical Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-12-106. 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 29th day of March, 2001.

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 ADA Coordinator at 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, Division of 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 1730-1-.12, Continuing Education, is amended by deleting the first sentence in subparagraph (1) (a) in its entirety and substituting instead the following language, and is further amended by deleting part (3) (e) 2. in its entirety and substituting instead the following language, so that as amended, the new first sentence in subparagraph (1) (a) and the new part (3) (e) 2. shall read:

- (1) (a) Each licensee, in order to renew his license, must obtain twenty (20) hours of continuing education each calendar year.
- (3) (e) 2. Multi-Media - With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.
 - (i) A maximum of eight (8) hours of the twenty (20) hour requirement may be granted for multi-media courses during each calendar year.
 - (ii) Multi-Media courses may include courses utilizing:
 - (I) The Internet
 - (II) Closed circuit television
 - (III) Satellite broadcasts

- (IV) Correspondence courses
- (V) Videotapes
- (VI) CD-ROM
- (VII) DVD
- (VIII) Teleconferencing
- (IX) Videoconferencing
- (X) Distance learning

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-120.

Rule 1730-2-.03, Veterinary Facility Inspections to Obtain a Premises Permit, is amended by deleting subparagraph (3) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3) (f) shall read:

- (3) (f) Disposal of dead animals and waste
 - 1. Veterinary facilities shall dispose of dead animals, biological waste, and medical waste (including sharps) in a prompt, sanitary, and esthetic manner.
 - 2. The disposal of dead animals, biological waste, and medical waste (including sharps) shall comply with all federal, state, county and municipal laws, ordinances, and regulations.
 - 3. With the exception of large animals, all dead animals on the premises shall be refrigerated.
 - 4. Dead animals not claimed within five (5) calendar days by the owner or agent shall be disposed at the discretion of the veterinarian.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139.

Rule 1730-2-.04, Recordkeeping, is amended by adding the following language as new subparagraph (1) (d):

- (1) (d) Notwithstanding the provisions of subparagraph (c), herd or flock animal records may be kept on a per client rather than on a per animal basis. Mobile units may keep these records at a permanent base of operations rather than on the mobile premise.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, and 63-12-106.

Rule 1730-2-.08, Surgery, is amended by deleting subparagraphs (1) (c) and (1) (j) and substituting instead the following language, so that as amended, the new subparagraphs (1) (c) and (1) (j) shall read:

- (1) (c) Sterilization must include a steam pressure sterilization or autoclave. Gas sterilization is acceptable only for those instruments that cannot be autoclaved. Cold sterilization may be used for specialty items and is acceptable under field conditions.
- (1) (j) Anesthesia gas with positive pressure oxygen shall be available for small animal patients. Large animal anesthesia may be performed in accordance with current established guidelines from equine and animal practitioner national associations.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-139.

Rule 1730-2-.10, Radiology, is amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

- (2) Radiology equipment and use shall be in accordance with federal and state statutes and regulations including, but not limited to:
 - (a) All radiographic devices must be registered with the Division of Radiological Health of the Department of Environment and Conservation.
 - (b) The facility must have adequate protective apparel (lead gloves and aprons) for everyone involved in the procedure.
 - (c) Written policies and instructions for operation of the radiographic machine must be posted near each machine.
 - (d) The facility shall have properly trained and qualified personnel before radiographic devices may be used.
 - (e) The facility shall utilize a film badge service and use individual film badges.
 - (f) A legible and easily viewed warning label shall be placed on the radiographic machine with the following statement: "CAUTION: This equipment produces radiation when energized."
 - (g) The facility shall post signs containing the radiation caution symbol and clearly identifying the x-ray room.
 - (h) The facility shall maintain a radiology log that includes: date, owner, animal, species, views, exposure settings and initials of persons involved in taking the radiographs.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-139.

Rule 1730-2-.11, Animal Quarters, is amended by adding the following language as new paragraph (2):

- (2) Small animals housed outside must have adequate shelter and bedding if the temperature drops below fifty degrees (50°) Fahrenheit and sufficient cooling or shade if the temperature rises above eighty-five degrees (85°) Fahrenheit.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-139.

Rule 1730-2-.12, Reserved, is amended by deleting the catchline in its entirety and substituting instead the following new catchline, and is further amended by adding the following language as new paragraphs (1) and (2), so that as amended, the new catchline and the new paragraphs (1) and (2) shall read:

1730-2-.12 RENEWAL OF PREMISES PERMIT/REINSTATEMENT OF ADMINISTRATIVELY REVOKED PREMISES PERMIT.

- (1) Renewal of Premises Permit
 - (a) The due date for renewal is the expiration date on the most current facility premises permit/renewal permit.
 - (b) A renewal application form will be mailed to each facility registered with the Board to the last address provided to the Board. Failure to receive such notification does not relieve the facility of the responsibility of timely meeting all requirements for renewal.
 - (c) To be eligible for renewal, a facility must have all of the following items completed and submitted to the Division of Health Related Boards on or before the expiration date:
 1. A completed and signed Board renewal application form;
 2. The renewal and state regulatory fees as provided in Rule 1730-2-.06; and
 3. Compliance with renewal inspection as provided in Rule 1730-2-.02.
 - (c) A facility that fails to comply with the renewal rules in this paragraph shall have its premises permit processed for administrative revocation by the Board.
 - (d) Any facility that receives a notice of intent of administrative revocation may, prior to the next scheduled Board meeting, execute and file in the Board's administrative office an affidavit of retirement which will effectively retire the premises permit as of the date the affidavit was received in the Board's administrative office.
- (2) Reinstatement of Administratively Revoked Premises Permit
 - (a) Unlike premises permits revoked for cause which may not be reinstated, premises permits administratively revoked pursuant to this rule may be reinstated upon meeting the following conditions:
 1. Payment of all past due renewal and state regulatory fees; and
 2. Payment of the late renewal fee as provided in Rule 1730-2-.06; and
 3. Compliance with inspection as provided in Rule 1730-2-.02.
 - (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-121, and 63-12-139.

Rule 1730-2-.13, Unprofessional Conduct of A Premises Owner and/or Veterinarian, is amended by adding the following language as new paragraph (12) and renumbering the current paragraph (12) as paragraph (13):

- (12) Submission of an untrue renewal form or letter.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-121, 63-12-124, and 63-12-139.

Rule 1730-2-.15, Disciplinary Actions, Civil Penalties, and Assessment of Costs, is amended by deleting part (2) (e) 1. in its entirety and substituting instead the following language, so that as amended, the new part (2) (e) 1. shall read:

- (2) (e) 1. Administrative Revocation. An administrative action taken pursuant to Rule 1730-1-.09 or Rule 1730-2-.12 when a licensee fails to timely renew licensure and all other options available to the licensee have been ignored. Licenses which are administratively revoked may be reinstated upon meeting the conditions stated in rule 1730-1-.11.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-121, 63-12-122, 63-12-125, and 63-12-139.

Rule 1730-3-.12, Continuing Education, is amended by deleting subparagraph (1) (a) and part (3) (e) 2. in their entirety and substituting instead the following so that as amended, the new subparagraph (1) (a) and the new part (3) (e) 2. shall read:

- (1) (a) Each licensee, in order to renew his license, must obtain twelve (12) hours of continuing education each calendar year. When continuing education credit is obtained by attending lectures/meeting, no credit will be given for a program that is less than one (1) hour.
- (3) (e) 2. Multi-Media - With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.
- (i) A maximum of four (4) hours of the twelve (12) hour requirement may be granted for multi-media courses during each calendar year.
- (ii) Multi-Media courses may include courses utilizing:
- (I) The Internet
 - (II) Closed circuit television
 - (III) Satellite broadcasts
 - (IV) Correspondence courses
 - (V) Videotapes
 - (VI) CD-ROM
 - (VII) DVD

(VIII) Teleconferencing

(IX) Videoconferencing

(X) Distance learning

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-120, and 63-12-135.

Rule 1730-4-.08, Renewal Application/Reinstatement of Administratively Revoked Certificate, is amended by deleting part (1) (c) 2. in its entirety and substituting instead the following language, and is further amended by adding the following language as new part (1) (c) 3., so that as amended, the new parts (1) (c) 2. and (1) (c) 3. shall read:

(1) (c) 2. The renewal and state regulatory fees as provided in Rule 1730-4-.06; and

(1) (c) 3. Compliance with inspection as provided in Rule 1730-4-.07.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-12-106, 63-12-121, and 63-12-141.

The notice of rulemaking set out herein was properly filed in the Department of State on the 6th day of December, 2000. (12-05)

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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 December 1, 2000 and ending December 31, 2000.


RILEY C. DARNELL
Secretary of State

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