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May 15, 2002
Volume 28, Number 5

RILEY C. DARNELL

Secretary of State

Division of Publications
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PREFACE

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

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

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

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

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

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

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

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

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

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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 8.75 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 June 2002 is 9.72 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 5.72 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 April 2002. 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
04-01	April 26, 2002	1110 Peace Officer Standards and Training Commission	Proposed Rules	Amendments	Chapter 1110-2 Certification Chapter 1110-3 Curricula and Course of Instruction Chapter 1110-4 In-Service Training Requirements Chapter 1110-5 Forms and Documents Chapter 1110-6 Administration of Income Supplements for Law Enforcement Officers Chapter 1110-7 Basic Training Academy Minimum Standards Chapter 1110-8 Part-Time/Temporary/Auxiliary Law Enforcement Officers Chapter 1110-9 Criteria for Waivers	Mark Bracy 3025 Lebanon Road Nashville TN 37214-2217 615-741-4448	Aug 28, 2002
04-02	April 4, 2002	0780 Commerce and Insurance Division of Insurance and Division of TennCare	Rulemaking Hearing Rules	New Rules	<i>Chapter 0780-1-73 Uniform Claims Process for TennCare Participating Managed Care Organizations</i> 0780-1-73-.01 Authority 0780-1-73-.02 Purpose and Scope 0780-1-73-.03 Definitions 0780-1-73-.04 Uniform Forms Required 0780-1-73-.05 Severability and Preemption Appendix A -Instructions for Completion of HCFA-1500/CMS-1500 Claim Form	Julie W. Buhrman Staff Attorney Commerce & Insurance 25th Fl TN Twr 312 8th Ave. N Nashville, TN 37243 615-741-2199	June 18, 2002
04-05	April 5, 2002	1680 Transportation Public Transportation, Waterways and Rail Division	Rulemaking Hearing Rules	New Rules	<i>Chapter 1680-12-1 Railroad Grade Crossing Standards</i> 1680-12-1-.01 Purpose 1680-12-1-.02 Applicability 1680-12-1-.03 Definitions 1680-12-1-.04 Standards 1680-12-1-.05 Procedures for Approvals and Inspections 1680-12-1-.06 Costs of Construction or Conversion 1680-12-1-.07 Fees 1680-12-1-.08 Enforcement	John H. Reinbold Deputy General Counsel Transportation Suite 700, James K. Polk Bldg 505 Deaderick Street Nashville, TN 37243-0332 (615) 741-2941	June 19, 2002
04-06	April 30, 2002	0690 General Services	Proposed Rules	Amendments	<i>Chapter 0690-2-1 Disposal Of State Surplus Property</i> 0690-2-1-.02 Definitions 0690-2-1-.03 Methods of Disposal	Elsie Chastain Smith 24th Fl Snodgrass TN Twr 312 8th Ave N Nashville TN 437243	Aug 28, 2002

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-06, cont.					0690-2-1-.06 Advertisement and Notice	1-5922	
04-07	April 4, 2002	0660 Board Of Funeral Directors And Embalmers	Rulemaking Hearing Rules	Amendments New Rules	<i>Chapter 0660-3 Fees</i> 0660-3-.01 Student and Apprentice Registration 0660-3-.02 Applicants for Licenses 0660-3-.03 Licenses 0660-3-.04 Renewals 0660-3-.05 Reciprocal Licenses 0660-3-.06 Duplicates 0660-3-.07 Reinspections 0660-3-.08 Change of Ownership 0660-3-.09 Change of Location 0660-3-.10 Database Update	Cecil Ross 312 8th Ave N TN Twr 25th Fl Nashville Tn 37243 741-3072	June 18, 2002
04-09	April 10, 2002	0460 Board of Dentistry	Rulemaking Hearing Rules	Repeal and New Rule Amendments	<i>Chapter 0460-1 General Rules</i> 0460-1-.02 Fees 0460-1-.03 Board Officers, Consultants, Records, and Meetings 0460-1-.05 Continuing Education and C.P.R Chapter <i>0460-2 Rules Governing the Practice of Dentistry</i> 0460-2-.03 Educational Licensure Process 0460-2-.05 Examination <i>Chapter 0460-3 Rules Governing Practice of Dental Hygienists</i> 0460-3-.02 Criteria Approval Licensure Process (Reciprocity) 0460-3-.03 Educational Licensure Process 0460-3-.05 Examination <i>Chapter 0460-4 Rules Governing the Practice of Dental Assistants</i> 0460-4-.02 Registration Process 0460-4-.03 Examination	Nick Aemisegger OGC 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	June 24, 2002
04-10	April 10, 2002	1150 Board of Occupational and Physical Therapy Examiners' Physical Therapy	Rulemaking Hearing Rules	Amendments	<i>Chapter 1150-1 General Rules Governing the Practice of Physical Therapy</i> 1150-1-.01 Definitions 1150-1-.04 Qualifications for Licensure 1150-1-.08 Examinations	John Fitzgerald OGC 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	June 24, 2002

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-12	April 10, 2002	0450 Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists	Rulemaking Hearing Rules	Amendment	<p><i>Chapter 0450-1 General Rules Governing Professional Counselors</i> 0450-1-.03 Necessity of Certification or Licensure</p> <p><i>Chapter 0450-2 General Rules Governing Marital and Family Therapists</i> 0450-2-.05 Procedures for Licensure 0450-2-.06 Fees 0450-2-.08 Examinations 0450-2-.13 Professional Ethics</p>	John Fitzgerald OGC 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	June 24, 2002
04-13	April 12, 2002	1680 Transportation Maintenance Division	Proposed Rules	Repeal and New Chapter	<p><i>Chapter 1680-3-44, Manual on Uniform Traffic Control Devices, Part X -- Tennessee Supplement</i> 1680-3-2-.01 Purpose 1680-3-2-.02 Policy for Guide Signs on Freeways and Expressways 1680-3-2-.03 Major Guide Signs (Advance Guide and Exit Direction Signs) on Freeways and Expressways 1680-3-2-.04 Supplemental Guide Signs on Freeways and Expressways 1680-3-2-.05 Ramp Destination Signs on Freeways and Expressways 1680-3-2-.06 Named Bridge and Highway Signs on Freeways and Expressways 1680-3-2-.07 Miscellaneous Guide Signs on Freeways and Expressways 1680-3-2-.08 Table A-1. Criteria for Signing Traffic Generators on Freeways and Expressways 1680-3-2-.09 Table A-2. Traffic Generators That Do Not Warrant Signing on Freeways and Expressways</p>	John H. Reinbold Transportation Suite 700, James K. Polk Bldg 505 Deaderick St Nashville, TN 37243-0332 (615) 741-2941	August 28, 2002

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-13, cont.					1680-3-2-.10 Policy for Guide Signs on Conventional Highways 1680-3-2-.11 Major Guide Signs on Conventional Highways 1680-3-2-.12 Supplemental Guide Signs on Conventional Highways 1680-3-2-.13 Street Name Signs on Conventional Highways 1680-3-2-.14 Named Bridge and Highway Signs on Conventional Highways 1680-3-2-.15 Table B-1. Criteria for Signing Traffic Generators on Conventional Highways 1680-3-2-.16 Table B-2. Traffic Generators That Do Not Warrant Signing on Conventional Highways 1680-3-2-.17 Policy for General Service Signs (Hospital and Tourist Information Only) 1680-3-2-.18 Criteria for Hospital and Tourist Information Signing 1680-3-2-.19 Criteria for Facility Eligibility for Hospital and Tourist Information Signing		
04-14	April 12, 2002	0260 Chiropractic Examiners	Rulemaking Hearing Rules	Amendments	0260-2-.07 Application Review, Approval, Denial, Interviews 0260-2-.09 Renewal of License	Robert Kraemer OGC 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	June 26, 2002
04-15	April 12, 2002	0400 Environment and Conservation Division of Water Supply	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-5-1 Public Water System</i> 1200-5-1-.06 Maximum Contaminant Levels and Maximum Residual Disinfectant Levels 1200-5-1-.11 Radionuclide Sampling and Analytical Methods 1200-5-1-.19 Notification of Customers 1200-5-1-.31 Filtration and Disinfection 1200-5-1-.35 Consumer Confidence Reports	Alan Lieserson OGC TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-532-0125	June 26, 2002
04-16	April 15,	0080 Agriculture	Emergency Rules	Amendments	<i>Chapter 0080-2-1 Health Requirements For Admission And</i>	Patricia Clark General Counsel	April 15, 2002

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-16, cont.	2002	Division of Animal Industries			<i>Transportation Of Livestock And Poultry</i> 0080-2-1-.12 Bison and Other Ruminants	Department of Agriculture P. O. Box 40627 Nashville, TN 37204 615-837-5093	through Sept 27, 2002
04-18	April 18, 2002	0400 Environment and Conservation Radiological Health	Public Necessity Rules	New Rules	<i>Chapter 1200-2-4 General Provisions</i> 1200-2-4-.11 Posting of Notices to Workers 1200-2-4-.12 Instructions to Workers 1200-2-4-.13 Deliberate Misconduct <i>Chapter 1200-2-8 Radiation Safety Requirements for Industrial Radiography Operations</i> 1200-2-8-.15 Recordkeeping requirements 1200-2-8-.16 Schedule RHS 8-35: Radiographer Certification <i>Chapter 1200-2-10 Licensing and Registration</i> 1200-2-10-.35 Training for an Authorized Nuclear Pharmacist 1200-2-10-.36 Radiological Criteria for License Termination 1200-2-10-.37 Schedule 10-6: Determination of A1 and A2	Alan Lieserson OGC TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-532-0125	April 18, 2002 through Sept 30, 2002
				Amendments to	<i>Chapter 1200-2-4 General Provisions</i> <i>Chapter 1200-2-5 Standards for Protection Against Radiation</i> 1200-2-7 <i>Use of Sealed Radioactive Sources in the Healing Arts</i> 1200-2-8 <i>Radiation Safety Requirements for Industrial Radiology Operations</i> <i>Chapter 1200-2-10 Licensing and Registration</i> 1200-2-12 <i>Radiation Safety Requirements</i>		
04-19	April 19, 2002	1050 Osteopathic Examination	Rulemaking Hearing Rules	Amendments	<i>Chapter 1050-2 General Rules and Regulations Governing the Practice of Osteopathy</i> 1050-2-.02 Fees	Robert J. Kraemer, Jr OGC 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	July 3, 2002

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-22	April 26, 2002	0880 Medical Examiners Committee for Clinical Perfusionists	Rulemaking Hearing Rules	New Rules	<i>Chapter 0880-11</i> <i>General Rules and Regulations Governing the Practice of Clinical Perfusionists</i> 0880-11-.01 Definitions 0880-11-.02 Scope of Practice 0880-11-.03 Reserved 0880-11-.04 Reserved 0880-11-.05 Licensure Process 0880-11-.06 Fees 0880-11-.07 Application Review, Approval, and Denial 0880-11-.08 Examinations 0880-11-.09 License Renewal 0880-11-.10 Supervision 0880-11-.11 Retirement and Reactivation of License 0880-11-.12 Continuing Education 0880-11-.13 Professional Ethics 0880-11-.14 Provisional License 0880-11-.15 Disciplinary Grounds, Actions, and Civil Penalties 0880-11-.16 Replacement License 0880-11-.17 Change of Name and/or Address 0880-11-.18 Complaints and Investigations 0880-11-.19 Committee Officers, Consultants, Records, and Declaratory Orders 0880-11-.20 Advertising	Robert J. Kraemer OGC Health 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	July 10, 2002
04-23	April 26, 2002	1200 Health Health Related Boards	Proposed Rules	New Rules	<i>Chapter 1200-10-2</i> <i>General Rules and Regulations Governing the Practice of Reflexology</i> 1200-10-2-.01 Definitions 1200-10-2-.02 Scope of Practice 1200-10-2-.03 Necessity of Registration 1200-10-2-.04 Registration Applications and Requirements 1200-10-2-.05 Registration Renewal and Reinstatement 1200-10-2-.06 Fees 1200-10-2-.07 Registration Discipline and Advisory Rulings	Tracey Boyers-Heathman OGC 26th Fl Snodgrass TN Twr 312 8th Ave N Nashville, TN37247-0120 (615) 741-1611	Aug 28, 2002
04-24	April 26, 2002	0480 Dispensing Opticians	Rulemaking Hearing Rules	Amendment	<i>Chapter 0480-1</i> <i>General Rules Governing Dispensing Opticians</i> 0480-1-.12, Continuing Education	Glen Watson OGC 26th Fl Snodgrass TN Twr 312 th Ave N Nashville, TN 37247-0120 615-741-1611	July 10, 2002

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-25	April 26, 2002	1370 Board of Communications Disorders and Sciences	Rulemaking Hearing Rules	Amendment	<i>Chapter 1370-1 Rules for Speech Pathology and Audiology</i> 1370-1-.01 Definitions 1370-1-.04 Qualifications for Licensure 1370-1-.05 Procedures for Licensure 1370-1-.06 Fees 1370-1-.08 Examinations 1370-1-.09 Renewal of License 1370-1-.11 Retirement and Reactivation of License 1370-1-.12 Continuing Education	Glen Watson OGC 26th Fl Snodgrass TN Twr 312 th Ave N Nashville, TN 37247-0120 615-741-1611	July 10, 2002
04-27	April 29, 2002	1200 Health Medical Laboratory Board	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-6-1 General Rules Governing Medical Laboratory Personnel</i> 1200-6-1-.01 Definitions 1200-6-1-.09 Renewal of License 1200-6-1-.20 Qualifications and Duties of the Medical Laboratory Director <i>Chapter 1200-6-3 General Rules Governing Medical Laboratories</i> 1200-6-3-.13 Personnel Requirements for a Medical Laboratory	Tracey Boyers-Heathman OGC 26th Fl Snodgrass TN Twr 312 th Ave N Nashville, TN 37247-0120 615-741-1611	July 13, 2002
04-28	April 30, 2002	0450 Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists	Rulemaking Hearing Rules	Amendments	<i>Chapter 0450-1 General Rules Governing Professional Counselors</i> 0450-1-.01 Definitions 0450-1-.09 Renewal of Certificate or License 0450-1-.12, Continuing Education, <i>Chapter 0450-2 General Rules Governing Marital and Family Therapists</i> 0450-2-.01, Definitions 0450-2-.05, Procedures for Licensure 0450-2-.09, Renewal of Certificate or License 0450-2-.10, Supervision 0450-2-.12, Continuing Education <i>Chapter 0450-3 General Rules Governing Clinical Pastoral Therapists</i> 0450-3-.01, Definitions 0450-3-.09, Renewal of Certificate 0450-3-.12, Continuing Education	Nick Aemisegger, General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120 615-741-1611	July 14, 2002

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-29	April 30, 2002	0520 Board of Education	Rulemaking Hearing Rules	Amendments	<i>Chapter 0520-12-1</i> <i>School-Administered Child Care</i> 0520-12-1-.01 Introduction 0520-12-1-.02 Definitions 0520-12-1-.03 Basis for Approval for License Certification of Approval 0520-12-1-.04 Legal References 0520-12-1-.05 Procedures for Getting a License Certification of Approval 0520-12-1-.06 Organization and Administration 0520-12-1-.07 Staff 0520-12-1-.08 Equipment for Children 0520-12-1-.09 Program 0520-12-1-.10 Health and Safety 0520-12-1-.11 Food 0520-12-1-.12 Physical Facilities 0520-12-1-.13 Care of Children with Special Needs	Karen Weeks State Board of Education 9th Fl Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 (615) 532-3528	July 14, 2002

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

Applications will be heard at the June 26, 2002 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 April 1, 2002. 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
St. Jude Children's Research Hospital, Inc. 332 North Lauderdale Street Memphis (Shelby Co.), TN 38105 John D. Nash – (901)—495-3310 CN0202-013	To initiate Positron Emission Tomography (PET) imaging services and the acquisition of PET/CT imaging equipment to be located at the hospital on 332 North Lauderdale Street, Memphis, Tennessee. \$ 3,257,917.00
Parkridge Medical Center 2333 McCallie Avenue Chattanooga (Hamilton Co.), TN 37404 John Wellborn – (615)—665-2022 CN0203-018	The establishment of a twelve (12) bed inpatient rehabilitation unit. The hospital's acute care bed count will increase by seven (7) from four hundred ninety-six (496) beds to five hundred three (503) hospital beds. Parkridge Medical Center will delicense fourteen (14) SNF beds if approved. The licensed bed capacity of the SNF unit will decrease from twenty-eight (28) to fourteen (14). \$ 963,020.00

NAME AND ADDRESS	DESCRIPTION
Perry Community Psychiatric Hospital, Inc. 805 Squirrel Hollow Drive Linden (Perry Co.), TN 37096 Kim Looney – (615)—259-1450 CN0203-019	The initiation of psychiatric services and the establishment of a freestanding psychiatric hospital to be located within Perry County Hospital, 805 Squirrel Hollow Drive, Linden, Tennessee. This hospital is to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities. If approved, Perry Community Hospital will delicense fourteen (14) acute hospital beds and discontinue psychiatric services. \$ 701,142.80
Gateway Medical Center 1771 Madison Street Clarksville (Montgomery Co.), TN 37043 John Wellborn – (615)—665-2022 CN0203-020	The addition of sixty-four (64) acute care beds, the replacement and expansion of the emergency department and critical care unit, and the upgrade/modernization of other areas of Gateway Medical Center's main campus at 1771 Madison Street, Clarksville, Tennessee. If approved, licensed bed complement will increase from two hundred six (206) beds to two hundred seventy (270) beds. \$ 54,840,720.00
The Heart Group, PLLC 1195 Old Hickory Blvd., Suite 101 Brentwood (Davidson Co.), TN Travis Wood – (615)—565-6525 CN0203-021	The establishment of an outpatient diagnostic center and the initiation of magnetic resonance imaging services located at 1195 Old Hickory Boulevard, Suite 101, Brentwood, Tennessee. \$ 2,787,076.00
Memphis Cancer Center 1068 Cresthaven, Suite 500 Memphis (Shelby Co.), TN 38119 CN0203-022	The initiation of Positron Emission Tomography (PET) imaging services and the acquisition of PET imaging equipment to be located at 1068 Cresthaven, Suite 200, Memphis, Tennessee. \$ 1,710,000.00
The Neurosurgical Group of Chattanooga, P.C. 1010 East Third Avenue, Suite 202 Chattanooga (Hamilton Co.), TN 37403 H. Lee Wood – (423)—265-2233 CN0203-023	The initiation of in-office magnetic resonance imaging (MRI) services and the acquisition of a 1.0 Tesla short bore wide body MRI scanner to be located at 1010 East Third Street, Suite 202, Chattanooga, Tennessee. \$ 2,400,000.00
Southern Hills Medical Center 391 Wallace Road Nashville (Davidson Co.), TN 37211 John Wellborn – (615)—665-2022 CN0203-024	The initiation of open-heart surgery services at Southern Hills Medical Center, 391 Wallace Road, Nashville, Tennessee. \$ 986,780.00

NAME AND ADDRESS	DESCRIPTION
Skyline Medical Center 3441 Dickerson Pike Nashville (Davidson Co.), TN 37207 John Wellborn – (615)—665-2022 CN0203-025	The initiation of open-heart surgery services at Skyline Medical Center, 3441 Dickerson Pike, Nashville, Tennessee. \$ 1,119,250.00
Johnson City Addiction Research & Treatment Center 200 West Fairview Avenue Johnson City (Washington Co.), TN 37604 Rusty Titsworth – (615)—327-4528 CN0203-026	The establishment of a non-residential methadone treatment facility to be located at 200 West Fairview Avenue in Johnson City, Tennessee. \$ 493,486.00

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

- 1700 - Department of Treasury - TN Baccaalaureate Education System Trust Board - Emergency Rules dealing with compliance with the Economic Growth and Tax Relief Reconciliation Act of 2001, chapter 1700-5-1 TN Baccaalaureate Education System Trust, 2 T.A.R. (February 15, 2002) - Effective January 15, 2002 through June 29, 2002. (01-29)
- 1700 - Department of Treasury - TN Baccaalaureate Education System Trust Board - Emergency Rules dealing with compliance with the Economic Growth and Tax Relief Reconciliation Act of 2001, Chapter 1700-5-2 TN Baccaalaureate Education System Trust Educational Savings Plan, 2 T.A.R. (February 15, 2002) - Effective January 15, 2002 through June 29, 2002. (01-29)

DEPARTMENT OF AGRICULTURE - 0080 **DIVISION OF ANIMAL INDUSTRIES**

CHAPTER 0080-2-1 **HEALTH REQUIREMENTS FOR ADMISSION AND** **TRANSPORTATION OF LIVESTOCK AND POULTRY**

STATEMENT OF NECESSITY REQUIRING EMERGENCY RULES

Pursuant to T.C.A. §4-5-208, the Tennessee Department of Agriculture is promulgating emergency rules in response to the threat of Chronic Wasting Disease introduction into the State of Tennessee.

The Tennessee Department of Agriculture, after research and communication with United States Department of Agriculture and its counterparts in other states, has determined that there is the potential for an immediate threat to animal health and the economic interests of Tennessee necessitating the implementation of the following emergency rules. Chronic Wasting Disease is a type of transmittable spongiform encephalopathy that is in the same class of diseases as bovine spongiform encephalopathy (mad cow disease) in cattle and scrapie in sheep. Chronic Wasting Disease has been found in free ranging cervids in Colorado, Wyoming and Nebraska. It has also been found in captive herds in Colorado, Montana, Oklahoma, South Dakota, Nebraska and Saskatchewan. Entire farm depopulations have occurred recently in Colorado and Saskatchewan. Over 7,000 farm cervids were destroyed in Saskatchewan and over 1,000 elk in Colorado have been depopulated. Several other states have recently enacted movement restrictions and Chronic Wasting Disease programs. These movement restrictions and programs are being implemented due to the paucity of knowledge concerning transmission of this disease and the implications associated with a positive animal being identified within a herd. This disease is also transmissible to white-tailed deer and warrants protective measures to prevent inadvertent introduction into wildlife. In order to protect the over 2,000 farmed cervids in Tennessee and the approximately one million free ranging white-tailed deer, the following emergency rules are proposed.

For copies of the entire text of the proposed amendments, contact: Dr. Ronald B. Wilson, State Veterinarian, Department of Agriculture, P. O. Box 40627, Nashville, Tennessee, 37204, 615-837-5120.

Ronald B. Wilson, D.V.M.
State Veterinarian

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AMENDMENTS

Rule 0080-2-1-.12 Bison and Other Ruminants is amended by adding the following new paragraph (3) so that the amended rule shall read:

0080-2-1-.12 BISON AND OTHER RUMINANTS.

- (1) Bison and other ruminants not covered herein shall comply with the requirements for “cattle” in 0080-2-1-.05, or as directed by the state veterinarian.
- (2) Additional Tuberculosis Requirements For Cervidae
 - (a) All cervidae shall originate in herds which have had a negative herd test for tuberculosis within twelve (12) months with a USDA approved single cervical test and individual imported animals shall be negative to the single cervical test within thirty (30) days of entry; or
 - (b) Animals not orientating in tested herds as described above must test negative to two (2) single cervical tests at least ninety (90) days apart, the second test conducted not more than thirty (30) days prior to entry.
- (3) Other Requirements For Captive, Chronic Wasting Disease Susceptible Cervidae
 - (a) No cervidae shall be imported from geographic areas where Chronic Wasting Disease (CWD) has ever been diagnosed in wildlife. For purposes of this rule, “geographic area” is any location where CWD has been diagnosed and the control zone around such area as defined by the Tennessee state veterinarian at the time a permit is requested.

- (b) All Chronic Wasting Disease susceptible cervidae entering Tennessee must:
 - 1. ~~Be a member of a herd that has participated in~~ CWD surveillance program for CWD for at least eighteen (18) months and that CWD has never been diagnosed in that herd, nor has that herd been identified as a trace-back or trace-forward herd.
- (c) A prior entry permit shall be obtained by the issuing veterinarian from the office of the Tennessee State Veterinarian during regular office hours.
- (d) The following statement must be recorded on the Certificate of Veterinary Inspection: "To the best of my knowledge, the animals listed are in compliance with the Tennessee CWD import rules for cervidae and the herd of origin has added no cervidae to this herd during the previous eighteen (18) months that were from a herd where CWD surveillance has not been implemented for at least eighteen (18) months."
- (e) The owner/agent section of the Certificate of Veterinary Inspection must be signed.

Authority: T.C.A. §§ 44-2-102 and 4-3-203.

The emergency rules set out herein were properly filed in the Department of State 15th day of April, 2002, and will be effective from the date of filing for a period of 165 days. These emergency rules will remain in effect through the 27th day of September, 2002. (04-16)

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PROPOSED RULES

DEPARTMENT OF GENERAL SERVICES - 0690 DIVISION OF PERSONAL PROPERTY UTILIZATION

CHAPTER 0690-2-1 DISPOSAL OF STATE SURPLUS PROPERTY

Presented herein are proposed amendments of the Department of General Services, Division of Personal Property Utilization , submitted pursuant to T.C.A. § 4-5-202, in lieu of a rulemaking hearing. It is the intent of the Department of General Services, Division of Personal Property Utilization, to promulgate these amendments 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 amendments are published. Such petition to be effective must be filed at the Department of General Services, 24th Floor William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, Tennessee, 37243-0542, and in the Department of State, 8th Floor William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendment, contact: David Graham, Director of Personal Property Utilization, Department of General Services, 6500 Centennial Boulevard, Nashville, Tennessee 37243-0543.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (1) of rule 0690-2-1-.02, Definitions, is amended by deleting the paragraph and adding the following so that the amended paragraph shall read as follows:

- (1) For the purpose of the rules of this chapter, the following terms shall have the following meanings except where the context requires otherwise:
 - (a) "Board" means the Board of Standards.
 - (b) "Commissioner" means the Commissioner of General Services.
 - (c) "Personal property" or "property" means every species of State property which is not either (1) real property, the disposal of which is subject to the provisions of TCA title 12 governing the disposal of State real property, or (2) intangible personal property as defined in TCA § 67-5-501(5) relative to the assessment of intangible personal property for tax purposes.
 - (d) "Surplus" or "surplus property" means that personal property which has been determined to be obsolete, outmoded or no longer usable by the State and declared as such by the commissioner of the referring department or head of the releasing agency, commission or board where such agency, commission or board is not under the jurisdiction of a commissioner, in accordance with the provisions of TCA §§ 12-2-401 through 12-2-417 and the rules of this chapter.

- (e) “Eligible volunteer fire organizations” means those volunteer fire organizations that are authorized by a unit of government to conduct fire fighting activities on a nonprofit basis for a public purpose and which have submitted to the Division of State Personal Property appropriate documents showing proof of such authority.
- (f) “Eligible volunteer police organizations” means those volunteer police organizations that are authorized by a unit of government to conduct police activities on a nonprofit basis for a public purpose and which have submitted to the Division of State Personal Property appropriate documents showing proof of such authority.
- (g) “Eligible rescue organizations” means those rescue organizations that are chartered by the State of Tennessee as nonprofit corporations and are active members of the Tennessee Association of Rescue Squads and operated for a public purpose and which have submitted to the Division of State Personal Property appropriate documents showing proof of such incorporation and membership.
- (h) “Eligible corporations” means those corporations organized and conducted not for profit whose chartered activities are related to health and/or education which are listed as an authorized donee under the Federal Surplus Property Program administered by the Department of General Services, as to which appropriate documents have been submitted to the Division of State Personal Property Section of the Department of General Services showing proof of such.
- (i) “Objects within the collection of the Tennessee State Museum” means those items of personal property owned by the museum which have been given a museum registration number and were acquired for museum exhibition as opposed to museum administration.
- (j) “Public auction” means sale of personal property conducted by means of oral exchange between an auctioneer and an audience of prospective bidders.
- (k) “Sale under sealed bid” means sale of personal property conducted by means of written bids submitted by prospective bidders.
- (l) “Internet auction” means sale of personal property conducted by means of electronic transmissions submitted by prospective bidders.

Authority: *Chapter 90 of the Public Acts of 2001, T.C.A. § 12-2-402, and T.C.A. § 12-2-414.*

Paragraph (1) of Rule 0690-2-1-.03, Methods of Disposal, is amended by deleting the paragraph and adding the following language so that the amended paragraph shall read as follows:

- (1) No article of personal property may be disposed of as surplus except by one of the following methods:
 - (a) Trade-in, where such is permitted due to the nature of the property or equipment and under the terms and conditions of the contract by which the State replaces the property and subject further to the provisions of TCA §§ 12-2-401 through 12-2-419 and the rules of this chapter;
 - (b) Transfer to other State agencies which may be able to utilize the property;
 - (c) Sale to eligible political subdivisions of the State or other governmental entities, nonprofit volunteer fire, police, and rescue organizations operating for a public purpose, and eligible corporations organized and conducted not for profit whose chartered activities are related to health and/or education, in accordance with Rule 0690-2-2-.14 of this chapter and subject to the restrictions of TCA § 12-2-407;

- (d) Public auction, publicly advertised and held;
- (e) Sale under sealed bids, publicly advertised, opened, and recorded;
- (f) Sale by Internet auction; or
- (g) Negotiated contract for sale, at arms length, but only in those instances in which the availability of the property is recurring or repetitive in character, such as marketable waste products, for disposal of the property as it is generated in the most economically feasible, fiscally sound, and administratively practicable method for the State to utilize.

Authority: *Chapter 90 of the Public Acts of 2001, T.C.A. § 12-2-403, and T.C.A. § 12-2-414.*

Paragraph (1) of Rule 0690-2-1-.06, Advertisement and Notice, is amended by deleting the paragraph and adding the following language so that the amended paragraph shall read as follows:

- (1) Public auctions, Internet auctions, and sales under sealed bid, as provided in the rules of this chapter, shall be publicly advertised and publicly held. Notice of intended disposal by public auction or sale under sealed bid shall be entered by the commissioner in at least one (1) newspaper of general circulation in the county or counties in which the disposal is to be made. Such notice shall specify and reasonably describe the property to be disposed of, the date, time, place, manner, and condition of disposal, all as previously determined by the Commissioner in accordance with the rules of this chapter. The advertisement for public auctions and sales under sealed bid shall be entered in the public notice or equivalent section of the newspaper and shall run not less than one (1) day in the case of a daily paper nor less than once in the case of a weekly paper. Disposal shall not be made sooner than seven (7) days after the last day of publication nor later than fifteen (15) days after the last day of publication of the required notice excluding Saturdays, Sundays, and holidays. Prominent notice shall also be conspicuously posted for ten (10) days prior to the date of disposal, excluding Saturdays, Sundays, and holidays, in at least two (2) public places in the county or counties where the disposal is to be made. Furthermore, notice shall be sent to the County Court Clerk of each county of the state, and such notice shall be posted in each county courthouse, except where the fair market value of all the property to be sold is determined in writing by the Commissioner or his designee to be less than \$500.00. Notice of intended disposal by Internet auction shall be posted on the Internet, and shall reasonably describe the property to be disposed of, the date, time, place, manner, and condition of disposal, all as previously determined by the commissioner in accordance with the rules of this chapter. The Internet auction shall not run less than seven (7) days.

Authority: *Chapter 90 of the Public Acts of 2001, T.C.A. § 12-2-406, and T.C.A. § 12-2-414.*

The proposed amendment set out herein was properly filed in the Department of State on the 30th day of April, 2002, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2002. (04-06)

**DEPARTMENT OF HEALTH - 1200
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 1200-10-2
GENERAL RULES AND REGULATIONS GOVERNING THE PRACTICE OF REFLEXOLOGY**

Presented herein are proposed amendments of the Department of Health, Division of Health Related Boards submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Health, Division of Health Related Boards, 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 amendments are published. Such petition to be effective must be filed in the office of the Division of Health Related Boards on the First Floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, Tennessee 37247-1010 and in the Administrative Procedures Division of the Department of State, Eighth Floor, William R. Snodgrass Tennessee Tower, 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 any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Jerry Kosten, Health Related Boards, 1st Fl., Cordell Hull Bldg., 425 5th Ave. N., Nashville, TN 37247-1010, (615) 532-4397.

The text of the proposed new chapter is as follows:

NEW RULES

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1200-10-2-.01	Definitions	1200-10-2-.05	Registration Renewal and Reinstatement
1200-10-2-.02	Scope of Practice	1200-10-2-.06	Fees
1200-10-2-.03	Necessity of Registration	1200-10-2-.07	Registration Discipline and Advisory Rulings
1200-10-2-.04	Registration Applications and Requirements		

1200-10-2-.01 DEFINITIONS. As used in this chapter, the following terms shall have the following meaning ascribed to them:

- (1) **Administrative Office** - The office of the staff person assigned to administrate the provisions of this chapter, located on the First Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, Tennessee 37247-1010.
- (2) **Client** - Any person who engages the services of a reflexology practitioner.
- (3) **Commissioner** - The Commissioner of Health or the commissioner's designee.
- (4) **Department** - The Department of Health.
- (5) **Division** - The Division of Health Related Boards in the Department of Health.
- (6) **Health Care Professional** – An individual who is presently authorized to practice his or her health related profession, pursuant to T.C.A. Title 63 or Title 68.

- (7) Reflexology - The application of specific pressures to reflex points in the hands and feet only.
- (8) Reflexology Practitioner / Reflexologist - Any person who engages in the practice of reflexology for compensation and who has completed a study of the principles of reflexology, anatomy and physiology generally included in a regular course of study of reflexology.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-30-102, and 63-30-112.

1200-10-2-.02 SCOPE OF PRACTICE. The scope of reflexology practice shall be as set forth in Tennessee Code Annotated, Section 63-30-102 and Section 63-30-109.

- (1) A registered reflexologist may not use invasive procedures during the practice of reflexology.
- (2) A registered reflexologist may not diagnose or treat for specific diseases, practice spinal or other joint manipulations, prescribe, administer, or adjust medication, and prescribe or administer vitamins.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-30-102, 63-30-109, and 63-30-112.

1200-10-2-.03 NECESSITY OF REGISTRATION.

- (1) No person shall engage in the practice of reflexology unless such person has registered with the Division of Health Related Boards.
- (2) This rule shall not apply to the activities or services of physicians, chiropractors, physical therapists, occupational therapists, athletic trainers, cosmetologists, registered nurses, massage therapists, or members of other professions licensed, certified, or registered by the state who may, on occasion, apply pressure to specific reflex points in the hands and feet in the course of their work.
- (3) Reflexologists registered by the state may hold themselves out as “registered certified reflexologists” and may use the title or the initials “RCR” following the person’s name in connection with the profession. No person may use the title “registered certified reflexologist” or the initials “RCR” unless registered in accordance with this chapter.
- (4) Any person who advertises or engages in reflexology for compensation without registering with the division pursuant to this act commits a Class C misdemeanor, punishable by a fine only. It is unlawful to use the word “reflexology” or any other term that implies reflexology technique or method when advertising a service by a person who is not registered under this act.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-30-103, 63-30-104, 63-30-105, 63-30-106, 63-30-107, 63-30-108, and 63-30-112.

1200-10-2-.04 REGISTRATION APPLICATIONS AND REQUIREMENTS.

- (1) Applications
 - (a) Any individual who desires to practice as a registered certified reflexologist in Tennessee shall apply to the Division on forms provided by the Division.

1. All applicants shall submit the fees required by rule 1200-10-2-.06.
 2. All applicants shall submit a clear and recognizable, recently taken, "passport-style" photograph which shows the full head, face forward from at least the top of the shoulders up.
- (b) It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (2) Requirements for Qualifying for Registration by Education
- (a) An applicant shall cause to have submitted documentation of certification by the American Reflexology Certification Board, the International Institute of Reflexology, or documentation of completion of a two hundred (200) hour reflexology only course. It is the applicant's responsibility to request that such documentation be submitted directly from the American Reflexology Certification Board, the International Institute of Reflexology, or the course provider to the Administrative Office.
 - (b) An applicant shall submit proof that he/she has attained eighteen (18) years of age.
 - (c) An applicant shall provide evidence of good moral character by submitting two (2) original letters attesting to the applicant's character from health care professionals on the signator's letterhead. The letters cannot be from immediate family and/or relatives.
 - (d) An applicant shall attest that he/she has not been convicted of any felony under the laws of this state or any other state.
 - (e) If an applicant has ever been authorized to practice as a reflexologist or any other health profession in any other state or country, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing agency which indicates the applicant either holds a current or active authorization to practice as a reflexologist or other health professional and
 - (i) whether the authorization to practice is in good standing; and
 - (ii) whether the authorization to practice has imposed or pending disciplinary action; and
 - (iii) if the authorization to practice is currently inactive, whether it was in good standing at the time it became inactive.
 - (f) It is the applicant's responsibility to request the information required in subparagraph (e) be submitted directly from each such licensing agency to the Administrative Office.
- (3) Requirements for Qualifying for Registration by Experience
- (a) An applicant shall attest to having been practicing as a reflexologist on July 1, 2001.
 - (b) An applicant shall submit three (3) of the following to the Administrative Office:
 1. A notarized photocopy of a valid business license in reflexology.
 2. Two (2) original letters evidencing good moral character and proficiency in practice from clients of the applicant.

3. Photocopies of paycheck(s), paycheck stub(s), or Internal Revenue Service (IRS) Forms W-2, 1099-Misc., or Schedules C or C-EZ for IRS Form 1040 to verify proof of income from the practice of reflexology.
4. Proof of current membership in a national or international reflexology association such as the International Council of Reflexology, International Institute of Reflexology or the Reflexology Association of America.
5. Proof of current membership in the Tennessee Reflexology Association.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-30-103, 63-30-104, 63-30-106, and 63-30-112.

1200-10-2-.05 REGISTRATION RENEWAL AND REINSTATEMENT. All registered certified reflexologists must renew their registration to be able to continue in practice. Registration renewal is governed by the following:

- (1) The due date for renewal is the last day of the month in which a registrant's birth date falls pursuant to the Division of Health Related Board's biennial birth date renewal system.
- (2) Methods of Renewal
 - (a) Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 - (b) Paper Renewals - For individuals who have not renewed their registration online via the Internet, a renewal application form will be mailed to each individual registered by the Division to the last address provided to the Division. Failure to receive such notification does not relieve the registrant from the responsibility of meeting all requirements for renewal.
- (3) Registrants who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their registrations processed pursuant to rule 1200-10-1-.10.
- (4) Reinstatement of an Expired or Retired Registration - Reinstatement of a registration that has expired or has been retired may be accomplished upon meeting the following conditions:
 - (a) Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1200-10-2-.06; and
 - (b) Payment of the Late Renewal fee, pursuant to Rule 1200-10-2-.06.
- (5) Anyone submitting a signed renewal form or letter which is found to be untrue may be subject to disciplinary action as provided in Rule 1200-10-2-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-30-110, 63-30-111, and 63-30-112.

1200-10-2-.06 FEES.

(1)	Application fee	\$ 100.00
(2)	Application fee for Tennessee licensed massage therapists	\$ 10.00
(3)	Biennial renewal fee	\$ 175.00
(4)	Biennial renewal fee for Tennessee licensed massage therapists	\$ 10.00
(5)	Late renewal fee	\$ 50.00
(6)	Duplicate certificate fee	\$ 15.00
(7)	Biennial state regulatory fee	\$ 10.00

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-30-103, 63-30-106, 63-30-110, and 63-30-112.

1200-10-2-.07 REGISTRATION DISCIPLINE AND ADVISORY RULINGS.

- (1) Upon a finding by the Division that a registered certified reflexologist has violated any provision of the Tennessee Code Annotated § 63-30-101, et seq., or the rules promulgated pursuant thereto, the Division may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - (a) Registration Suspension - This is a formal disciplinary action which suspends a registered certified reflexologist's right to practice for a fixed period of time. It contemplates the re-entry of the registered certified reflexologist into practice under the registration previously issued.
 - (b) Registration Revocation - This is the most severe form of disciplinary action which removes a registered certified reflexologist from the practice of reflexology and terminates the registration previously issued. If revoked, it relegates the violator to the status he/she possessed prior to application for registration. However, the Division may in its discretion allow the reinstatement of a revoked registration upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for registration from a person whose registration was revoked shall be considered prior to the expiration of at least one (1) year, unless otherwise stated in the Division's revocation order.
 - (c) Civil Penalty - A monetary disciplinary action assessed by the Division pursuant to paragraph (2) of this Rule.
- (2) Civil Penalties
 - (a) Purpose
 1. The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. § 63-1-134.
 - (b) Schedule of Civil Penalties

1. A Type A Civil Penalty may be imposed whenever the Division finds a person who is required to be registered by the Division, guilty of a willful and knowing violation of the Reflexology Practitioners Registration Act of 2001 or regulations pursuant thereto, to such an extent that there is, or is likely to be, an imminent, substantial threat to the health, safety and welfare of an individual client or the public.
2. A Type B Civil Penalty may be imposed whenever the Division finds the person required to be registered by the Division is guilty of a violation of the Reflexology Practitioners Registration Act of 2001 or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C Civil Penalty may be imposed whenever the Division finds the person required to be registered, or authorized by the Division is guilty of a violation of the Reflexology Practitioners Registration Act of 2001 or regulations promulgated thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A Civil Penalties shall be assessed in the amount of not less than \$500.00 nor more than \$1,000.00.
2. Type B Civil Penalties may be assessed in the amount of not less than \$100.00 and not more than \$500.00.
3. Type C Civil Penalties may be assessed in the amount of not less than \$50.00 and not more than \$100.00.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty, and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. In assessing the civil penalties pursuant to these rules the Division may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation,
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
3. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of Title 4, Chapter 5, Tennessee Code Annotated.

- (3) Advisory Rulings - Any person who is affected by any matter within the jurisdiction of the Division and who is a registered certified reflexologist, may submit a written request for an advisory ruling.

- (a) The procedures for obtaining and issuance of advisory rulings are as follows:
 - 1. The registrant shall submit the request to the Administrative Office on the form contained in subparagraph (3) (b), providing all the necessary information; and
 - 2. The Division shall review and research the request and subsequently make a ruling; and
 - 3. The ruling shall be transmitted to the requesting registrant. The ruling shall have effect only upon the registrant requesting the ruling, and shall have no precedential value for any other inquiry or future contested case.
- (b) Any request for an advisory ruling shall be made on the following form, a copy of which may be obtained from the Administrative Office:

Division of Health Related Boards
Request for Advisory Ruling

Date: _____

Registrant's Name: _____

Registrant's Address: _____
Zip Code _____

Registrant Number: _____

1. The specific question or issue for which the ruling is requested:

2. The facts that gave rise to the specific question or issue:

3. The specific statutes and/or rules which are applicable to the question or issue:

Registrant's Signature: _____

Mail or Deliver to: Administrator, Reflexology Registry
 Division of Health Related Boards
 First (1st) Floor Cordell Hull Building
 425 5th Avenue North
 Nashville, Tennessee 37247-1010

The proposed rules set out herein were properly filed in the Department of State on the 26th day of April, 2002, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2002. (04-23)

TENNESSEE PEACE OFFICER STANDARDS AND TRAINING COMMISSION - 1110

Presented herein are proposed rules and amendments of the Tennessee Peace Officer Standards and Training Commission submitted pursuant to the T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the POST Commission 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, amendments, and repeals are published. Such petition to be effective must be filed in the POST Commission Office at the Tennessee Law Enforcement Training Academy, 3025 Lebanon Road, Nashville, TN 37214, and in the Department of State, Eighth Floor, Snodgrass-Tennessee Tower, 312 8th Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of these proposed rules, contact: Gay Rye, 3025 Lebanon Road, Nashville, TN 37214.

CHAPTER 1110-2 CERTIFICATION

AMENDMENTS

Rule 1110-2-.01 Persons Required to be Certified. Paragraphs 1 and 2 of 1110-2-.01 are amended by replacing the word “police” with “law enforcement” so that as amended the subparagraph shall read:

- (1) All persons, who are employed as full-time law enforcement officers on or after July 1, 1982, shall comply with the pre-employment standards and meet the Basic Law Enforcement Training requirements before being certified as law enforcement officers.
- (2) All presently uncertified persons who were employed as a law enforcement officer prior to July 1, 1982, are exempt from the pre-employment and basic training requirements; however, they cannot be certified unless they meet the pre-employment and basic training requirements.

Rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by replacing the word “police” with “law enforcement” so that as amended the rule shall read:

1110-2-.03 LAW ENFORCEMENT OFFICER CERTIFICATION REQUIREMENTS. All full-time commissioned law enforcement officers employed by an agency required to meet minimum standards must meet preemployment requirements and, upon completion of the required basic training, will be issued a POST Certification.

Paragraph (1) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by replacing the word “police” with “law enforcement” so that as amended the subparagraph shall read:

- (1) Full-time Commissioned Law Enforcement Officer Pre-employment Requirements. The Commission shall issue a certificate of compliance to any person who meets the qualifications for employment and satisfactorily completes a POST certified Basic Law Enforcement Training Academy. All persons employed as a full-time law enforcement officer, after July 1, 1982, must be certified by POST and shall comply with the following pre-employment requirements:

Subparagraph (i) of paragraph (1) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by deleting the paragraph and replacing it with the following paragraph so that as amended the subparagraph shall read:

- (i) Have been certified by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the DSM, that would, in the professional judgment of the examiner, impair the subject’s ability to perform any essential function of the job.

Authority: T.C.A. §38-8-105.

Paragraph (2) of 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by replacing the word “police” with “law enforcement” so that as amended the paragraph shall read:

- (2) Sheriffs’ Compliance Requirements. Effective July 1, 1993, any sheriff meeting the requirements for training set forth in T.C.A. §38-8-111(f), shall be issued a Sheriff Certificate of Compliance in the manner in which it issues law enforcement officer’s certificate of compliance. To apply for training, a sheriff shall give written notice to the Commissioner that the sheriff is exercising the option to receive training. The sheriff shall attach to the notice an affidavit, sworn to and signed by the sheriff, certifying that the sheriff qualifies for training by meeting each of the requirements set forth in this paragraph. To qualify for training, a sheriff must:

Subparagraph (a) of paragraph (2) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by changing “21” to “25” so that as amended the subparagraph shall read:

- (a) Be at least twenty-five (25) years of age;

Authority: T.C.A. §38-8-111(f).

Paragraph (3) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by changing “one year” to “six months”, by adding the second sentence and by replacing “police” with “law enforcement” so that as amended the paragraph shall read:

- (3) Training Requirements. Any officer seeking certification under these rules who conforms to pre-employment requirements shall, within six months of initial employment as a law enforcement officer, satisfactorily complete the Basic Law Enforcement Course as established in accordance with these rules. During this initial six-month period prior to attending the Basic Law Enforcement Course, the recruit must be paired with a Field Training Officer or other certified senior officer.

Commencing July 1, 1982, any time served as a full-time commissioned law enforcement officer in any Tennessee law enforcement agency is accumulative and will count as part of the six-month time limit.

Authority: T.C.A. §§38-8-104, 38-8-105, 38-8-106, 38-8-107, and 38-8-111.

Subparagraphs (a - c) of paragraph (5) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements are amended by replacing the word “police” with law enforcement” so that as amended the subparagraphs shall read:

- (a) The law enforcement agency employing said officer when the Basic Law Enforcement Course is begun shall submit, at such time and in such form as the Commission may require, verification that the officer (at the time the officer was employed) met the pre-employment requirements set forth in this chapter.
- (b) The Director of the Academy where said officer satisfactorily completed Basic Law Enforcement School, established in accordance with these rules, shall submit verification, in such form as the Commission may require, that the officer has met the Basic Training requirements set forth in this chapter.
- (c) The Commission may certify any person who has received training in another state when the Commission has determined that such training was at least equivalent to that required by the Commission for approved law enforcement education and training programs in this state and when such person has satisfactorily complied with all other requirements (T.C.A. §38-8-107). Established criteria shall be that which governs the requirements set forth for completion of the Basic Law Enforcement Recruit School, as outlined in Chapter 7 of POST Rules.

Authority: T.C.A. §§38-8-104, 38-8-107.

Part (1) of subparagraph (c) of paragraph (5) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by replacing “70%” with “75%” and “police” with “law enforcement” so that as amended part 1 of the subparagraph shall read:

- 1. Any person whose basic training from another state has been substituted for Tennessee requirements must take the POST Certification Test within thirty (30) days of his date of employment. A passing grade of 75% must be obtained. If the officer does not pass, he/she may retake the test within thirty (30) days of the first attempt. If a passing grade is not obtained on the second attempt, the officer is required to attend an approved basic law enforcement school in order to qualify for certification.

Authority: T.C.A. §38-8-107.

Subparagraph (c) of paragraph 6 of rule 1110-2.03 Law Enforcement Officer Certification Requirements is amended by replacing “70%” with “75%” and “police” with “law enforcement” so that as amended the subparagraph shall read:

- (c) Any person applying for substitution of experience must take the POST Certification Test within thirty (30) days of his date of employment. A passing score of 75% must be obtained. If the officer does not pass, he/she may retake the test within thirty (30) days of the first attempt. If a passing grade is not obtained on the second attempt, the officer is required to attend an approved basic law enforcement school in order to qualify for certification.

Authority: T.C.A. §§38-8-104, 38-8-105, 38-8-106, 38-8-107 and 38-8-111.

Subparagraph (a) of paragraph (7) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements is amended by adding “...more than a five-year break, but less than a ten-year break” in the first sentence and adding the second sentence so that as amended the subparagraph shall read:

- (a) Certified officers who have had a five-year break, but less than a ten-year break in full-time law enforcement service must take the POST Certification Test before their certification is reinstated. Officers with over a ten-year break in full-time law enforcement service may be required to attend a Basic Law Enforcement Academy upon review by the POST Commission.

Authority: T.C.A. §§38-8-104, 38-8-105, 38-8-106, 38-8-107 and 38-8-111.

Subparagraphs (b – d) of paragraph (7) of rule 1110-2-.03 Law Enforcement Officer Certification Requirements are amended by replacing the word “police” with “law enforcement” so that as amended the subparagraphs shall read:

- (b) Officers who were certified under the Grandfather Clause of July 1, 1970, and have attended an approved basic law enforcement school, must take the POST Certification Test if they have a five-year break in full-time service.
- (c) Officers who were certified under the Grandfather Clause of July 1, 1970, and have not attended an approved basic law enforcement school, lose their grandfathered status if they have a break in service. However, these officers may apply for certification if they have had ten years of full-time experience since July 1, 1970, and have had no longer than a five-year break in service. They are required to take the POST Certification Test.

These officers may separate directly from one law enforcement agency and be employed as a full-time law enforcement officer by another law enforcement agency with no loss of certification as long as there is no break in service.

- (d) Officers who have attended an approved basic law enforcement school and who were not required to be certified at that time, may apply for certification based on this training. These officers must also take the POST Certification Test to qualify for certification. The POST test is not required if the officer is employed full time by a law enforcement agency within a year of the date of completion of the basic law enforcement school.

Authority: T.C.A. §§38-8-104, 38-8-105, 38-8-106, 38-8-107, and 38-8-111.

Rule 1110-2-.04 Denial, Suspension, and Revocation of Certification. Part 2 of subparagraph (a) of paragraph (2) of rule 1110-2-.04 is amended by adding “relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances” so that as amended part (2) of the subparagraph shall read:

- 2. Be convicted of or plead guilty or enter a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances, or a sufficient number of misdemeanors to establish a pattern of disregard for the law.

Authority: T.C.A. §38-8-104(b).

Part 3 of subparagraph (a) of paragraph (2) of rule 1110-2-.04 Denial, Suspension, and Revocation of Certification is amended by adding “for thirty days or longer” so that as amended part (3) of the subparagraph shall read:

- 3. Be suspended for thirty (30) days or longer or discharged by his employing law enforcement agency for disciplinary reasons; or

Authority: T.C.A. §38-8-104(b).

Subparagraph (b) of paragraph (2) of rule 1110-2-.04 Denial, Suspension, and Revocation of Certification is amended by replacing “police officer” with “law enforcement officer” so that as amended the

subparagraph shall read:

- (b) Notification Required. Law enforcement agencies suspending for thirty (30) days or longer, or discharging certified law enforcement officers for disciplinary reasons, shall inform the Commission within ten (10) days.

Authority: T.C.A. §38-8-104(b).

Paragraph (4) of rule 1110-2-.04 Denial, Suspension, and Revocation of Certification is amended by replacing “police officer” with “law enforcement officer” so that as amended the paragraph shall read:

- (4) Suspension or Revocation Hearing (T.C.A. §§ 38-8-105 and 38-8-106). Any law enforcement officer whose certification has been suspended or revoked may, within thirty (30) days of receipt of notice served by the Commission, request by certified mail, a hearing which shall be granted by the Commission. Upon receipt of such request, the Commission shall set a date, time, and place for hearing within thirty (30) days and serve notice, by certified mail, upon the affected law enforcement officer. The affected officer may be represented by counsel. In the absence of request for hearing, suspension or revocation shall, without further proceedings, become final thirty (30) days after the initial notice called for in this Chapter.

Authority: T.C.A. §§38-8-105 and 38-8-106.

Subparagraph (b) of paragraph (4) of rule 1110-2-.04 Denial, Suspension, and Revocation of Certification is amended by replacing “police officer” with “law enforcement officer” so that as amended the subparagraph shall read:

- (b) Final Commission Review. In the event of an adverse decision, said law enforcement officer may, within thirty (30) days of the initial decision, request final Commission review.

Authority: T.C.A. §§38-8-105 and 38-8-106.

Paragraph (7) of rule 1110-2-.04 Denial, Suspension, and Revocation of Certification is amended by replacing “police” with “law enforcement” so that as amended the paragraph shall read:

- (7) Reapplication after Denial. Any officer denied certification for failure to meet pre-employment requirements may reapply at such time as the requirements are met. Officers denied certification for failure to meet the Basic Law Enforcement training requirements may reapply after satisfactory completion of the training called for by these Rules (T.C.A. §§38-8-104 and 38-8-105).

Authority: T.C.A. §§38-8-105 and 38-8-106.

CHAPTER 1110-3 CURRICULA AND COURSE OF INSTRUCTION

AMENDMENTS

Rule 1110-3-.01 Course of Instruction. Paragraph (1) of rule 1110-3-.01 is amended by replacing “police” with “law enforcement” so that as amended the paragraph shall read:

- (1) Basic Course. The Commission shall approve a program of instruction comprising fundamental law enforcement skills and knowledge which shall be designated as the Basic Law Enforcement Course.

Authority: T.C.A. §38-8-104.

Subparagraph (a) of paragraph (1) of rule 1110-3-.01 Course of Instruction is amended by changing “police” with “law enforcement” and “320” to “400” so that as amended the subparagraph shall read:

- (a) Length. The Basic Law Enforcement Course shall include a minimum of 400 hours of instruction and study.

Authority: T.C.A. §38-8-104.

Subparagraphs (b – g) of paragraph (1) of rule 1110-3-.01 Course of Instruction are amended by replacing “police” with “law enforcement” so that as amended the subparagraphs shall read:

- (b) Format. The Basic Law Enforcement Course shall have a curriculum format that contains the following elements:
- (c) Instructional Methods. The Basic Law Enforcement Course shall employ performance oriented instructional methods that help ensure successful achievement of the established training objectives.
- (d) Administration. The Basic Law Enforcement Course shall be administered by a school certified (approved) by the Commission.
- (e) Eligibility for Admission. Any officer shall be eligible for admission to the Basic Law Enforcement course who has met pre-employment requirements herein established.
- (f) Testing for Basic Law Enforcement Course. Each Academy shall develop a system of testing which relates to training objectives.
- (g) Certificate of Successful Completion. Each approved Academy shall issue to law enforcement officers a certificate suitable as evidence thereof.

Authority: T.C.A. §38-8-104.

Part 2 of subparagraph (b) of paragraph (1) of rule 1110-3-.03 Certification For General Police Instructor is amended by replacing the word “police” with “law enforcement” so that as amended part (2) of the subparagraph shall read:

- 2. All full-time Law Enforcement Instructors who were so employed, appointed, or designated prior to January 1, 1985, must successfully complete the program before January 1, 1986. All full-time Law Enforcement Instructors employed, appointed, or designated on or after January 1, 1985, must successfully complete the program within twelve (12) months of their assignment.

Authority: T.C.A. §38-8-104.

CHAPTER 1110-4
IN-SERVICE TRAINING REQUIREMENTS
AMENDMENTS

Rule 1110-4-.01 Length of Training. Paragraph (1) of rule 1110-4-.01 is amended by replacing the word “police” with “law enforcement” so that as amended the paragraph shall read:

- (1) All full-time commissioned certified officers except those having attended the Basic Law Enforcement School within the calendar year must participate in a POST approved forty (40) hour in-service training session each calendar year. Only certified officers who successfully complete the forty (40) hour in-service training session are eligible to receive supplement pay provided their agency is in compliance with minimum standards. Sheriffs are not required to participate in annual in-service training, however, sheriffs must complete a forty-hour annual in-service to be eligible for salary supplement income under the provision of T.C.A. §38-8-111.

Authority: T.C.A. §38-8-104.

Rule 1110-4-.02 Firearms Requalification Requirements is amended by changing “service revolver” to “service handgun” and by changing “70%” to “75%” so that as amended the rule shall read:

1110-4-.02 FIREARMS REQUALIFICATION REQUIREMENTS. Each in-service training session must include firearms training requalification with service handgun and any other firearm authorized by Department; at least eight (8) hours in duration. Each trainee must score at least seventy-five percent (75%) to qualify.

Authority: T.C.A. §38-8-104.

Rule 1110-4-.03 Appointment of Training Officer is amended by changing “may attend a POST Commission workshop” to “shall attend a POST Commission workshop at a time and place determined by the POST Commission and the Tennessee Law Enforcement Training Officer Association” so that as amended the rule shall read:

1110-4-.03 APPOINTMENT OF TRAINING OFFICER. Effective January 1, 1994, each law enforcement agency conducting a forty (40) hour in-service training course shall designate one Training Officer who meets the POST Commission General Departmental Instructor standards for certification. The General Departmental Instructor is responsible for coordinating in-service training programs, developing lesson plans, goals and objectives, and may be required to instruct in more than one subject area. All training officers, including a General Departmental Instructor, shall attend a POST Commission workshop at a time and place determined by the POST Commission and the Tennessee Law Enforcement Training Officer Association as part of their annual in-service training requirement for training officer.

Authority: T.C.A. §§38-8-104 and 38-8-111.

Subparagraph 1 of paragraph (5) of rule 1110-4-.05 Course Curriculum Requirements is amended by replacing the word “police” with “law enforcement” so that as amended the subparagraph shall read:

Form Number	Name of Form
(1) POST/IST/7	Request for College/University Law Enforcement Course to be Considered Toward Meeting POST Forty-Hour In-Service

Authority: T.C.A. §§38-8-104 and 38-8-107.

Paragraph (1) of rule 1110-4-.08 Testing Instruments is amended by changing “forty (40)” to “fifty (50)” so that as amended the paragraph shall read:

- (1) Multiple test instruments must be designed to assure that the same test is not administered to two consecutive training sessions using the same curriculum. The test must include at least fifty (50) questions of an objective nature (True and False, Multiple Choice, and Matching). No more than twenty-five percent (25%) True or False questions should be used.

Authority: T.C.A. §38-8-104.

Paragraph (3) of rule 1110-4-.08 Testing Instruments is amended by changing “seventy percent (70%)” to “seventy-five percent (75%)” so that as amended the paragraph shall read:

- (3) The tests should be developed, administered, and scored by the General Departmental Instructor and Instructors. Each trainee must score at least seventy-five percent (75%).

Authority: T.C.A. §38-8-104.

Paragraph (1) of rule 1110-4-.09 Approval of Specialized Schools is amended by replacing “police” with “law enforcement” and by deleting “of at least sixteen (16) hours in duration” from the second sentence so that as amended the paragraph shall read:

- (1) If an officer attends a specialized school appropriate to his/her rank and responsibility, the eligibility of the school must be approved by the Commission. Only schools of a law enforcement related nature will be considered for in-service credit toward meeting the forty (40) hour training requirement. A curriculum of each school and proof of successful completion by the individual attendee is required.

Authority: T.C.A. §§38-8-107 and 38-8-111

Rule 1110-4-.11 Approval of Police Courses Conducted by Colleges and Universities for In-Service Credit is amended by replacing “police” with “law enforcement” so that as amended the rule shall read:

1110-4-.11 APPROVAL OF LAW ENFORCEMENT COURSES CONDUCTED BY COLLEGES AND UNIVERSITIES FOR IN-SERVICE CREDIT. Any officer who successfully completes a law enforcement course (or courses) at any accredited institution of higher education, college, or university, may be considered for annual fulfillment of all or a portion thereof of the required forty (40) hours in-service credit hours, not to include firearms training, as provided for in the provisions herein and approved by the Commission.

Authority: T.C.A. §38-8-104.

Rule 1110-4-.12 Successful Completion of In-Service Training for Salary Supplement Payment is amended by changing “70% on the test and 70% on the firearms qualification” to “75% on the test and 75% on the firearms qualification” and by adding “75% on the defensive driving qualification” so that as amended the rule shall read:

The officer must obtain a passing grade of 75% on the test and 75% on the firearms qualification and 75% on the defensive driving qualification. The in-service training session is not complete until the officer has taken the test and qualified with his firearm. Any officer who fails the test, firearms, or driving qualification must make up the failing score during the calendar year in order to keep their certification.

Authority: T.C.A. §38-8-107.

**CHAPTER 1110-5
FORMS AND DOCUMENTS**

AMENDMENTS

Rule 1110-5-.01. Paragraph (1) of rule 1110-5-.01 Forms Required for Peace Officer Certification is amended by replacing “police officer” with “law enforcement officer” so that as amended the paragraph shall read:

- (1) Law Enforcement Officers Required to be Certified. Law Enforcement officers required to be certified shall complete and deliver to the Commission the following forms and documents not later than the end of the first day on which their employment as a law enforcement officer Commences. Delivery may be by hand at the Commission office or by deposit in regular mail, but must be postmarked no later than the last day before the first day of employment. No law enforcement officer shall be employed unless such forms and documents are submitted in compliance with this rule.

Authority: T.C.A. §§38-8-107, 38-8-108 and 38-8-111.

Subparagraph (c) of paragraph (1) of rule 1110-5-.01 Forms Required for Peace Officer Certification is amended by replacing “police” with “law enforcement” so that as amended the subparagraph shall read:

- (c) An application for the Basic Law Enforcement School must accompany the Application for Certification for all newly employed uncertified officers. (The local established academies should continue the present practice of submitting all Applications for Certification when officers complete their Basic Law Enforcement School.)

Subparagraph (e) of paragraph (2) of rule 1110-5-.01 Forms Required for Peace Officer Certification is amended by replacing “police officer” with “law enforcement officer” so that as amended the subparagraph shall read:

- (e) Change to duties and/or job description no longer meeting definition of “full-time” law enforcement officer.

Subparagraph (l) of paragraph (4) of rule 1110-5-.01 Forms Required for Peace Officer Certification is amended by replacing “police” with “law enforcement” so that as amended the subparagraph shall read:

- (l) POST/IST/7 Request for College/University Law Enforcement Course to be Considered Toward Meeting POST Forty-Hour In-Service Training Requirement

Paragraph (5) and subparagraph (b) of rule 1110-5-.01 Forms Required for Peace Officer Certification are amended by replacing “police” with “law enforcement” so that as amended the paragraph and subparagraph shall read:

- (5) Law Enforcement Instructor Certification Forms : Forms will be provided by the agency. These forms may be duplicated as needed. The following forms will be used to process documentation For the POST approved General, General Departmental, and Specialized Instructor:
 - (b) POST/PI/2 Change of Status - Law Enforcement Instructor

Authority: T.C.A. §§38-8-106, 38-8-107, and 38-8-111.

CHAPTER 1110-6
ADMINISTRATION OF INCOME SUPPLEMENTS FOR LAW ENFORCEMENT OFFICERS
AMENDMENTS

Rule 1110-6-01. Eligibility to Receive Income Supplement. Paragraph (1) of rule 1110-6-01 is amended by replacing “police officers” with “law enforcement officers” so that as amended the paragraph shall read:

- (1) A local unit of government is eligible to receive income supplement for law enforcement officers under T.C.A. §38-8-111 if it is in compliance with minimum employment and training standards enumerated in T.C.A. §§38-8-105, 38-8-106 and 38-8-107, and in compliance with the Rules and Regulations of the Commission.

Authority: T.C.A. §§38-8-105 and 38-8-111. 29, 1992.

Subparagraph (b) of paragraph (1) of rule 1110-6-01 Eligibility to Receive Income Supplement is amended by adding “POST Certification number” in the second sentence and by replacing “police” with “law enforcement” so that as amended the subparagraph shall read:

- (b) Income supplement reporting rosters will be furnished for each law enforcement agency at the end of each calendar year. Information detailed on these forms will include the name, rank, social security number, POST Certification number, date of basic training, and date and location of in-service training for each full-time sworn law enforcement officer employed by the local unit of government. These forms are to be returned by January 15 of the following year.

Authority: T.C.A. §§38-8-105 and 38-8-111..

Rule 1110-6-02 Police Officer Eligibility for Income Supplement is amended by replacing “police officer” with “law enforcement officer” so that as amended the rule shall read:

1110-6-.02 LAW ENFORCEMENT OFFICER ELIGIBILITY FOR INCOME SUPPLEMENT. To be qualified to receive income supplement, a law enforcement officer must be certified under the Peace Officer Standards and Training Commission and must successfully complete a forty (40) hour in-service training course approved by the Commission.

Paragraph (1) of rule 1110-6-02 Law Enforcement Officer Eligibility for Income Supplement is amended by replacing “police” with “law enforcement” so that as amended the paragraph shall read:

- (1) Officers who attend the Basic Law Enforcement School are not eligible to receive payment during that calendar year and are not required to attend in-service training during that year. These officers will be eligible to receive payment during the following calendar year after the successful completion of forty (40) hours of in-service training.

Authority: T.C.A. §38-8-111; (Acts 1981, Ch. 455, Section 10; T.C.A. §38-8-110; Acts 1983, Ch. 270, Section 5).

Rule 1110-6-03 Payment Procedures is amended by replacing “police officers” with “law enforcement officers” so that as amended the rule shall read:

1110-6-.03 Payment Procedures. The Peace Officer Standards and Training Commission shall disburse, to eligible local units of government, income supplements awarded to law enforcement officers certified under the Commission for successful completion of in-service training. It will be the responsibility of the local unit of government to disburse funds to the individual officers after the deduction of applicable taxes.

Paragraph (3) of rule 1110-6-.03 Payment Procedures is amended by replacing “police” with “law enforcement” so that as amended the paragraph shall read:

- (3) Payment will be made in lump sum directly to the governmental entity handling salary accounts for the eligible law enforcement agency.

Subparagraph (a) of paragraph (4) of rule 1110-6-.03 Payment Procedures is amended by replacing “police officer” with “law enforcement officer” so that as amended the subparagraph shall read:

- (a) Proof of successful completion of an approved forty (40) hour in-service training course within the calendar year by all eligible law enforcement officers.

Authority: T.C.A. §38-8-111.

**CHAPTER 1110-7
BASIC TRAINING ACADEMY MINIMUM STANDARDS
AMENDMENTS**

Rule 1110-7-.01 Minimum Curricula Requirements. Paragraph (1) of rule 1110-7-.01 is amended by replacing “Police” with “Law Enforcement” so that as amended the paragraph shall read:

- (1) Basic Course. The Commission shall approve a program of instruction comprising fundamental law enforcement skills and knowledge, which shall be designated as the Basic Law Enforcement Course.

Subparagraph (a) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by replacing “Basic Police” with “Basic Law Enforcement” and changing “320 hours” to “400 hours” so that as amended the subparagraph shall read:

- (a) Length. The Basic Law Enforcement Course shall include a minimum of 400 hours of instruction and study.

Authority: T.C.A. §38-8-104.

Subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements. is amended by replacing “Police” with “Law Enforcement” so that as amended the subparagraph shall read:

- (b) Format. The Basic Law Enforcement Course shall have a curriculum format that contains the following elements:

Authority: T.C.A. §38-8-104.

Subpart (ii) of part 1 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by deleting “type” and “Weaver stance” so that as amended subpart (ii) of part (1) of the subparagraph shall read:

- (ii) For handguns, stances and firing positions to include: Kneeling, standing, prone, off-hand, barricade, one- and two-hand grip.

Authority: T.C.A. §38-8-104.

Subpart (iii) of part 1 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by adding “or single action (depending upon Department approved weapon)” so that as amended subpart (iii) of part (1) of the subparagraph shall read:

- (iii) Double or single action (depending upon Department approved weapon)

Authority: T.C.A. §38-8-104.

Subpart (iv) of part 1 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “Sixty (60) rounds” to “Fifty (50) rounds” so that as amended subpart (iv) of part (1) of the subparagraph shall read:

- (iv) Fifty (50) rounds.

Authority: T.C.A. §38-8-104.

Subpart (vi) of part 1 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “70%” to “75%” so that as amended subpart (vi) of part (1) of the subparagraph shall read:

- (vi) Student must demonstrate a proficiency of at least 75% both during day and darkness on all weapons issued or authorized by student’s department.

Authority: T.C.A. §38-8-104.

Subpart (vii) of part 1 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing 70% to 75% and by deleting “both day and night” so that as amended subpart (vii) of part (1) of the subparagraph shall read:

- (vii) Demonstrate a proficiency of at least 75% on a stress exertion course which has a laterally moving target.

Authority: T.C.A. §38-8-104.

Part 2 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “17” hours to “20” hours so that as amended part (2) of the subparagraph shall read:

2. Emergency Medical Training - 20 hours.

Authority: T.C.A. §38-8-104.

Subpart (i) of part 2 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by deleting “State standards” and replacing with “Basic First Aid and CPR; infectious diseases; pathogens” so that as amended subpart (i) of part (2) of the subparagraph shall read:

- (i) Basic First Aid and CPR; infectious diseases; pathogens.

Authority: T.C.A. §38-8-104.

Part (3) of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “60 hours” to “100 hours” and by adding “(x) Crisis intervention (domestic disputes)” so that as amended part (3) of the subparagraph shall read:

3. Patrol Procedures - 100 hours.

- (x) Crisis intervention (domestic disputes).

Authority: T.C.A. §38-8-104.

Subpart (iii) of part 4 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “Crisis intervention (domestic disputes)” to “Basic Street Spanish” so that as amended subpart (iii) of part 4 of the subparagraph shall read:

- (iii) Basic Street Spanish.

Authority: T.C.A. §38-8-104.

Subpart (v) of part 6 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “mentally deranged” to “emotionally disturbed” so that as amended subpart (v) of part (6) of the subparagraph shall read:

- (v) Control of the emotionally disturbed.

Authority: T.C.A. §38-8-104.

Part 9 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “20 hours” to “30 hours” and changing “(i) Sociology of groups, ethnic and racial” to “(i) cultural diversity, ethnic and racial” and by adding (iv), (v), and (vi) so that as amended part 9 of the subparagraph shall read:

9. Human Relations - 30 hours.

- (i) Cultural diversity, ethnic and racial.
- (iv) Basic street gang culture.
- (v) Sexual harassment.
- (vi) Domestic terrorism.

Authority: T.C.A. §38-8-104.

Part 10 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “3 hours” to “11 hours”, changing “iv” “Security service (campus and private)” to “courtroom security” and by adding “(v) civil process” so that as amended part 10 of the subparagraph shall read:

10. Criminal Justice System - 11 hours.

- (iv) Courtroom security.
- (v) Civil process.

Authority: T.C.A. §38-8-104.

Part 11 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “Police” to “Law Enforcement” so that as amended part (11) of the subparagraph shall read:

11. Law Enforcement Stress - 9 hours.

Authority: T.C.A. §38-8-104.

Subpart (i – ii) of part 11 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “Police” to “Law Enforcement” so that as amended subparts (i – ii) of part 11 of the subparagraph shall read:

- (i) Recognizing the symptoms of Law Enforcement stress and coping mechanisms.
- (ii) Law Enforcement marriages.

Authority: T.C.A. §38-8-104.

Part 13 of subparagraph (b) of paragraph (1) of rule 1110-7-.01 Minimum Curricula Requirements is amended by changing “24 hours” to “40 hours” so that as amended part 13 of the subparagraph shall read:

13. Emergency Vehicle Operations - 40 hours.

Authority: T.C.A. §38-8-104.

Paragraph (1) of rule 1110-7-.02 Staffing is amended by changing “Police” to “Law Enforcement” so that as amended the rule shall read:

- (1) Staffing Positions. The Basic Training Academies shall have a minimum staff of one (1) Director of Training/ Principal Training Officer, one (1) full-time Certified Law Enforcement Instructor, and one (1) Secretary or Clerk/ Typist.

Authority: T.C.A. §38-8-104.

Subparagraph (a) of paragraph (1) of rule 1110-7-.02 Staffing is amended by changing “Police” to “Law Enforcement”, and adding the following: “The Director may have other assigned duties within the organization.” so that as amended the subparagraph shall read:

- (a) The Director of Training/Principal Training Officer shall meet the law enforcement instructor certification requirements as set forth in T.C.A. §38-8-104, Section 1110-3-.03 of the Rules of the Tennessee Peace Officer Standards and Training Commission and all other requirements as set forth by T.C.A. §38-8-104 pertaining to the administration of a Basic Law Enforcement Academy. The Director may have other assigned duties within the organization.

Authority: T.C.A. §38-8-104.

Subparagraph (b) of paragraph (1) of rule 1110-7-.02 Staffing is amended by changing “Police” to “Law Enforcement” so that as amended the subparagraph shall read:

- (a) The full-time Certified Law Enforcement Instructor shall meet the law enforcement Instructor certification requirements as set forth in T.C.A. §38-8-104 and Section 1110-3-.03 of the Rules of the Tennessee Peace Officer Standards and Training Commission.

Authority: T.C.A. §38-8-104.

Paragraph (2) of rule 1110-7-.02 Staffing is amended by changing “Police” to Law Enforcement” so that as amended the paragraph shall read:

- (2) Instructor Specifications. The instructor shall meet certain criteria in developing and maintaining a proper learning atmosphere for students. The Basic Law Enforcement Academy shall employ performance-oriented instructional methods that will provide opportunities for each student to demonstrate successful achievement of the established training objectives. This may be accomplished by the Academy management insuring that:

Authority: T.C.A. §38-8-104.

Subparagraph (b) of paragraph (2) of rule 1110-7-.02 Staffing is amended by deleting the paragraph and replacing it with a new paragraph so that as amended the subparagraph shall read:

- (b) All instructors who teach part time for the agency which conducts a Basic Law Enforcement School, employed by the agency or employed outside the agency, must be qualified to teach in his/her specific area of instruction and, at the option of the training director, may be required to be POST Certified as an Instructor.

Authority: T.C.A. §38-8-104.

1110-7-.03 BUILDINGS AND FACILITIES .

Subparagraph (a) of paragraph (1) of rule 1110-7-.03 Buildings and Facilities is amended by deleting “a building by itself, or be a part of another building in an area so that it will not be interfered with by outside activities” so that as amended the subparagraph shall read:

- (a) The academy shall be in an area devoted to law enforcement training to ensure training facilities are undisturbed by outside, unrelated activities or noises.

Authority: T.C.A. §§38-8-104 and 68-18-101 et seq.

Subparagraph (b) of paragraph (1) of rule 1110-7-.03 Buildings and Facilities is amended by deleting sections (1 – 2) and the existing subparagraph (b) and replacing the subparagraph with the following language so that as amended the subparagraph shall read:

- (b) Class size shall be limited to a maximum of fifty (50) students. However, twenty (20) percent of the total class hours in the Basic School can be taught in a seminar setting; therefore a greater number than fifty (50) students may be allowed. No class other than the lecture-type setting can have more than fifty (50) students in any one classroom.

Authority: T.C.A. §§38-8-104 and 68-18-101 et seq..

Subparagraph (c) of paragraph (1) of rule 1110-7-.03 Buildings and Facilities is amended by adding “i.e. multipurpose activity area or gym” so that as amended the subparagraph shall read:

- (c) Have adequate facilities for physical training activities to support the curriculum, i.e. multipurpose activity area or gym.

Authority: T.C.A. §§38-8-104 and 68-18-101 et seq.

Subparagraph (e) of paragraph (1) of rule 1110-7-.03 Buildings and Facilities is amended by adding “or designated area for the organization and filing of appropriate school administrative records, documents, and related school training data” so that as amended the subparagraph shall read:

- (e) Must have administrative office space or designated area for the organization and filing of appropriate school administrative records, documents, and related school training data.

Authority: T.C.A. §§38-8-104 and 68-18-101 et seq.

Paragraph (1) of rule 1110-7-.06 Compliance is amended by adding subparagraph (c) so that as amended the paragraph shall read:

- (a) The POST Commission shall verify full compliance of all standards specified in this chapter. Such verifications shall include, but not be limited to, an on-site inspection. A POST Commission designee shall conduct an initial on-site inspection prior to verification of compliance.
- (b) Upon verification of compliance with the standards set forth in this chapter, the POST Commission shall certify the academy.
- (c) Annually, the Director of the Donelson Academy will schedule a meeting of all Training Directors and administrators of Basic Law Enforcement Academies statewide who shall attend for the purpose of curriculum review and standardization.

Authority: T.C.A. §38-8-104.

CHAPTER 1110-8
PART-TIME/TEMPORARY/AUXILIARY LAW ENFORCEMENT OFFICERS
AMENDMENTS

Rule 1110-8-.01 Definitions. Paragraph (1) of rule 1110-8-.01 is amended by replacing “police officer” with “law enforcement officer” so that as amended the paragraph shall read:

- (1) Part-time/Temporary/Reserve/Auxiliary Law Enforcement Officer is defined as any person employed by any municipality or any political subdivision of the state of Tennessee whose primary responsibility is to support the full-time law enforcement officers in the prevention and detection of crime, apprehension of offenders, assisting in the prosecution of offenders for appropriate remuneration in measure with specifically assigned duties and/or job description. Part-time law enforcement officers will work no more than twenty (20) hours per week or a total of no more than one hundred hours per month. Any law enforcement officer who works in excess of the maximum hours

as specified herein will be reclassified to a full-time status and must meet all requirements for standards/training as mandated under the law and Peace Officer Standards and Training Commission rules.

Paragraph (2) of rule 1110-8-.01 Definitions is amended by replacing “police officer” with “law enforcement officer” so that as amended the paragraph shall read:

- (2) Special Deputy is defined within this section as any person who is assigned specific law enforcement functions as to the prevention and detection of crime and general laws of this state on a volunteer basis, whether working alone or with other law enforcement officers. Any law enforcement officer working on a volunteer basis shall receive no pay or benefits except for honorariums and may be utilized for an unlimited number of hours.

Authority: T.C.A. §38-8-101.

1110-8-.02 Preemployment Requirements.

Paragraph (1) of rule 1110-8-.02 Preemployment Requirements is amended by replacing “police officer” with “law enforcement officer” so that as amended the paragraph shall read:

- (1) After January 1, 1989, any person employed/utilized as part-time/temporary/reserve/auxiliary law enforcement officer or as a special deputy shall:

Subparagraph (h) of paragraph (1) of rule 1110-8-.02 Pre-employment Requirements is amended by deleting the paragraph and replacing it with the following paragraph so that as amended the paragraph shall read:

- (h) Have been certified by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the DSM, that would, in the professional judgment of the examiner, impair the subject’s ability to perform any essential function of the job.

Paragraph (2) of rule 1110-8-.02 Preemployment Requirements is amended by replacing “police officer” with “law enforcement officer” so that as amended the paragraph shall read:

- (2) Part-time/temporary/reserve/auxiliary law enforcement officers and special deputies who were employed prior to January 1, 1989 and have had continuous service are exempt from pre-employment requirements as long as they remain on active service with the department by which they are originally employed. Any part-time/temporary/reserve/auxiliary law enforcement officer or special deputy who has a break in service of any length whatsoever will be required to meet pre-employment and training standards.

Authority: T.C.A. §§38-8-101 and 38-8-106.

Rule 1110-8-.03 Training Requirements is amended by changing “police officer” to “law enforcement officer” so that as amended the rule shall read:

1110-8-.03 TRAINING REQUIREMENTS. After January 1, 1989, any person newly employed/utilized as a part-time/temporary/reserve/auxiliary law enforcement officer or special deputy shall receive forty (40) hours of training in whatever duties they are required to perform by the employing agency. This training shall be accomplished during the first calendar year of employment.

Authority: T.C.A. §38-8-104.

Rule 1110-8-.04 In-Service Training Requirements is amended by changing “police officer” to “law enforcement officer” so that as amended the rule shall read:

1110-8-.04 IN-SERVICE TRAINING REQUIREMENTS. After the initial training has been completed, all part-time/temporary/reserve/auxiliary law enforcement officers and special deputies will be required to attend forty (40) hours of in-service training each calendar year. This training may be spread over a twelve (12) month period; however, it must be completed during the calendar year.

Authority: T.C.A. §38-8-104.

CHAPTER 1110-9 CRITERIA FOR WAIVERS

AMENDMENTS

Subparagraph (a) of paragraph (1) of rule 1110-9-02 is amended by changing “in-service” to “in service” so that as amended the subparagraph shall read:

- (a) having less than a five (5) year break in service from previous law enforcement employment in the State of Tennessee; and

Authority: T.C.A. §§38-8-104 and 38-8-106.

Subparagraph (c) of paragraph (1) of rule 1110-9-.02 Waivers of Basic Training is amended by changing “an federal...” to “a federal...” so that as amended the subparagraph shall read:

- (c) having at least forty (40) hours of in-service training that is in compliance with Chapter 7 and POST Rule 1110-2-.03 (4)(c)(1); or, having completed a federal, state, or local basic law enforcement training course.

Authority: T.C.A. §§38-8-104 and 38-8-106.

Paragraph (1) of rule 1110-9-.04 Waivers of Preemployment Requirements is amended by changing “police officer” to “law enforcement officer” so that as amended the paragraph shall read:

- (1) No person may be employed as a law enforcement officer, who requires a waiver under this section, until such waiver is granted. “Any person who shall appoint any applicant, who, to the knowledge of the appointee, fails to meet the minimum standards as set forth herein or required by the Commission, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a law enforcement officer as provided herein or required by the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding one thousand dollars (\$1,000)”.

Authority: T.C.A. §38-8-105

Part 1 of subparagraph (b) of paragraph (1) of rule 1110-9-.04 Waivers of Preemployment Requirements is amended by adding “(excluding felony charge and domestic violence)” so that as amended part 1 of the subparagraph shall read:

1. Waivers may be granted if the officer has been convicted of or pleaded guilty to or entered a plea of nolo contendere to any violation of any federal or state law or city ordinance (excluding felony charge and domestic violence) with the following charges:

Authority: T.C.A. §38-8-105.

Part 2 of subparagraph (c) of paragraph (1) of rule 1110-9-.04 Waivers of Preemployment Requirements is amended by adding “(iii) domestic violence convictions” so that as amended part (2) of the subparagraph shall read:

2. A waiver will not be granted for expungement in the event of the following circumstances:
 - (i) felony convictions,
 - (ii) narcotics violation that could result in a felony charge,
 - (iii) domestic violence convictions.

Authority: T.C.A. §§38-8-104 and 38-8-106.

Rule 1110-9-.06 Waiver of Eight (8) Months’ Full-Time Service is amended by adding “(5) military duty in the event of a national emergency” so that as amended the subparagraph shall read:

1110-9-.06 WAIVER OF EIGHT (8) MONTHS’ FULL-TIME SERVICE. The Commission may consider a waiver of the eight (8) months’ full-time service during the calendar year under the following conditions providing in-service training has been completed during the calendar year:

- (1) Death of the officer.
- (2) Retirement.
- (3) Medical disability.
- (4) Separation due to change of administration (officer must be able to substantiate).
- (5) Military duty in the event of a national emergency.

Authority: T.C.A. §§38-8-104 and 38-8-106.

The proposed rules set out herein were properly filed in the Department of State on the 19th day of April, 2002, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2002. (04-01)

**DEPARTMENT OF TRANSPORTATION - 1680
MAINTENANCE DIVISION**

**CHAPTER 1680-3-2
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES -
SUPPLEMENTAL RULES FOR GUIDE SIGNS ON FREEWAYS, EXPRESSWAYS AND CONVENTIONAL
HIGHWAYS**

Presented herein are proposed rules of the Tennessee Department of Transportation, Maintenance Division, submitted pursuant T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Transportation 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 Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the Tennessee Department of Transportation, Legal Office, Suite 700, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0332, and in the Department of State, Division of Publications, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tower, Nashville, Tennessee 37243-0307, and must be signed by twenty-five (25) persons who will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the text of these proposed rules, contact the Tennessee Department of Transportation, Legal Office, Suite 700, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0332, telephone number (615) 741-2941.

The text of the proposed rules is as follows:

REPEALS

All rules within Chapter 1680-3-44, Manual on Uniform Traffic Control Devices, Part X — Tennessee Supplement, are repealed in their entirety and replaced with the following new rules renumbered under Chapter 1680-3-2:

NEW RULES

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1680-3-2-.01	Purpose	1680-3-2-.10	Policy for Guide Signs on Conventional Highways
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1680-3-2-.08	Table A-1. Criteria for Signing Traffic Generators on Freeways and Expressways	1680-3-2-.17	Policy for General Service Signs (Hospital and Tourist Information Only)
1680-3-2-.09	Table A-2. Traffic Generators That Do Not Warrant Signing on Freeways and Expressways	1680-3-2-.18	Criteria for Hospital and Tourist Information Signing
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1680-3-2-.01 PURPOSE.

The purpose of these rules is to supplement the *Manual on Uniform Traffic Control Devices* (MUTCD), which the Tennessee Department of Transportation (Department) has adopted and incorporated by reference in Chapter 1680-3-1, by establishing additional rules for guide signs on freeways, expressways and conventional highways on the state highway system within the State of Tennessee. Local governmental agencies are encouraged to employ similar standards for guide signs along freeways, expressways and conventional highways under their jurisdiction.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.02 POLICY FOR GUIDE SIGNS ON FREEWAYS AND EXPRESSWAYS.

- (1) This policy establishes standards for guide signs to be installed within the highway right-of-way on state-maintained freeways and expressways in Tennessee and sets forth eligibility criteria for selecting the destinations to be displayed. These standards shall also apply to signs installed as part of state-funded projects.
- (2) Where specific differences occur, the special provisions of this policy shall supersede the provisions of the MUTCD.
- (3) A freeway, such as an interstate highway, is a divided highway with full control of access and grade-separated interchanges. An expressway is a divided highway with partial control of access and generally having grade-separated interchanges.
- (4) In establishing this policy, the Department assumes that motorists will use a variety of aids to reach their destinations, including signs, maps, brochures, verbal instructions, outdoor advertising and landmarks located along the highway.
- (5) The purpose of guide signs is to provide directional and guidance information to motorists concerning major destination points (e.g., crossroads, cities, towns, and special traffic generators). Guide signs also aid motorists in orienting themselves and in judging their progress along their routes.
- (6) It is not practical, however, to display all the destinations motorists may wish to reach. Drivers are expected to make reasonable preparation for locating their exit. They are expected to have information that is readily available on road maps. This means statewide maps in rural areas, and more detailed street maps in metropolitan areas.
- (7) In recognition of the multi-lane, high-volume, high-speed, and interstate traffic characteristic of freeways and expressways, it is essential to provide motorists with clear and concise directional and guidance information. The legend on guide signs should be kept to a minimum and the signs should be adequately spaced in order to avoid driver confusion. Accordingly, only the destinations that best identify an interchange should be signed.
- (8) To be considered for signing, a destination must be on the intersecting road or accessible without circuitous travel or trailblazing over long distances.
- (9) In addition, destinations should be displayed only at the intersecting road that provides the most direct and convenient route to the destination, taking into account such factors as distance, traffic volumes and roadway conditions.
- (10) A minimum spacing of 800 feet should be maintained between signs along the mainline of freeways and expressways.
- (11) A uniform system for sign legend, size and location should be employed. This system is to be compatible with the design standards and safety principles of the MUTCD and this policy.

- (12) The three primary types of guide signs used on freeways and expressways are:
- (a) Major Guide Signs (see Rule 1680-3-2-.03);
 - (b) Supplemental Guide Signs (see Rule 1680-3-2-.04); and
 - (c) Ramp Destination Signs (see Rule 1680-3-2-.05).
- (13) Major guide signs on freeways and expressways provide the names and numbers of crossroads and city destination information.
- (14) Supplemental guide signs on freeways and expressways provide information concerning special traffic generators such as airports, State parks, universities or similar attractions.
- (15) Ramp destination signs are used where needed to indicate the direction the motorist should turn at the end of the off-ramp in order to reach the destinations shown on the major and supplemental guide signs.
- (16) The information displayed on guide signs may vary depending on the classification and location of the interchange.
- (17) A directional interchange is an interchange of two interstate highways, or any other freeway-to-freeway interchange having comparable geometric design features.
- (18) Because a directional interchange is a major decision point, the amount of information that may be displayed on the major guide signs must be more restricted than at a non-directional interchange. Accordingly, supplemental guide signs shall not be installed at directional interchanges.
- (19) Any previously installed signs that are not in substantial conformance with this policy will be removed or have their legend changed when another destination qualifies for the sign space, when normal maintenance is required, or when observed driver behavior indicates that the changeover cost can be justified.

Authority: *T.C.A. § 54-5-108(b).*

1680-3-2-.03 MAJOR GUIDE SIGNS (ADVANCE GUIDE AND EXIT DIRECTION SIGNS) ON FREEWAYS AND EXPRESSWAYS.

- (1) Major guide signs display basic directional and guidance information, such as the crossroad route number, the crossroad name, or the names of incorporated cities or towns located on or adjacent to the crossroad. The major guide sequence on freeways and expressways consists of an advance guide sign, normally located one mile in advance of the interchange, and an exit direction sign, located at or immediately in advance of the off-ramp.
- (2) The information displayed in a major guide sign sequence should be consistent, without additions or deletions. Accordingly, the same messages shall be displayed on the advance guide sign and exit direction sign for each interchange.
- (3) The selection of destinations to be shown on major guide signs should take into account that guide signing is primarily for the benefit and direction of drivers who are not familiar with the route or area, and it should be consistent with available map information on the official state highway map published by the Department.
- (4) At a directional interchange (defined at Rule 1680-3-2-.02(17)), only the route shield with cardinal direction and the name of the next control city (i.e., a city of national or regional significance) for each route may be displayed.

The control cities shown on the Interstate system of highways have been selected in cooperation with neighboring states and the American Association of State Highway and Transportation Officials.

- (5) At a non-directional interchange, not more than three lines of destination information may be displayed. Where city or town names are used, not more than two city or town names may be displayed. Only the destinations that best identify the interchange shall be signed.
- (6) The top line shall display the crossroad route number, the crossroad name, or some other designation of the interchange. If the crossroad is a numbered route, the route shield shall be displayed on this line.
- (7) The other two lines may consist of the crossroad name (if the crossroad is a numbered route) and/or the names of cities and towns located on or adjacent to the crossroad. However, in major metropolitan areas, only the route number and/or the cross street name should be displayed. In such areas the display of a street name and a city or town name on the same sign should be avoided unless the display of the city name is essential for proper motorist guidance.
- (8) The city or town destination shown for each direction of travel should be that which provides the best orientation for motorists. In most cases, this would be the nearest principal city or town (i.e., having a population greater than 1,000) or the county seat. However, factors such as population, geographical location, junctions with State highways serving other areas, and commerce may warrant the selection of a principal city or town that is farther from the freeway or expressway.
- (9) Where a principal city/town or county seat is not available, the first city or town having a population of 350 or greater and located within five miles of the interchange may be shown. Otherwise, only the route shield and/or name of the crossroad shall be shown.
- (10) Where two city or town names are eligible to be displayed, normally only one city or town may be shown for each direction of travel on the crossroad. Two city or town names may be displayed in one direction of travel only in unusual cases where there is no warranted destination in the other direction.
- (11) Only incorporated city or town names and official road names may be displayed on major guide signs. Unincorporated communities are not eligible for signing.
- (12) Population will be determined by reference to the latest edition of the *Tennessee Blue Book*.
- (13) Route number, crossroad name and city or town destination information takes precedence over special traffic generator destination information on the major guide signs. Special traffic generators may, however, be displayed on major guide signs in unusual cases. Where the eligible route number, crossroad name or city/town destination information does not exceed two lines and the special traffic generator meets the criteria of Rule 1680-3-2-.08 and exceeds the prime criterion by at least 100%, the special traffic generator may be shown on the major guide signs in lieu of being displayed on a supplemental guide sign (see Rule 1680-3-2-.04).
- (14) Signs at Figure 2E-23 (Community Interchanges Identification Sign) and Figure 2E-24 (Next Exits Sign) of the MUTCD, will not be used under this signing policy.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.04 SUPPLEMENTAL GUIDE SIGNS ON FREEWAYS AND EXPRESSWAYS.

- (1) Occasionally, the need arises to sign destinations in addition to those shown on the major guide signs (see Rule 1680-3-2-.03) because of the presence of a facility that generates a significant volume of non-repetitive traffic from motorists unfamiliar with the area. Under appropriate circumstances, information regarding such special traffic generators may be displayed on supplemental guide signs. Supplemental guide signs should be considered as auxiliaries to major guide signs in promoting the safe and efficient flow of traffic. Such signs shall be located at a minimum 800-foot spacing between the major guide signs.
- (2) Rule 1680-3-2-.08 identifies traffic generators that may be displayed on supplemental guide signs, and it establishes specific eligibility criteria for such signing. No traffic generator will be considered for a supplemental guide sign unless it meets the eligibility criteria established in Rule 1680-3-2-.08 and other conditions set forth in this Rule. Even if a traffic generator meets these minimum criteria, it may not be signed if, in the judgment of the Department, the sign would not be in the interest of public safety.
- (3) Rule 1680-3-2-.09 lists examples of the types of facilities that are not eligible for supplemental guide signs. This listing is not intended to be all-inclusive, but provides an indication of the types of facilities that do not warrant signing.
- (4) Supplemental guide signs are intended for use only at non-directional interchanges to advise of special traffic generators accessible from such interchanges. Because directional interchanges (defined at Rule 1680-3-2-.02(17)) are major decision points, and since special traffic generators are not accessible from such interchanges, supplemental guide signs for special traffic generators shall not be installed at any directional interchange.
- (5) City or town destinations may be shown on supplemental guide signs at directional or non-directional interchanges in cases where omission of the sign and reliance on the cities shown on the major guide signs would otherwise mislead or disorient the motorist.
- (6) Because supplemental guide signs are auxiliary in nature, such signs should be used sparingly and should not be installed where they would interfere with or detract from regulatory, warning, or major guide signs or where such signs would otherwise adversely affect traffic safety.
- (7) To be eligible for supplemental guide signing, a special traffic generator should be open to the public at least eight hours a day and five days a week during six months each year. Festivals, cultural shows, athletic contests, religious gatherings and other similar short-duration events are not eligible for signing on expressways or freeways. The sign legend for facilities open only a portion of each year should be covered or removed during the off-season period.
- (8) The facility requesting supplemental guide signing may be required to submit such documentation as the Department deems appropriate to demonstrate the facility's eligibility for such signing. Where annual attendance is the prime criterion for eligibility, a copy of the previous year's annual attendance will be required.
- (9) Because it is essential to provide clear and concise directions to motorists, the legend on supplemental guide signs should be kept to a minimum. Where more than one qualifying traffic generator is located within or associated with a single facility, complex or area, only the name of the facility, complex or area may be displayed. In addition, elimination of non-essential descriptive words or the use of abbreviations, partial names or generic names may be required where necessary to retain legibility of the sign message and to avoid undue cost of sign fabrication. Trademarks or logos shall not be displayed.
- (10) Only one supplemental guide sign may be installed at each interchange approach. If used, the supplemental guide sign shall be installed as an independent sign assembly.
- (11) Generally, no more than two destinations may be shown on one supplemental guide sign. If more than two destinations qualify for signing at an interchange, only the two destinations (without respect to direction of travel) that exceed the prime criterion established in Rule 1680-3-2-.08 by the greatest percentage may be shown.

- (12) If, in exceptional cases, the Department determines that more than two destinations may be signed at an interchange, letter sizes will be reduced to the expressway category (as defined in the MUTCD) to allow all destinations to be signed on one supplemental guide sign.
- (13) Not more than one supplemental guide sign shall be provided for any one traffic generator in each direction of travel along any one freeway or expressway.
- (14) To prevent the proliferation of signing due to the large number of routes available to traffic in the urbanized area boundaries of cities having a population of 100,000 or more, an eligible traffic generator shall be signed only along the nearest freeway or expressway, with the signs located in advance of the interchange crossroad that provides the most direct and convenient route to the facility.
- (15) Supplemental guide signs should not be erected for a traffic generator where the motorist would be required to travel on the crossroad past a second freeway or expressway.
- (16) In rural areas, a traffic generator may be considered for signing along a second freeway or expressway if the prime criterion requirement for the distance from the second freeway or expressway has been met and it can be reached without circuitous travel.
- (17) Supplemental signing of areas or districts (e.g., forests, downtowns, historic districts, etc.), which are difficult to define or have no facilities, will not be allowed. Only specific facilities associated with these areas or districts that meet eligibility criteria will be considered for signing.
- (18) When a qualifying facility is located on a crossroad that is not a state highway, or if reaching the facility requires travel over city or county roads after leaving the state highway, the facility will not be signed unless each local government having jurisdiction over such roads provides written confirmation that it will install and maintain suitable trailblazer signs to direct traffic to the facility. Trailblazer signing must be in place before supplemental guide signs will be installed.
- (19) The use of corporate sponsors or non-owner assigned naming rights on supplemental guide signs shall be prohibited.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.05 RAMP DESTINATION SIGNS ON FREEWAYS AND EXPRESSWAYS.

- (1) Ramp destination signs may be installed along freeway or expressway off-ramps, if needed, to indicate the direction a motorist should turn at the end of the off-ramp in order to reach a destination shown on the major guide signs (see Rule 1680-3-2-.03) or a supplemental guide sign (see Rule 1680-3-2-.04).
- (2) The distance to a city, town or special traffic generator shall not be displayed on the ramp destination sign.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.06 NAMED BRIDGE AND HIGHWAY SIGNS ON FREEWAYS AND EXPRESSWAYS.

- (1) Where named highway signs, as described in the MUTCD, are used on freeways or expressways, the signs shall consist of a white legend and border on a green background. The legend shall be in 8-inch upper case and 6-inch lower case Series E(M) letters of the Standard Alphabets for Highway Signs.

- (2) Refer to TN-26 in the *Tennessee Supplement to 1979 Standard Highway Signs* for named bridge sign guidelines.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.07 MISCELLANEOUS GUIDE SIGNS ON FREEWAYS AND EXPRESSWAYS.

Miscellaneous guide signs that indicate river names, county lines and time zone boundaries may be used if they do not interfere with other more important signing. City limits, mountain elevations or other boundaries (e.g., the limits of forests, refuges, jurisdictions, etc.) will not be signed.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-08 TABLE A-1. CRITERIA FOR SIGNING TRAFFIC GENERATORS ON FREEWAYS AND EXPRESSWAYS.

<i>Type of Traffic Generator</i>	<i>Specific Eligibility Criteria</i>	<i>Urban Area¹</i>	<i>Rural Area¹</i>
Airports (Interstate)	<p>Minimum Number of Commercial Passengers Daily (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>5,000/day</p> <p>5 miles</p>	<p>3,000/day</p> <p>5 miles</p>
Airports (Other)	<p>Publicly Owned With a Minimum 3,000-Foot Paved Runway (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>5 miles</p>	<p>5 miles</p>
Universities, Colleges, Junior Colleges, State Community Colleges and State Vocational/Technical Schools ²	<p>Minimum Total Enrollment - Full & Part-time Students (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>4,000</p> <p>5 miles³</p>	<p>2,500</p> <p>5 miles³</p>
Military Bases	<p>Minimum Number of Employees & Military Personnel (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>5,000</p> <p>7 miles³</p>	<p>5,000</p> <p>7 miles³</p>
<p>Arenas/Stadiums</p> <p>Auditoriums</p> <p>Conventions Halls</p> <p>State & National Parks</p> <p>State & National Historic Sites⁴</p> <p>Dams</p> <p>Major Recreation Areas: Fairgrounds, Zoos, Amusement Parks, Museums, etc.</p>	<p>Minimum Annual Attendance (Prime Criterion)</p> <p>Minimum Number of Seats (If Applicable)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>300,000</p> <p>5,000</p> <p>5 miles⁵</p>	<p>200,000</p> <p>4,000</p> <p>5 miles⁵</p>
State Wildlife Management Areas, Wildlife Refuges & State Lakes ⁶	<p>Open Year-Round</p> <p>Minimum Annual Attendance</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>6,000</p> <p>10 miles</p>	<p>6,000</p> <p>10 miles</p>

TABLE A-1 FOOTNOTES

- ¹ Urban Area: Population of 100,000 or greater in most recent federal decennial census.
Rural Area: Population of less than 100,000 in most recent federal decennial census.
- ² Pursuant to T.C.A. § 54-5-708, institutions of higher learning (degree granting institutions certified to operate in Tennessee by the Higher Education Commission) may be eligible for signing on an Interstate Highway at the nearest interchange if the institution is located within 10 miles (by road) of the interchange. A minimum enrollment of 1,000 full-time students will be required to be eligible.
- ³ The maximum distance from the interchange (by road) may be increased by one mile for each 10% over the minimum number of students or employees required.
- ⁴ Pursuant to T.C.A. § 54-5-704 *et seq.*, State-owned historic sites will be eligible for signing on an Interstate Highway at the exit providing the closest and most direct access to the site, provided that the site is within 10 miles of the Interstate Highway and is open to the public on a year-round basis.
- ⁵ The maximum distance from the interchange (by road) may be increased by one mile for each additional 20,000 persons attending annually over the minimum annual attendance required.
- ⁶ Pursuant to T.C.A. § 54-5-709(b), the Tennessee Wildlife Resources Agency shall reimburse the Department of Transportation for the cost of installing such supplemental guide signs.

Authority: T.C.A. §§ 54-5-108(b) and 54-5-704 - 54-5-709.

1680-3-2-.09 TABLE A-2. TRAFFIC GENERATORS THAT DO NOT WARRANT SIGNING ON FREEWAYS AND EXPRESSWAYS.

Businesses

Campgrounds
Industrial Parks & Plants
Motels, Hotels or Inns
Restaurants
Service Stations
Shopping Centers
Utilities
Theaters
TV or Radio Stations
Funeral Homes

Cemeteries

Local or State
Military
Private or Public

Communities

Subdivisions
Suburban Communities
Unincorporated Communities
Trailer Parks

Educational

Grade or High Schools
Libraries
Private Vocational or Trade Schools
Research or Experimental Facilities
Seminaries
Adult Education Centers

Governmental

Civic Centers
County or City Facilities
Driver's License Centers
Civil Defense Facilities
Police Facilities
Motor Pools
Jails or Prisons
Post Offices
Research or Experimental Facilities
Local Parks
Vehicle Testing Centers
Waste Management Centers

Medical

Hospitals¹
 Research Facilities
 Mental Facilities or Sanitariums
 Infirmaries or Treatment Centers
 Fraternal or Veterans Facilities
 Nursing Homes
 Drug Rehabilitation Facilities
 Retirement Facilities
 Humane Facilities
 Veterinary or Animal Control Facilities

Military

Sites or Detachments
 Armories
 Arsenals
 Recruitment Centers

Recreational/Conservation

Tourist Information Centers¹
 Country Clubs or Golf Courses
 Fish Hatcheries or Game Farms
 Preserves or Refuges²
 Tree Nurseries or Arboretums
 Camps: Civic, 4-H, Scout, Youth, YMCA/YWCA,
 Church
 Equestrian Centers
 Swimming or Wave Pools
 Sports or Game Complexes
 Forests or Ranger Stations
 Points of Interest

Religious

Churches

¹ These facilities may be included on General Service Signs. See Rule 1680-3-2-.17.

² State wildlife management areas, wildlife refuges and state lakes established and operated by the Tennessee Wildlife Resources Agency pursuant to Title 70 of the Tennessee Code may be signed as provided in T.C.A. § 54-5-709 and Rule 1680-3-2-.16.

Authority: T.C.A. §§ 54-5-108(b) and 54-5-709

1680-3-2-.10 POLICY FOR GUIDE SIGNS ON CONVENTIONAL HIGHWAYS.

- (1) This policy establishes standards for guide signs to be installed within the rights-of-way of conventional highways on the State highway system and sets forth eligibility criteria for selecting the destinations to be displayed. These standards shall also apply to signs installed as part of state-funded projects.
- (2) Where specific differences occur, the special provisions of this policy shall supersede the provisions of the MUTCD.
- (3) A conventional highway is a highway characterized by at-grade intersections and a lack of control of access.
- (4) In establishing this policy, the Department assumes that motorists will use a variety of aids to reach their destinations, including signs, maps, brochures, verbal instructions, outdoor advertising and landmarks located along the highway.
- (5) The purpose of guide signs is to provide directional and guidance information to motorists concerning major destination points (e.g., crossroads, cities, towns, and special traffic generators). Guide signs also aid motorists in orienting themselves and in judging their progress along their routes.
- (6) It is not practical, however, to display all the destinations motorists may wish to reach. Drivers are expected to make reasonable preparation for locating their destination. They are expected to have information that is readily

available on road maps. This means statewide maps in rural areas, and more detailed street maps in metropolitan areas.

- (7) The information displayed on guide signs should be clear and concise, the legend should be kept to a minimum, and the signs should be adequately spaced to avoid driver confusion. Accordingly, only those destinations that best identify an intersection may be signed.
- (8) To be considered for signing, a destination must be on the intersecting road or accessible without circuitous travel or trailblazing over long distances.
- (9) In addition, destinations should be displayed only at the intersecting road that provides the most direct and convenient route to the destination, taking into account such factors as distance, traffic volumes and roadway conditions.
- (10) A uniform system for sign legend, size and location should be employed. This system is to be compatible with the design standards and safety principles of the MUTCD and this policy.
- (11) The three primary types of guide signs used on conventional highways are:
 - (a) Major Guide Signs (see Rule 1680-3-2-.11);
 - (b) Supplemental Guide Signs (see Rule 1680-3-2-.12); and
 - (c) Street Name Signs (see Rule 1680-3-2-.13).
- (12) Major guide signs on conventional highways provide route numbers, the names of cities, towns or communities, and distance information.
- (13) Supplemental guide signs on conventional highways provide information concerning special traffic generators such as airports, State parks, universities or similar attractions.
- (14) Street name signs provide the names of roads crossing the state highway.
- (15) The installation and maintenance of street name signs is the responsibility of the local governmental agency having jurisdiction over the crossroad.
- (16) The information that may be displayed on guide signs must vary depending on the classification and location of the intersection.
- (17) Where sign space is limited, route number information takes priority over city destination information, and city destination information takes priority over special traffic generator information.
- (18) Any previously installed signs that are not in substantial conformance with this policy will be removed or have their legend changed when another destination qualifies for the same sign space, when normal maintenance is required, or when observed driver behavior indicates the changeover cost can be justified.

Authority: *T.C.A. § 54-5-108(b).*

1680-3-2-.11 MAJOR GUIDE SIGNS ON CONVENTIONAL HIGHWAYS.

- (1) The purpose of major guide signs is to display basic directional and guidance information regarding the through and crossroad route numbers and the names and distances to cities, towns, or communities located on the routes. Major guide signs on conventional highways include route marker assemblies, destination signs, and distance signs.

- (a) Route Marker Assemblies.

1. Route marker assemblies identify the route number and indicate the general direction of the highway.
2. In the case of overlapping routes (where two or more numbered routes follow the same section of highway), the route markers for Interstate, U.S. and State routes shall be mounted in that order from the left in horizontal arrangements and from the top in vertical arrangements. Subject to this order of precedence, route markers for lower-numbered routes within each category of highway shall be placed at the left or top.
3. Within groups of route marker assemblies, information for routes intersecting from the left shall be mounted at the left in horizontal arrangements and at the center of vertical arrangements. Similarly, information for routes intersecting from the right shall be at the right or bottom. Information for through routes shall be at the center or top.
4. It is important to maintain continuity of the route marker signing for a numbered route. In some cases, however, groups of route marker assemblies that include overlapping routes and multiple turns may be confusing. Where engineering judgment indicates that this possibility exists, omission of route markers for less important routes may be required to provide clear and concise directions to motorists. Therefore, where a U.S. route and a State route overlap for more than a short distance, normally only the U.S. route markers will be displayed. In addition, where two State routes overlap for more than a short distance, it may be appropriate to display the route markers for only the principal State route.

- (b) Destination Signs.

1. Destination signs provide information concerning cities, towns, and unincorporated communities located on the intersecting roadways. Such signs are generally warranted in the following situations:
 - (i) At the intersection of U.S. or State-numbered routes with Interstate, U.S. or State-numbered routes; and
 - (ii) At points where such signs serve to direct traffic from U.S. or State-numbered routes to the business sections of cities, towns, or unincorporated communities reached by unnumbered routes.
2. Only one destination sign may be installed on each approach to the interchange or intersection.
3. The number of destinations displayed must be kept to a minimum to provide clear and concise directions and avoid driver confusion. Therefore, not more than four destinations shall be displayed on any destination sign.
4. The most important function of destination signing is to advise motorists of points where they must turn in order to reach destinations located on the crossroad. Therefore, in most cases, the destination lying straight ahead on the through highway will not be signed.
5. Generally, not more than one destination will be displayed for each direction of travel.

6. Two destinations may be displayed in one direction of travel on the crossroad if no eligible destination exists in the other direction.
7. In the case of overlapping numbered routes that separate prior to the first eligible destination on either route, the eligible destination for each of the overlapping routes may be displayed for that direction of travel, provided that the total number of destinations on the destination signing will not exceed four. Otherwise, only the destination in which the greater amount of the traffic is interested will be displayed.
8. In selecting the destinations to be shown on the destination sign, it must be recognized that guide signing is primarily for the benefit and direction of drivers who are not familiar with the route or area and that consistency with the available map information is important.
9. The destination shown for a direction of travel must be that which provides the best orientation for motorists. In most cases, this would be the nearest principal city or town (i.e., having a population greater than 1,000) or county seat. However, factors such as population, geographical location, junctions with State highways serving other areas, and commerce may warrant the selection of a principal city or town which is farther away.
10. Where a principal city/town or county seat is not available, the largest city or town on the route may be shown.
11. Where no incorporated city or town is available, the first unincorporated community on the route may be shown.
12. Population will be determined by reference to the latest edition of the *Tennessee Blue Book*.
13. Destinations shall be displayed in the following sequence from the top to the bottom of the sign: (i) destinations located straight ahead, (ii) destinations located to the left, and (iii) destinations located to the right.
14. If there is more than one destination shown in any direction, the name of the nearest city or town shall appear above that of the more distant destination.
15. The destination sign is of lesser importance than route marker assemblies. Therefore, where sign spacing is critical, the destination sign may be eliminated.

(c) Distance Signs.

1. Distance signs display the names of cities, towns and unincorporated communities located on the route and the distance (to the nearest mile) to those places. Such signs are generally warranted on important routes leaving incorporated municipalities and just beyond intersections with numbered routes in rural areas.
2. Not more than three destinations may be displayed on a distance sign.
3. The distance sign shall display as its primary destination the name of and distance to the city, town or unincorporated community that would be selected under the criteria and order of priority for destination signing set forth above. The name of and distance to the next control city (population of 50,000 or greater), if any, for the route should be displayed below the primary destination. In the case of overlapping numbered routes that continue concurrently to the primary destination, the control city to be displayed should be that of the control city in which the greater part of the through traffic is interested. If no city, town or unincorporated community meets these criteria, then distance signing shall not be installed.

4. The name of and distance to an additional city, town or unincorporated community on the route may be displayed if, in the absence of the primary destination, it would have been the next city, town or unincorporated community selected under the criteria and order of priority for destination signing set forth above.
5. Where alternate routes lie between the distance sign and the destinations displayed, the mileage shown on the sign should be that along the best route.
6. If there is more than one destination shown on the distance sign, the name of the nearest destination shall appear above that of the more distant destinations.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.12 SUPPLEMENTAL GUIDE SIGNS ON CONVENTIONAL HIGHWAYS.

- (1) Occasionally, the need arises for signing of destinations in addition to those shown on the major guide signs (see Rule 1680-3-2-.11) because of the presence of a facility that generates a significant volume of non-repetitive traffic from motorists unfamiliar with the area. Under appropriate circumstances, information regarding such special traffic generators may be displayed on supplemental guide signs. Supplemental guide signs should be considered as auxiliaries to major guide signs in promoting the safe and efficient flow of traffic.
- (2) Rule 1680-3-2-.15 identifies traffic generators that may be displayed on supplemental guide signs, and it establishes specific eligibility criteria for such signing. No traffic generator will be considered for a supplemental guide sign unless it meets the eligibility criteria established in Rule 1680-3-2-.15 and other conditions set forth in this Rule. Even if a traffic generator meets these minimum criteria, it may not be signed if, in the judgment of the Department, the sign would not be in the interest of public safety.
- (3) Rule 1680-3-2-.16 lists examples of the types of facilities that are not eligible for supplemental guide signs. This listing is not intended to be all-inclusive, but provides an indication of the types of facilities that do not warrant signing.
- (4) Because supplemental guide signs are auxiliary in nature, such signs should be used sparingly and should not be installed where they would interfere with or detract from regulatory, warning, or major guide signs or where such signs would otherwise adversely affect traffic safety.
- (5) To be eligible for signing, a special traffic generator should be open to the public at least eight hours a day and five days a week during six months each year. Festivals, cultural shows, athletic contests, religious gatherings and other similar short duration events are not eligible for signing. The sign legend for facilities open only a portion of each year should be covered or removed during the off-season period.
- (6) The facility requesting supplemental guide signing may be required to submit such documentation as the Department deems appropriate to demonstrate the facility's eligibility for such signing. Where annual attendance is the prime criterion for eligibility, a copy of the previous year's annual attendance will be required.
- (7) Because it is essential to provide clear and concise directions to motorists, the legend on supplemental guide signs should be kept to a minimum. Where more than one qualifying traffic generator is located within or associated with a single facility, complex or area, only the name of the facility, complex or area may be displayed. In addition, elimination of non-essential descriptive words or the use of abbreviations, partial names or generic names may be required where necessary to retain legibility of the sign message and to avoid undue cost of sign fabrication. Trademarks or logos shall not be displayed.

- (8) If used, the supplemental guide sign shall be installed as an independent sign assembly.
- (9) No more than two destinations may be shown on one supplemental guide sign. If more than two destinations qualify for signing at an intersection, only the two destinations (without respect to direction of travel) that exceed the prime criterion established in Rule 1680-3-2-.15 by the greatest percentage may be shown.
- (10) One supplemental guide sign may be installed on each approach to an intersection. A second supplemental guide sign may be installed in exceptional cases where it is required in order to maintain continuity of trailblazer signing. However, in such cases, the total number of traffic generators displayed on the supplemental guide signing shall not exceed four.
- (11) Supplemental guide signs are intended to be installed at points where motorists would be required to turn in order reach the destination. Signing of destinations is not warranted (and will be removed if existing and another eligible traffic generator qualifies for the same sign space) where the motorist would continue straight ahead in the same direction of travel along the numbered route that the motorist is following.
- (12) If a traffic generator is located adjacent to a State highway, it is presumed that the facility's on-premise signing will provide adequate guidance information to motorists. Therefore, traffic generators that abut a State highway are normally not eligible for supplemental guide signing along the State highway. Supplemental guide signs may be erected at the entrances to such traffic generators only when engineering judgment indicates that such signing is essential for proper motorist guidance and traffic safety.
- (13) It is not the intent of this Rule to provide trailblazer signing for a facility over a long distance. In most cases, such signs will be installed only at the nearest State route intersection in each direction of travel from the facility. (Where the traffic generator abuts a State highway, this means the nearest intersection with another State highway for each direction of travel along the State highway. If the traffic generator is not located adjacent to a State highway, this means the nearest intersection with a State highway for each direction of travel on the local road.) By thus locating the signs, motorists will be given guidance as to where to turn from the nearest State highways onto the local road or State highway on which the traffic generator is located.
- (14) When a destination is not located adjacent to a State highway, the Department will not install supplemental guide signs on the State highway until others having jurisdiction over the non-state highways have erected all other necessary guide signs of appropriate design and size.
- (15) Since special traffic generators will not be trailblazed over long distances and since it is necessary to keep the sign message to a minimum to avoid driver confusion and undue cost of sign fabrication, information concerning the distance to special traffic generators shall not be displayed on supplemental guide signs.
- (16) The use of corporate sponsors or non-owner assigned naming rights on supplemental guide signs shall be prohibited.

Authority: *T.C.A. § 54-5-108(b).*

1680-3-2-.13 STREET NAME SIGNS ON CONVENTIONAL HIGHWAYS.

- (1) Local governmental agencies are encouraged to erect street name signs in urban areas at all street intersections regardless of other route marking that may be present and in rural areas to identify important roads not otherwise marked.

- (2) It is recommended that a street name sign be installed on the near right-hand side of the State highway approaches. The street name sign should be installed as a separate sign assembly. However, where speeds are low and visibility of the sign can be maintained, the street name sign may be installed on the far right-hand side of the State highway approaches and located above the crossroad stop sign.
- (3) At signalized intersections, the street name signs may be located overhead on the signal head span wire in lieu of ground mounted signing.
- (4) The street name sign panel should be of adequate size to assure legibility of the sign message. The lettering must conform to the MUTCD.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.14 NAMED BRIDGE AND HIGHWAY SIGNS ON CONVENTIONAL HIGHWAYS.

Refer to TN-26 in the Tennessee Supplement to 1979 Standard Highway Signs for guidelines.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.15 TABLE B-1. CRITERIA FOR SIGNING TRAFFIC GENERATORS ON CONVENTIONAL HIGHWAYS.

<i>Type of Traffic Generator</i>	<i>Specific Eligibility Criteria</i>	<i>Urban Area¹</i>	<i>Rural Area¹</i>
Airports	Publicly Owned With a Minimum 3,000-Foot Paved Runway (Prime Criterion) Maximum Distance from Intersection (By Road)	5 miles	5 miles
Universities, Colleges, Junior Colleges, State Community Colleges and State Vocational/Technical Schools ²	Maximum Distance from Intersection (By Road)	4 miles	10 miles
Military Bases	Minimum Number of Employees & Military Personnel (Prime Criterion) Maximum Distance from Intersection (By Road)	3,000 4 miles	1,000 5 miles
Arenas/Stadiums Auditoriums Conventions Halls Dams/Lakes/Launching Ramps ³ State & National Parks ³ State & National Historic Sites ³ Recreation Areas: Fairgrounds, Zoos, Amusement Parks, Museums, etc.	Minimum Annual Attendance (Prime Criterion) Minimum Number of Seats (If Applicable) Minimum Number of Parking Spaces Maximum Distance from Intersection (By Road)	100,000 plus 10,000/mile of distance from intersection to facility 4,000 400 10 miles	100,000 plus 10,000/mile of distance from intersection to facility ⁴ 2,500 250 10 miles
State Police Station	Maximum Distance from Intersection (By Road)	1 mile	2 miles
State Department of Transportation Facility	Maximum Distance from Intersection (By Road)	1 mile	2 miles
State Wildlife Management Areas, Wildlife Refuges & State Lakes ⁵	Open Year-Round Minimum Annual Attendance Maximum Distance from Interchange (By Road)	6,000 10 miles	6,000 10 miles

TABLE B-1 FOOTNOTES

- ¹ Urban Area: Population of 5,000 or greater in most recent federal decennial census.
Rural Area: Population of less than 5,000 in most recent federal decennial census.
- ² The facility must be a degree-granting institution certified to operate in Tennessee by the Higher Education Commission.
- ³ These types of facilities may be signed at the nearest point of access onto a State highway without regard to annual attendance if the facility is:
 - (a) Located within 10 miles of the intersection;
 - (b) Open to the general public; and
 - (c) Owned and operated by a governmental agency or non-profit organization; and if
 - (d) Engineering judgment indicates that the signing is essential for proper motorist guidance.
- ⁴ In rural areas, where traffic generators are not commonly found and there is also greater need for guide signs, attendance requirements may be reduced by 50% if approved by the Department.
- ⁵ Pursuant to T.C.A. § 54-5-709(b), the Tennessee Wildlife Resources Agency shall reimburse the Department of Transportation for the cost of installing such supplemental guide signs.

Authority: T.C.A. §§ 54-5-108(b) and 54-5-704 - 54-5-709.

1680-3-2-.16 TABLE B-2. TRAFFIC GENERATORS THAT DO NOT WARRANT SIGNING ON CONVENTIONAL HIGHWAYS.

Businesses

Campgrounds
Industrial Parks & Plants
Motels, Hotels or Inns
Restaurants
Service Stations
Shopping Centers
Utilities
Theaters
TV or Radio Stations
Funeral Homes

Cemeteries

Local or State
Military
Private or Public

Communities

Subdivisions
Suburban Communities
Unincorporated Communities
Trailer Parks

Educational

Grade or High Schools
Libraries
Private Vocational or Trade Schools
Research or Experimental Facilities
Seminaries
Adult Education Centers

Governmental

Civic Centers
County or City Facilities
Driver's License Centers
Civil Defense Facilities
Police Facilities
Motor Pools
Jails or Prisons
Post Offices
Research or Experimental Facilities
Local Parks
Vehicle Testing Centers
Waste Management Centers

Medical

Hospitals¹
 Research Facilities
 Mental Facilities or Sanitariums
 Infirmaries or Treatment Centers
 Fraternal or Veterans Facilities
 Nursing Homes
 Drug Rehabilitation Facilities
 Retirement Facilities
 Humane Facilities
 Veterinary or Animal Control Facilities

Military

Sites or Detachments
 Armories
 Arsenals
 Recruitment Centers

Recreational/Conservation

Tourist Information Centers¹
 Country Clubs or Golf Courses
 Fish Hatcheries or Game Farms
 Preserves or Refuges²
 Tree Nurseries or Arboretums
 Camps: Civic, 4-H, Scout, Youth, YMCA/YWCA,
 Church
 Equestrian Centers
 Swimming or Wave Pools
 Sports or Game Complexes
 Forests or Ranger Stations
 Points of Interest

Religious

Churches

¹ These facilities may be included on General Service Signs. See Rule 1680-3-2-.17.

² State wildlife management areas, wildlife refuges and state lakes established and operated by the Tennessee Wildlife Resources Agency pursuant to Title 70 of the Tennessee Code may be signed as provided in T.C.A. § 54-5-709 and Rule 1680-3-2-.08.

1680-3-2-.17 POLICY FOR GENERAL SERVICE SIGNS (HOSPITAL AND TOURIST INFORMATION ONLY).

- (1) This policy establishes standards for general service signs on State highways in Tennessee, which shall be restricted to hospital and tourist information signs only. This policy also sets forth eligibility criteria for signing these facilities. Where specific differences occur, the special provisions of this policy supersede the provisions of the MUTCD.
- (2) It is not practical to display signing for all hospital and tourist information facilities that may be accessible from the State highway system. Only those facilities that are essential and adequately meet motorists' needs may be displayed.
- (3) The purpose of hospital and tourist information signing is to inform unfamiliar motorists of the availability of medical facilities and tourist information centers where these services would not reasonably be expected to be available.
- (4) A freeway, such as an interstate highway, is a divided highway with full control of access and grade-separated interchanges. An expressway is a divided highway with partial control of access and generally having grade-separated interchanges. A conventional highway is a highway characterized by at-grade intersections and which lacks control of access.

- (5) The information provided by hospital and tourist information signs is auxiliary in nature. Therefore, such signs should not be installed where they would interfere with or detract from the more essential regulatory, warning or major guide signs or where such signs would otherwise adversely affect traffic safety. These signs should be erected only if the installation would be in conformance with the design standards and safety principles of the MUTCD and this policy.
- (6) Not more than one sign assembly, with not more than two messages being displayed, shall be installed for hospitals or tourist information centers on any approach to an interchange or intersection.
- (7) The symbol legend identified in the MUTCD will be used for signing hospitals. A word legend will be used to sign a tourist information center.
- (8) Hospital and tourist information signing is not eligible to be installed at directional interchanges (interchanges of two interstate highways, or other freeway-to-freeway interchanges having comparable geometric design features).
- (9) On the mainline of freeways and expressways, hospital and tourist information signs should be located at a minimum spacing of 800 feet from the guide signs. Where a hospital or tourist information center is available in only one direction and is not identifiable from some point either on the mainline or off-ramp, signs may be installed on the off-ramp if needed to indicate the direction a motorist is required to turn to reach that service.
- (10) On conventional highways, hospital and tourist information signs should be located at or immediately in advance of the crossroad.
- (11) In view of the local character of hospitals and tourist information centers, the local governmental agency associated with the hospital or tourist information center shall be responsible for the installation and maintenance of all signs on conventional highways for those facilities eligible under this policy. The Department will not install signs on State freeways and expressways until the local government having jurisdiction over the conventional highways leading to the eligible facilities has erected all necessary signs.
- (12) Signing for hospitals or tourist information centers that fails to continue to qualify under this policy shall be removed.

Authority: *T.C.A. § 54-5-108(b).*

1680-3-2-.18 CRITERIA FOR HOSPITAL AND TOURIST INFORMATION SIGNING

- (1) Hospital and tourist information signs may be installed on State-maintained freeways and expressways at interchanges located outside the urbanized area boundaries of cities having a population of 100,000 or more under the following conditions:
 - (a) The facility meets the eligibility criteria established in Rule 1680-3-2-.19.
 - (b) The tourist information facility is located on or is readily identifiable from the crossroad intersecting the freeway or expressway.
 - (c) The hospital facility is the closest qualifying medical facility in point of time under average daytime traffic conditions and may be reached without circuitous travel.
 - (d) Not more than one sign shall be installed for each facility in each direction of travel on the freeway or expressway.
 - (e) Motorists can readily return to the freeway or expressway and continue in their original direction of travel.

- (2) Tourist information signs may be installed on State-maintained freeways and expressways at interchanges located within the urbanized area boundaries of cities having a population of 100,000 or more under the following conditions:
- (a) The facility meets the eligibility criteria established in Rule 1680-3-2-.19.
 - (b) The facility is located on or is readily identifiable from the crossroad intersecting the freeway or expressway.
 - (c) Not more than one sign shall be installed for the facility in each direction of travel on the freeway or expressway.
 - (d) Motorists can readily return to the freeway or expressway and continue in their original direction of travel.
- (3) Hospital and tourist information signs may be installed on a conventional State highway under the following conditions:
- (a) The facility meets the eligibility criteria established in Rule 1680-3-2-.19.
 - (b) The tourist information center is located within one mile of the intersection where signing is proposed to be installed, and the facility may be reached without circuitous travel. Not more than one tourist information center may be signed at an interchange.
 - (c) The hospital facility is located within three miles of the intersection where signing is proposed to be installed, and the facility may be reached without circuitous travel. Only the closest qualifying medical facility in point of time under average daytime traffic conditions may be signed.
 - (d) A facility should be signed only at the nearest State route intersection for each direction of travel from the facility. (Where the generator abuts a State highway, this means the nearest intersection with another State highway for each direction of travel along the State highway. Where the generator is not located adjacent to a State highway, this means the nearest intersection with a State highway for each direction of travel on the local road.) Signs may be installed at additional locations where engineering judgment indicates such additional signing is essential for proper motorist guidance.

Authority: T.C.A. § 54-5-108(b).

1680-3-2-.19 CRITERIA FOR FACILITY ELIGIBILITY FOR HOSPITAL AND TOURIST INFORMATION SIGNING

To qualify for hospital or tourist information signing, a facility must meet the following specific criteria:

(1) Hospital

The facility must maintain continuous emergency care capability, with a physician on duty, twenty-four hours per day, seven days per week, as certified to the Department by the hospital facility's chief administrative officer.

(2) Tourist Information

- (a) The tourist information center must be located within one mile of the interchange or intersection where the signing is to be installed.

- (b) The facility must be within an area reserved exclusively for the distribution of tourist information and completely separated from any other activity. It must be adequate to house attendants and visitors, and it must have adequate free parking available for its visitors. It must be clean and well constructed. The facility may not be operated with a purpose to promote or enhance any on-premise or adjacent business activity.
- (c) The distribution of tourist information must be the sole activity conducted at the facility.
- (d) The facility must be operated at least eight hours per day, seven days per week.
- (e) The facility may be either publicly or privately operated.
- (f) The facility must display information of statewide as well as regional interest, and the information must be dispensed at no cost to the motorist.
- (g) All privately owned tourist information centers and their associated parking areas must be located off of State highway right-of-way.
- (h) Clean, modern restroom facilities and drinking water must be available to visitors at all times the facility is open to the public.
- (i) Telephone service must be available for public use.

Authority: *T.C.A. § 54-5-108(b).*

The proposed rules set out herein were properly filed in the Department of State on the 12th day of April, 2002, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2002. (04-13)

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PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT

- 0780 - Department of Commerce and Insurance, Division of TennCare and Division of Insurance, public necessity rules dealing with uniform TennCare claims process, standardized instructions for completing the form and standardized responses to questions and other information required on the form, for providers and managed care organizations participating in the TennCare program to use in the submission of claims by providers seeking payment, Chapter 0780-1-73 Uniform Claims Process for TennCare Participating Managed Care Organizations, 1 T.A.R. (January 2002) - Filed January 31, 2002; effective through June 14, 2002. (12-27)

- 1680 - Department of Transportation - Public Transportation, Waterways, and Rail Division - Public Necessity Rules relating to review and approval of Construction of public and/or private highway-railroad grade crossings, 2 T.A.R. (February 15, 2002) - Filed January 16, 2002. Effective March 1, 2002 through August 13, 2002. (01-32) The Department of Transportation rules in the Public Necessity section of the February 15, 2002 Tennessee Administrative Register are Public Necessity rules effective March 1, 2002 for 165 days through August 13, 2002. The Secretary of State regrets the error. The Chapter of the rules is 1680-12-1, Railroad Grade Crossing Standards.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400 **DIVISION OF RADIOLOGICAL HEALTH**

STATEMENT OF NECESSITY REQUIRING PUBLIC NECESSITY RULES

The State of Tennessee, Department of Environment and Conservation, Division of Radiological Health, is an Agreement State program statutorily authorized for the regulation of radioactive materials under the terms of an agreement between Tennessee and the U.S. Nuclear Regulatory Commission (NRC). Under the agreement, the NRC requires Tennessee to amend its rules and regulations so that Tennessee's program remains adequate and compatible with the NRC. Failure to maintain an adequate and compatible status may result in termination or suspension by the NRC of the Agreement State program authorization. During its last review of the Tennessee program in August 2000, NRC identified changes that Tennessee needed in its regulations. The Management Review Board of the NRC met in November 2000, found the program to be adequate but not compatible, and placed the program under heightened oversight. The NRC required bi-monthly telephone reports and also conducted an on-site follow-up review in October 2001.

The Division developed these amendments to address the changes that are required for a finding of adequate and compatible. It put the amendments out for comments, conducted a public hearing on April 23, 2001, and twice submitted the amendments to the NRC for its review. The Division filed the amendments as a rulemaking hearing rule in the Secretary of State's Office on November 21, 2001, and notified the NRC of this. At its meeting in January 2002, the Management Review Board gave the Tennessee program a provisional status of adequate and compatible, based on the Division's statement that the amendments were in their 75 day waiting period and would be effective February 4, 2002.

The process of reviewing the amendments for inclusion in the Secretary of State's official compilation necessitated the amendments' being returned by the Secretary of State's Office to the Division and then by the Division to the Secretary of State's Office. During these transfers, the amendment was lost. This loss was not realized until April 3, 2002.

Tennessee's rules and regulations, and, hence, its regulatory program, would not have been found by NRC to be compatible, and probably not adequate, absent the effectiveness of these amendments. To avoid possible withdrawal of the Agreement State program authorization, the Division of Radiological Health is adopting these amendments as a public necessity rulemaking, as provided for in T.C.A. 4-5-209(a)(3), concurrently with refileing as a rulemaking hearing rulemaking. T.C.A. 4-5-209(a)(3) provides that a state agency may adopt a public necessity rule, "if the agency finds and files a written statement of reasons with the rule specifying that ... [i]t is required by an agency of the federal government and adoption of the rule through ordinary rulemaking procedures described in this chapter might jeopardize the loss of a federal program or funds".

Milton H. Hamilton, Jr., Commissioner
Department of Environment and Conservation

**PUBLIC NECESSITY RULES
OF
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF RADIOLOGICAL HEALTH
CHAPTERS 1200-2-4, 5, 7, 8, 10, AND 12**

SUMMARY OF PROPOSED RULES

The purpose of this rulemaking is to bring the regulations of the Department of Environment & Conservation, Division of Radiological Health, into compliance with various changes that the U.S. Nuclear Regulatory Commission (NRC) has made to Title 10 of the Code of Federal Regulations (10 CFR). Tennessee's status as an Agreement State requires this compatibility. The rulemaking affects Chapters 1200-2-4, 1200-2-5, 1200-2-7, 1200-2-8, 1200-2-10, and 1200-2-12. Its various additions and modifications will incorporate:

- new definitions and changes in low-level waste shipment manifest requirements,
- new definitions and additions to transportation of radioactive material requirements, bringing them into compatibility with those of the NRC and of the International Atomic Energy Agency (IAEA),
- resolution of dual regulation of airborne radioactive material effluents, currently subject to regulation by both the Division of Radiological Health and the Division of Air Pollution Control under the Clean Air Act,
- clarification of the reciprocal recognition of licenses issued by the Division in areas under exclusive Federal jurisdiction,

- criteria for the release of individuals administered radioactive material as radiopharmaceuticals or permanent implants,
- changes to industrial radiography requirements, including certification of radiographers, use of two-man teams, and equipment performance requirements,
- radiological criteria for termination of radioactive material licenses,
- provision for the receipt, possession, use, transfer, ownership or acquisition of a radioactive drug that contains one microcurie (1 mCi) of carbon-14 urea. The drug is used for a diagnostic test to detect the presence of the bacterium *Helicobacter pylori* (*H. pylori*), a cause of peptic ulcers in humans,
- a rule relating to intentional misconduct by persons subject to regulations of the Division,
- revised definitions of 'occupational dose,' 'member of the public,' 'public dose,' 'misadministration,'
- changes to 1200-2-10-.13, Special Requirements for Issuance of Specific Licenses, affecting the manufacture, preparation or transfer for commercial distribution of radiopharmaceuticals containing radioactive material for medical use under group licenses.

For a copy of the entire text of this public necessity rule, contact: Barbara A. Davis; Division of Radiological Health, L & C Annex, Third Floor; 401 Church Street; Nashville, TN 37243-1532, 615-532-0364.

The public necessity rules set out herein were properly filed in the Department of State on the 18th day of April, 2002, and will be effective from the date of filing for a period of 165 days. These public necessity rules will remain in effect through the 30th day of September, 2002. (04-18)

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RULEMAKING HEARINGS

BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES - 1370

There will be a hearing before the Tennessee Board of Communications Disorders and Sciences to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-17-105. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Johnson Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 26th day of June, 2002.

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, 1st Fl., Cordell Hull Building, 425 5th Ave. 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 1370-1-.07, Application Review, Approval, and Denial, is amended by deleting paragraph (2) and (3) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (2) and (3) shall read:

- (2) Completed licensure applications received in the Board's Administrative Office shall be submitted to a member of the Board or a Board designee for review. If the completed application was received before the thirtieth (30th) day of the month preceding the next Board meeting, an initial determination shall be made prior to the next Board meeting.
- (3) Licensure issuance decisions pursuant to this rule may be preliminarily made upon review by any Board member or a Board designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-142, 63-17-105, 63-17-112, and 63-17-113.

Rule 1370-1-.10, Clinical Fellowships and Supervision, is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) Period of effectiveness
 - (a) Clinical fellowships are effective for a period of no less than nine (9) months and no more than one (1) year.

- (b) Notwithstanding the provisions of subparagraph (a), the clinical fellowship's period of effectiveness for applicants for licensure who are awaiting national certification and subsequent Board review of their application may be extended for a period not to exceed three (3) additional months. Such extension would cease to be effective if national certification or Board licensure was denied. At all times while awaiting national certification results and until licensure is received, clinical fellows shall practice only under supervision as set forth in this rule.
- (c) Application for licensure or re-registration by the supervising licensee for an additional clinical fellowship should be made thirty (30) days before the expiration of the clinical fellowship.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-110, and 63-17-114.

Rule 1370-1-.12, Continuing Education, is amended by adding the following language as new subparagraphs (1) (f) and (1) (g):

- (1) (f) The Board, in cases of documented illness, disability, other undue hardship or retirement, may
 1. waive the continuing education requirements; or
 2. extend the deadline to complete continuing education requirements.
- (1) (g) To be considered for a waiver of continuing education requirements, or for an extension of the deadline to complete the continuing education requirements, a licensee must request such in writing with supporting documentation before the end of the calendar year in which the continuing education requirements were not met.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, and 63-17-124.

The notice of rulemaking set out herein was properly filed in the Department of State on the 10th day of April, 2002. (04-11)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF RADIOLOGICAL HEALTH

There will be a hearing before the Tennessee Department of Environment and Conservation to consider the promulgation of new rules and amendments pursuant to T.C.A. 68-202-101 et seq. and 68-202-201 et seq. 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 17th Floor Conference Room of the L & C Tower located at 401 Church Street, Nashville, Tennessee, at 10:00 a.m. (CST), on the 17th day of June, 2002.

Individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be made in person, by writing, telephone or other means and should be made no less than ten (10) days prior to June 17, 2002, or ten (10) days prior to the date such party intends to review such filings, to allow time for the Department to determine how it may reasonably provide such aids or services. Contact the Tennessee Department of Environment and Conservation, ADA Coordinator, Isaac Okoreeh-Baah, 401 Church Street, L & C Annex, Seventh Floor; Nashville, TN 37243; (615) 532-0009 or 1-888-867-2757. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

For a copy of this notice of rulemaking hearing, contact: Barbara A. Davis; Division of Radiological Health, L & C Annex, Third Floor; 401 Church Street; Nashville, TN 37243-1532, 615-532-0364.

NEW RULES

CHAPTER 1200-2-4
GENERAL PROVISIONS

TABLE OF CONTENTS

1200-2-4-.11 Posting of Notices to Workers	1200-2-4-.13 Deliberate Misconduct
1200-2-4-.12 Instructions to Workers	

SUMMARY OF PROPOSED RULES

The purpose of this rulemaking is to bring the regulations of the Department of Environment & Conservation, Division of Radiological Health, into compliance with various changes that the U.S. Nuclear Regulatory Commission (NRC) has made to Title 10 of the Code of Federal Regulations (10 CFR). Tennessee's status as an Agreement State requires this compatibility.

The rulemaking affects Chapters 1200-2-4, 1200-2-5, 1200-2-7, 1200-2-8, 1200-2-10, and 1200-2-12. Its various additions and modifications will incorporate:

- new definitions and changes in low-level waste shipment manifest requirements,
- new definitions and additions to transportation of radioactive material requirements, bringing them into compatibility with those of the NRC and of the International Atomic Energy Agency (IAEA),
- resolution of dual regulation of airborne radioactive material effluents, currently subject to regulation by both the Division of Radiological Health and the Division of Air Pollution Control under the Clean Air Act,
- clarification of the reciprocal recognition of licenses issued by the Division in areas under exclusive Federal jurisdiction,
- criteria for the release of individuals administered radioactive material as radiopharmaceuticals or permanent implants,

- changes to industrial radiography requirements, including certification of radiographers, use of two-man teams, and equipment performance requirements,
- radiological criteria for termination of radioactive material licenses,
- provision for the receipt, possession, use, transfer, ownership or acquisition of a radioactive drug that contains one microcurie (1 mCi) of carbon-14 urea. The drug is used for a diagnostic test to detect the presence of the bacterium *Helicobacter pylori* (*H. pylori*), a cause of peptic ulcers in humans,
- a rule relating to intentional misconduct by persons subject to regulations of the Division,
- revised definitions of 'occupational dose,' 'member of the public,' 'public dose,' 'misadministration,'
- changes to 1200-2-10-.13, Special Requirements for Issuance of Specific Licenses, affecting the manufacture, preparation or transfer for commercial distribution of radiopharmaceuticals containing radioactive material for medical use under group licenses.

For a copy of the entire text of this public necessity rule, contact: Barbara A. Davis; Division of Radiological Health, L & C Annex, Third Floor; 401 Church Street; Nashville, TN 37243-1532, 615-532-0364.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of April, 2002. (04-30)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF SOLID WASTE MANAGEMENT

There will be a public rulemaking hearing before the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, acting on behalf of the Tennessee Solid Waste Disposal Control Board, to consider the adoption and promulgation of rules and amendments to rules (revision v-1) pursuant to the Tennessee Code Annotated Sections 68-212-106, 68-212-107, 68-212-108, 68-212-109, 68-212-110 and 68-212-114; the Tennessee Solid Waste Disposal Act, Tennessee Code Annotated, Section 68-211-101 et seq; the Tennessee Environmental Protection Fund Act, Tennessee Code Annotated, Section 68-203-101 et seq; the Used Oil Collection Act of 1993, Tennessee Code Annotated, Section 68-211-1001 et seq; and the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-101 et seq. 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 17th Floor Conference Room, L & C Tower, 401 Church Street, Nashville, Tennessee at 1:00 PM CDT on June 18, 2002.

Individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person or by writing, telephone, or other means, and should be made no less than ten days prior to June 18, 2002 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation, ADA Coordinator, Issac Okoreeh-Baah, 12th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, (615) 532-0059. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

SUBSTANCE OF PROPOSED RULES**AMENDMENTS**

Subparagraph (1)(b) Applicability of Rule 1200-1-11-.08 Fee System for Transporters, Storer, Treater, Disposer, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters is amended by adding new part 7 so that, as amended, new part 7 shall read as follows:

7. Activities related to response to accidental discharges requiring groundwater/soil investigations and/or onsite treatment required at facilities under permits or other enforceable documents.

Paragraph (2) of Rule 1200-1-11-.08 Fee System for Transporters, Storer, Treater, Disposer, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters is amended by deleting it in its entirety and substituting the following so that, as amended, it shall read as follows:

(2) Installation Identification Number Application Fee

Any person who applies to the Department for an Installation Identification Number on the Notification Forms provided by the Department shall submit as part of the request a fee of 100 dollars.

Parts (4)(b)1, 2, and 3 of Rule 1200-1-11-.08 Fee System for Transporters, Storer, Treater, Disposer, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters are amended by deleting them in their entirety and substituting the following so that, as amended, they shall read as follows:

(4) Annual Maintenance Fees

- (b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure

The owner or operator of each hazardous waste treatment, storage, or disposal facility in Tennessee having either a permit issued under the Act or interim status as provided under Rule 1200-1-11-.07(3) must submit to the Commissioner, by March 1 of each year, an annual permit maintenance fee as provided in this subparagraph.

1. General

- (i) An annual fee shall be assessed consisting of a base amount plus an additional charge calculated on the facility's maximum design capacities as documented in the permit application filed with the Department as of the last day of the prior calendar year, except that owners or operators subject to subparts (iii) and (iv) of this part shall be assessed annual fees based upon the maximum design capacities of their facilities at closure and permitting, respectively.
- (ii) The owner or operator of each treatment, storage, or disposal facility shall be assessed an annual fee each year until all closure, post-closure, and corrective action activities are complete and the facility is closed in accordance with the appropriate standards of Rules 1200-1-11-.05 or 1200-1-11-.06, as applicable.
- (iii) The owner or operator of a facility which closes during the first half of a calendar year (i. e., prior to July 1) shall be assessed only one-half the fees he would otherwise be subject to under parts 2, 3, and 4 of this subparagraph.

- (iv) The owner or operator of a facility which receives its initial permit during the second half of a calendar year (i. e., after July 1) shall be assessed only one-half the fees he would otherwise be subject to under parts 2, 3, and 4 of this subparagraph.
- (v) For purposes of this subparagraph, if a facility receives hazardous wastes from off-site for any purpose it is determined to be an off-site facility.
- (vi) The owner or operator of a facility which completes a corrective action activity or post-closure activity during the first half of a calendar year (i. e., prior to July 1) shall be assessed only one-half the fees he would otherwise be subject to under parts 5 and 6 of this subparagraph.

2. Storage Operations

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the design capacity in gallons (g) of the facility's hazardous waste storage operations as set forth below:
 - (I) For facilities which receive only hazardous waste which are generated on-site, a base amount of 4,000 dollars plus an additional:

Design Capacity	Amount
0 - 5,000 g	\$1,000
5,001 - 10,000 g	1,500
10,001 - 50,000 g	3,000
50,001 - 100,000 g	3,500
100,001 - 500,000 g	4,000
500,001 - 1,000,000 g	4,500
over 1,000,000 g	5,000

- (II) For facilities which receive hazardous wastes from off-site generators, a base amount of 8,000 dollars plus an additional:

Design Capacity	Amount
0 - 5,000 g	\$ 2,000
5,001 - 10,000 g	3,000
10,001 - 50,000 g	6,000
50,001 - 100,000 g	7,000
100,001 - 500,000 g	8,000
500,001 - 1,000,000 g	9,000
over 1,000,000 g	10,000

- (ii) An owner/operator who is required by parts 3 or 4 of this subparagraph to pay a fee on treatment or disposal operations at his facility shall not be subject to the storage fee requirements of this part with respect to containers, tanks, surface impoundments, or waste piles used to store hazardous waste generated on-site prior to it being so treated or disposed of on-site, provided such treatment or disposal occurs within 90 days.

3. Treatment Operations

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the design capacity in gallons per day (gpd) of the facility's hazardous waste treatment operations as set forth below:

- (I) For facilities which receive only hazardous wastes which are generated on-site, a base amount of 6,000 dollars plus an additional:

Design Capacity	Amount
0 - 5,000 gpd	\$2,000
5,001 - 10,000 gpd	2,500
10,001 - 50,000 gpd	3,000
50,001 - 100,000 gpd	3,500
100,001 - 500,000 gpd	4,000
500,001 - 1,000,000 gpd	4,500
over 1,000,000 gpd	5,000

- (II) For facilities which receive hazardous waste from off-site generators, a base amount of 10,000 dollars plus an additional:

Design Capacity	Amount
0 - 5,000 gpd	\$ 4,000
5,001 - 10,000 gpd	5,000
10,001 - 50,000 gpd	6,000
50,001 - 100,000 gpd	7,000
100,001 - 500,000 gpd	8,000
500,001 - 1,000,000 gpd	9,000
over 1,000,000 gpd	10,000

- (ii) Facilities paying a base amount for Treatment Operations shall not be assessed a separate base amount for Storage Operations.

(Note: The combined fees for Treatment and Storage for on-site facilities shall not exceed 12,500 dollars per facility and for commercial facilities, this fee shall not exceed 25,000 dollars in accordance with T.C.A. §68-203-103 (h).)

Paragraph (5) of Rule 1200-1-11-.08 Fee System for Transporters, Storer, Treater, Disposer, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters is amended by deleting it in its entirety and substituting the following so that, as amended, it shall read as follows:

(5) Generator Fees

(a) Annual Generator Fees

- 1. The Annual Generator Fee for Small Quantity Generators shall consist of a base amount of 1,000 dollars plus an additional amount of \$0.01 assessed on each pound of hazardous waste shipped out-of-state.

- (i) For the purpose of this subparagraph Small Quantity Generator shall mean:

- (I) Any generator who generates greater than 100 kilograms, but less than 1000 kilograms of hazardous waste in any calendar month of the previous calendar year; or
- (II) Any Conditionally Exempt Small Quantity Generator who accumulates at any time more than 1000 kilograms of non-acute hazardous waste in the previous calendar year.

(Note: Rules 1200-1-11.02(1)(d)3(ii) and 1200-1-11.02(1)(e)3 and 4 are applicable in determining generator status for fee purposes.)

- 2. The Annual Generator Fee for Large Quantity Generators shall consist of a base amount of 1,600 dollars plus an additional amount of \$0.01 assessed on each pound of hazardous waste shipped out-of-state.
 - (i) For the purpose of this subparagraph Large Quantity Generator shall mean:
 - (I) Any generator who generates 1000 kilograms or more of hazardous waste in any calendar month of the previous calendar year; or
 - (II) Any generator who generates 1 kilogram or more of acute hazardous waste, or 100 kilograms or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of an acute hazardous waste, in any calendar month of the previous calendar year; or
 - (III) Any Conditionally Exempt Small Quantity Generator who violates any provision of Rule 1200-1-11-.02(1)(e)7 other than subpart (ii).

(Note: Rules 1200-1-11.02(1)(d)3(ii) and 1200-1-11.02(1)(e)3 and 4 are applicable in determining generator status for fee purposes.)

- (b) The waste generated from the containment and cleanup of an inactive hazardous substance site (Superfund) or the waste generated from the cleanup of a spill on public property shall not be subject to the fee calculations in parts (a) 1 or (a) 2 of this paragraph.
- (c) A Conditionally Exempt Small Quantity Generator does not owe this fee if neither part (a) 1 nor (a) 2 of this paragraph are applicable.
- (d) These fees shall be paid no later than March 1 of each year.

Rule 1200-1-1-.08 Fee Systems for Transporters, Stors, Treaters, Disposers, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters is amended by adding new paragraph (8) so that, as amended, new paragraph (8) shall read as follows:

- (8) Hazardous Waste Tipping Fee
 - (a) In addition to all other fees imposed by this Rule Chapter there is hereby assessed a Hazardous Waste Tipping Fee of \$0.01 on each pound of hazardous waste received at a hazardous waste treatment, storage or disposal facility.
 - (b) Universal Wastes identified in Rule 1200-1-11-.12, spent lead-acid batteries managed under Rule 1200-1-11-.09(7), and recyclable materials utilized for precious metal recovery under Rule 1200-1-11-.09(6) are excluded from tipping fees.

- (c) If a Hazardous Waste Tipping Fee or out-of-state Shipping Fee has been paid on a hazardous waste pursuant to Rule 1200-1-11-.08, no additional tipping fees or out-of-state shipping fees shall be applicable to that waste.

(d) Fee Collection

All owners/operators of hazardous waste treatment, storage, or disposal facilities receiving hazardous waste from off-site, except that waste excluded in subparagraphs (b) and (c) of this paragraph, shall pay the Hazardous Waste Tipping Fee to the Department as follows:

1. Fee Schedule

- (i) All Hazardous Waste Tipping Fees shall be due and payable from the effective date of these regulations through the October 1 to December 31 quarter of 2002 with payment due March 1, 2003 as per the following schedule:

Period	Payment Due
Effective date – December 31, 2002	March 1, 2003
January 1, 2003 – March 31, 2003	June 1, 2003
April 1, 2003 – June 30, 2003	Sept. 1, 2003
July 1, 2003 – September 30, 2003	Dec. 1, 2003
October 1, 2003 – December 31, 2003	March 1, 2004

- (ii) Starting with the payment due September 1, 2004 for the period beginning January 1, 2004, all Hazardous Waste Tipping Fees shall be due and payable to the Department as per the following schedule:

January 1 to June 30	September 1
July 1 to December 31	March 1

- 2. All fees shall be paid by check or other negotiable instrument.
- 3. Payment shall be accompanied by a report documenting the monthly total of pounds received for the payment period.

(e) Records

All owners/operators of hazardous waste treatment, storage, or disposal facilities receiving hazardous waste from off-site shall maintain written records of waste received in pounds. All records for the current month shall be maintained at the facility and open for inspection by the Department during normal operating hours. Records shall be maintained for three years. In the event that records are damaged or destroyed, the amount of waste received for that month or quarter shall be based on the maximum day on record multiplied by the number of working days in the month or quarter. Records shall be maintained for each day waste is received and organized by month. Waste shall be measured by the receiving TSDF on a vehicle-by-vehicle basis.

Rule 1200-1-11-.08 Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters is amended by adding new paragraph (9) so that, as amended, new paragraph (9) shall read as follows:

(9) Special Report Review Fees

Any person who requests approval by the Department of any of the documents listed below is assessed a review fee as follows:

10,000	dollars for a Trial Burn Plan for each type of unit
5,000	dollars for a Certificate of Compliance Plan for each type of unit
10,000	dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a land based unit
10,000	dollars for the initial Dispersion Model and Direct Human Health Risk Assessment
5,000	dollars for Periodic Modeling and Direct Human Health Risk Assessment

Rule 1200-1-11-.08 Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters is amended by adding new paragraph (10) so that, as amended, new paragraph (10) shall read as follows:

(10) Spill and/or Accidental Discharge Investigation Fee

2,000	dollars for spill requiring investigation of soil or groundwater at facilities under permits or other enforceable documents
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Authority: T.C.A. §§68-212-107(d), 68-212-108, 68-212-110, and 68-203-101 et seq.

OTHER INFORMATION

The Division has prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at Tennessee Department of Environment and Conservation's (TDEC's) Environmental Assistance Centers located as follows:

Memphis Environmental Assistance Center
Suite E-645, Perimeter Park
2510 Mount. Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/ 1-888-891-8332

Cookeville Environmental Assistance Center
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Assistance Center
362 Carriage House Drive
Jackson, TN 38305-2222
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Assistance Center
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Assistance Center

Knoxville Environmental Assistance Center

2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Suite 220- State Plaza
2700 Middlebrook Pike
Knoxville, TN 37921
(865)594-6035/ 1-888-891-8332

Nashville Environmental Assistance Center
711 R. S. Gass Blvd.
Nashville, TN 37243
(615) 687-7000/1-888-891-8332

Johnson City Environmental Assistance Center
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

Additional review copies are available at the following library locations:

McIver's Grant Public Library
204 North Mill Street
Dyersburg, TN 38024-4631
(731) 285-5032

W. G. Rhea Public Library
400 West Washington Street
Paris, TN 38242-0456
(731) 642-1702

Hardin County Library
1013 Main Street
Savannah, TN 38372-1903
(731) 925-4314

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

Coffee County-Manchester Public Library
1005 Hillsboro Highway
Manchester, TN 37355-2099
(931) 723-5143

Art Circle Public Library
154 East First Street
Crossville, TN 38555-4696
(931) 484-6790

E. G. Fisher Public Library
1289 Ingleside Ave.
Athens, TN 37371-1812
(423) 745-7782

Kingsport Public Library & Archives
400 Broad Street
Kingsport, TN 37660-4292
(423) 229-9489

The "DRAFT" rules may also be accessed for review using <http://www.state.tn.us/environment/new.htm> and searching under "What's New".

Copies are also available for review at the Nashville central office (see address below).

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-0794

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

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Mr. Gerald Ingram; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0850 or FAX 615-532-0348. However, such written comments must be received by the Division by 4:30 PM CDT, July 2, 2002 in order to assure consideration. For further information, contact Mr. Gerald Ingram at the above address or telephone number.

The notice of rulemaking set out herein was properly filed in the Department of State on the 18th day of April, 2002. (04-17)

BOARD OF OSTEOPATHIC EXAMINATION - 1050 COUNCIL OF CERTIFIED PROFESSIONAL MIDWIFERY

There will be a hearing before the Tennessee Board of Osteopathic Examination's Council of Certified Professional Midwifery to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-29-109, 63-29-110, 63-29-111, and 63-29-116. 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 21st day of June, 2002.

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

AMENDMENTS

Rule 1050-5-.01 Definitions, is amended by deleting paragraph (2) in its entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-9-101, and 63-29-116.

Rule 1050-5-.06 Fees, is amended by deleting the language of paragraph (7) in its entirety and substituting instead the following new language, so that as amended that paragraph shall read as follows:

- (7) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Council of Certified Professional Midwifery.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-9-101, and 63-29-116.

Rule 1050-5-.09 Certification Renewal, is amended by deleting paragraphs (2), (3), (4), (5) and (6) in their entirety and substituting instead the following language, and is further amended by adding the following language as new paragraphs (7) and (8), so that as amended, the new paragraphs (2), (3), (4), (5), (6), (7) and (8) shall read:

- (2) Methods of Renewal – Certificate holders may accomplish renewal by one of the following methods:
- (a) Internet Renewals – Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:
- www.tennesseeanytime.org
- (b) Paper Renewals – Certificate holders who have not renewed their authorization online via the Internet, will have a renewal application form mailed to them at the last address provided by them to the Board. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal. To be eligible for renewal a certificate holder must submit to the Division of Health Related Boards on or before the certificate holder’s expiration date the following:
1. A completed and signed renewal application form.
 2. The renewal and state regulatory fees as provided in Rule 1050-5-.06.
 3. Attestation of compliance with NARM continuing education requirements so that current NARM certification in good standing is maintained.
 4. Attestation of maintaining current CPR certification, as provided in rule 1050-5-.05.
- (3) Any renewal application received after the expiration date but before the last day of the month following the expiration date must be accompanied by the late renewal fee provided in Rule 1050-5-.06.
- (4) Any certificate holder who receives notice of failure to timely renew pursuant to rule 1200-10-1-.10, and who, on or before the last day of the second (2nd) month following the month in which the certificate expires, executes and files in the Council’s administrative office an affidavit of retirement pursuant to Rule 1050-5-.11 may have their certificate retired effective on their certification expiration date.
- (5) Anyone submitting a signed renewal form, electronically or otherwise, which is found to be fraudulent or untrue may be subject to disciplinary action.
- (6) Any individual who fails to comply with the certificate renewal rules and/or notifications sent to them concerning failure to timely renew shall have their certificate processed pursuant to rule 1200-10-1-.10.
- (7) Certificates processed pursuant to rule 1200-10-1-.10 for failure to renew may be reinstated upon meeting the following conditions:

- (a) Submit a written request for a Renewal/Reinstatement/Reactivation Application to the Council's Administrative Office; and
 - (b) Complete and submit to the Council's Administrative Office the Renewal/Reinstatement/Reactivation Application along with the payment of all past due renewal fees; state regulatory fee and the reinstatement fee provided in rule 1050-5-.06; and
 - (c) Submit any documentation which may be required by the form to the Council's Administrative Office; and
 - (d) If requested, after review by the Council or its duly authorized representative, appear before either the Council for an interview regarding continued competence in the event expiration of certification was in excess of two (2) years or there was receipt of derogatory information or communication during the reinstatement process, and/or be prepared to meet or accept other conditions or restrictions as the Council may deem necessary to protect the public.
 - (e) If certification expiration was in excess of five (5) years, the certificate holder may be required to successfully complete requirements the Council feels necessary to establish current levels of competency.
- (8) Renewal issuance and reinstatement decisions pursuant to this Rule may be made administratively subject to review by the Council, any Council member, or the Council's Designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-9-101, 63-29-109, 63-29-111, and 63-29-116.

Rule 1050-5-.11 Inactive Status and Reactivation, is amended by deleting paragraph (1), but not its subparagraphs, and substituting instead the following language, so that as amended, the new paragraph (1), but not its subparagraphs, shall read:

- (1) Certificate holders who wish to retain their certification but not actively practice as a professional midwife may avoid compliance with the certification renewal process by doing the following:

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-1-111, 63-9-101, 63-29-109, 63-29-110, and 63-29-116.

Rule 1050-5-.15 Disciplinary Grounds, Actions and Civil Penalties, is amended by deleting subparagraph (1) (e) but not all its parts in its entirety, and is further amended by deleting part (1) (e) 1. in its entirety, and is further amended by renumbering part (1) (e) 2. as subparagraph (1) (e).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-9-101, and 63-29-116.

The notice of rulemaking set out herein was properly filed in the Department of State on the 24th day of April, 2002. (04-21)

BOARD OF VETERINARY MEDICAL EXAMINERS - 1730

There will be a hearing before the Tennessee Board of Veterinary Medical Examiners to consider the promulgation of amendments to rules and a new rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 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 Cumberland Room of the Cordell Hull Building located at 425 5th Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 11th day of July, 2002.

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**AMENDMENTS**

Rule 1730-1-.02, Scope of Practice, is amended by adding the following language as new paragraph (3):

- (3) Prerequisites to Prescribing, Selling, Distributing or Dispensing Animal Drugs Required by Federal Law to be Prescribed or Ordered by a Licensed Veterinarian to Laypersons - In Person, Electronically, and Over the Internet
 - (a) For purposes of this Rule, “animal drugs required by federal law to be prescribed or ordered by a licensed veterinarian” are those drugs characterized by the Food and Drug Administration (FDA) pursuant to 21 C.F.R. 201.105 as drugs for which adequate directions for use cannot be prepared.
 - (b) Except as provided in subparagraphs (c), it shall be a prima facie violation of T.C.A. § 63-12-124 (a) (12), (13) and (28) for a veterinarian to prescribe, sell, distribute or dispense to a layperson any animal drug required by federal law to be prescribed or ordered by a licensed veterinarian whether in person or by electronic means or over the Internet or over telephone lines, unless the veterinarian, or his/her licensed supervisee pursuant to appropriate protocols or veterinary orders, has first done and appropriately documented, for the animal, herd, or flock on whose behalf a prescription is to be issued or prescription drugs dispensed, all of the following:
 1. Performed an appropriate history and physical examination; and
 2. Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good veterinary care; and
 3. Formulated a therapeutic plan, and discussed it with the animal’s owner or guardian, along with the basis for it and the risks and benefits of various treatments options, a part of which might be a prescription drug; and

4. Insured availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.
- (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, or his/her licensed supervisee pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
1. As part of an initial admission order; or
 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 3. For continuation medications on a short-term basis prior to an animal's office visit.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-103, 63-12-106, and 63-12-124.

Rule 1730-1-.06, Fees is amended by deleting subparagraphs (3) (a), (3) (d), (3) (e) and (3) (f), and paragraph (4) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (a), (3) (d), (3) (e) and (3) (f), and the new paragraph (4) shall read:

(3) (a)	Application	\$ 160.00
(3) (d)	Late Renewal	100.00
(3) (e)	Renewal (biennial)	275.00
(3) (f)	Reciprocity License Fee	185.00
(4)	All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.	

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-113, 63-12-117, 63-12-121, and 63-12-122.

Rule 1730-2-.06, Fees is amended by deleting subparagraphs (3) (a), (3) (b), (3) (c), (3) (e), (3) (f), and (3) (g) in their entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (4), so that as amended, the new subparagraphs (3) (a), (3) (b), (3) (c), (3) (e), (3) (f) and (3) (g), and the new paragraph (4) shall read:

(3) (a)	Premises Application	\$ 125.00
(3) (b)	Initial Inspection / Biennial Inspection	300.00
(3) (c)	Premises Permit	275.00
(3) (e)	Premises Permit Renewal	275.00 (biennial)

- (3) (f) Late Renewal 100.00
- (3) (g) Reinspection Fee (follow-up) 250.00

(4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-129, and 63-12-139.

Rule 1730-2-.08, Surgery, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (2), so that as amended, the new paragraphs (1) and (2) shall read:

- (1) Surgery shall be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring procedures as well as recovery care. The standards for current veterinary practice are made available to the licensee through the courses required for mandatory continuing education.
- (2) When surgery is performed in a room designated and reserved for surgery, the minimum standards for surgery shall be:
 - (a) The surgery room shall be clean, orderly, well lighted, free of objectionable odors, and maintained in a clean, and orderly condition.
 - (b) Sterilization must include 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.
 - (c) Instruments and equipment utilized in surgery shall be commensurate with the type of surgical service being provided.
 - (d) Storage in the surgery room shall be limited to only items and equipment normally related to surgery and surgical procedures.
 - (e) Emergency drugs must be readily available to the surgery area.
 - (f) The operating table shall be constructed of a smooth and impervious material.
 - (g) There shall be a separate preparation area.
 - (h) There shall be available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps, and surgically appropriate scrub brushes and masks.
 - (i) Surgery room is equipped with emergency lighting.
 - (j) Surgeries are carried out using aseptic techniques appropriate for the procedure.

- (k) Anesthesia gas with positive pressure oxygen, in proper working order, shall be available for major surgery and meet the following requirements:
 - 1. A gas scavenger is used with the anesthetic machine.
 - 2. There is a documented preanesthesia examination for all patients including a history and physical, a complete blood count test where necessary, and other laboratory work when required.
 - 3. Female employees are aware of potential risks to pregnancy by exposure to some gaseous anesthetics.
 - 4. Endotracheal intubation is available for dogs and cats undergoing major surgery.
 - 5. A monitoring device is available.
 - 6. Veterinary personnel monitor anesthetic recovery under direct supervision.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-139.

Rule 1730-3-.06, Fees is amended by deleting subparagraphs (3) (a), (3) (d), (3) (e) and (3) (f), and paragraph (4) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (a), (3) (d), (3) (e) and (3) (f), and the new paragraph (4) shall read:

- | | | |
|---------|-------------------------|-----------|
| (3) (a) | Application | \$ 100.00 |
| (3) (d) | Late Renewal | 100.00 |
| (3) (e) | Renewal (biennial) | 80.00 |
| (3) (f) | Reciprocity License Fee | 100.00 |
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-117, 63-12-121, 63-12-122, and 63-12-135.

Rule 1730-4-.06, Fees is amended by deleting subparagraphs (3) (a), (3) (c), (3) (d), (3) (f) and (3) (g), and paragraph (4) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (a), (3) (c), (3) (d), (3) (f) and (3) (g), and the new paragraph (4) shall read:

- | | | |
|---------|--------------------|-----------|
| (3) (a) | Application | \$ 125.00 |
| (3) (c) | Late Renewal | 100.00 |
| (3) (d) | Renewal (biennial) | 275.00 |

- (3) (f) Inspection Fee/Biennial Inspection 300.00
- (3) (g) Re-inspection Fee (follow up) 250.00
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-141.

Rule 1730-5-.06, Fees is amended by deleting subparagraphs (3) (a), (3) (c) and (3) (d), and paragraph (4) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (a), (3) (c) and (3) (d), and the new paragraph (4) shall read:

- (3) (a) Application \$ 150.00
- (3) (c) Late Renewal 50.00
- (3) (d) Renewal (biennial) 80.00
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-141.

NEW RULE

TABLE OF CONTENTS

1730-2-.16 Hospitalization

1730-2-.16 HOSPITALIZATION.

- (1) Inpatients are examined at least once daily by a veterinarian.
- (2) Where appropriate, hospitalized animals are fed and watered at least once daily, and more frequently if required.
- (3) Wards are orderly, free of bad odors, have adequate ventilation and temperature control.
- (4) Cages or kennels have solid partitions and have a method for securely fastening them closed.
- (5) Pens and stalls are clean, orderly, free of objectionable odors and have adequate ventilation.

- (6) Pens and stalls are well lighted and have a method for securely fastening them closed.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-139.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 22nd day of April, 2002. (04-20)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 02-01

AMENDING PROCLAMATION 01-12 STATEWIDE PROCLAMATION ON THE COMMERCIAL TAKING OF FISH AND TURTLES

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, and Sections 70-1-206, 70-2-205, 70-4-107, and 70-4-119 thereof, the Tennessee Wildlife Resources Commission hereby proclaims the following amendments pertaining to Section I. WATERS OPEN TO COMMERCIAL FISHING of Proclamation 01-12, STATEWIDE PROCLAMATION ON THE COMMERCIAL TAKING OF FISH AND TURTLES dated May 24, 2001.

SECTION I. WATERS OPEN TO COMMERCIAL FISHING

Delete item 1. in Group A of the Reservoirs subsection in its entirety and replace it with the following language:

1. BARKLEY

Proclamation 02-01 received and recorded this 4th day of April, 2002. (04-03)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 02-02 PROCLAIMING PUBLIC HUNTING AREAS

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Section 70-1-302 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the following areas to be known as Public Hunting Areas.

SECTION I. HEARTWOOD FOREST FUND III PUBLIC HUNTING AREA

Lands and Waters in Perry and Wayne Counties owned by ForestLand Group as registered in deed books of the aforementioned counties and under agreement to the Tennessee Wildlife Resources Agency as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee and at the ForestLand Group office in Lebanon, Virginia.

SECTION II. MEADWESTVACO PUBLIC HUNTING AREA

Lands and Waters in Houston and Stewart Counties owned by MeadWestvaco as registered in deed books of the aforementioned counties and under agreement to the Tennessee Wildlife Resources Agency as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee and at the MeadWestvaco office in Paris, Tennessee.

SECTION III. TACKETT CREEK PUBLIC HUNTING AREA

Lands and Waters in Campbell and Claiborne Counties owned by BLC Properties as registered in deed books of the aforementioned counties and under agreement to the Tennessee Wildlife Resources Agency as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee and at the BLC Properties office in Middlesboro, Kentucky.

SECTION IV. WEYERHAEUSER PUBLIC HUNTING AREA

Lands and Waters in Hickman, Humphreys, Lawrence, Lewis, Maury, Perry, and Wayne Counties owned by Weyerhaeuser as registered in deed books of the aforementioned counties and under agreement to the Tennessee Wildlife Resources Agency as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee and at the Weyerhaeuser office in Centerville, Tennessee.

SECTION V. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 84-3, dated July 24, 1984 (establishing Willamette Public Hunting Area), Proclamation No. 84-11, dated July 24, 1984 (establishing Westvaco Public Hunting Area), Proclamation No. 85-2, dated August 13, 1985 (establishing Packaging Corporation of America Public Hunting Area), Proclamation No. 90-23, dated October 25, 1990 (establishing Tommy L. Graham Public Hunting Area), Proclamation No. 91-26, dated September 26, 1991 (establishing Julius Doochin Public Hunting Area), Proclamation No. 97-11, dated May 29, 1997 (establishing J.M. Huber Public Hunting Area), and Proclamation 97-12, dated May 29, 1997 (establishing Tackett Creek Public Hunting Area).

Proclamation No. 02-02 received and recorded this 4th day of April, 2002. (04-03)



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 April 1, 2002 and ending April 30, 2002.

A handwritten signature in cursive script that reads "Riley C. Darnell".

RILEY C. DARNELL
Secretary of State

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