

TAAAR



July 15, 2002
Volume 28, Number 7

RILEY C. DARNELL
Secretary of State

Division of Publications
8th Floor, Snodgrass Tower
312 8th Avenue North
Nashville TN 37243 - 0310

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Department of State, Authorization No. 305084, 375 copies, July 2002. This public document was promulgated at a cost of \$ 6.26 per copy.

PREFACE

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

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

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

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

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

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

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

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

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

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

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ANNOUNCEMENTS

ALCOHOLIC BEVERAGE COMMISSION - 0100

NOTICE OF HEARING ON PETITION FOR DECLARATORY ORDER BEFORE THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

Pursuant to Tennessee Code Annotated §4-5-224, the Tennessee Alcoholic Beverage Commission having granted, in part, Petitioner's request for declaratory order hereby submits the following as written notice of a contested case hearing:

Name and Address of Petitioner:

Courtney Pearre, Esq.
Waller, Lansden, Dortch and Davis, PLLC
Nashville City Center
511 Union Street, Suite 2 100
P.O. Box 198966
Nashville, Tennessee 37219-8966

on behalf of-

Miller Brewing Company
3939 W. Highland Blvd.
P.O. Box 482
Milwaukee, Wisconsin 53201-0482

SUMMARY OF THE FACTS OF THE CONTROVERSY:

Petitioner is an out-of-state corporation that manufactures and distributes beer and flavored malt beverage products throughout the United States. During March 2002, Petitioner introduced a flavored malt beverage product "Skyy Blue" which as labeled and marketed, at that time, stated that it was a malt beverage with natural flavors containing vodka. This product, along with other flavored malt beverage products that reference certain industry standards of identity, such as vodka, rum and tequila, are being distributed in Tennessee as beer.

The Tennessee Alcoholic Beverage Commission has made an initial determination based upon its reading of the relevant statutory definition of an "alcoholic beverage" that malt beverage products, irrespective of alcoholic content, that contain distilled alcohol capable of human consumption are alcoholic beverage products subject to the regulation of the Commission.

Petitioner requests that the Commission convene a contested case hearing before an administrative law judge to determine the applicability of T.C.A. §57-3-101(a)(1) to petitioner's flavored malt beverage products.

CITATION TO THE STATUTE UPON WHICH INTERPRETATION IS REQUESTED:

Tennessee Code Annotated §57-3- 101 (a)(1), in relevant part, states:

“Alcoholic beverage” or “beverage” means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content of five percent (5%) by weight or less. Notwithstanding any provision to the contrary in this title, “alcoholic beverage” or “beverage” also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcoholic content. Notwithstanding the provisions of this definition, products or beverages containing less than one half of one percent (0.5%) alcohol by volume shall not be considered to be alcoholic beverages and shall not be subject to regulation or taxation pursuant to chapters 1-6 and 9 of this title.

A contested case hearing for this matter has been scheduled before an administrative law judge of the Administrative Procedures Division sitting on behalf of the Tennessee Alcoholic Beverage Commission on August 19, 2002 at 9:00 a.m. in the Hearing Room at 226 Capitol Boulevard, Suite 300, Nashville, Tennessee. The hearing will be conducted in accordance with the Tennessee Administrative Procedures Act (T.C.A. §45 - 101, et seq.), the Uniform Rules of Procedure for Hearing Contested Cases (Rule 13 604-1-.01, et seq.) and any pertinent rules of the Tennessee Alcoholic Beverage Commission. Any party wishing to intervene in this action must do so pursuant to T.C.A. §4-5-3 10

Anyone desiring more information in this matter may contact Courtney Pearre, Attorney for Petitioner, at 615/244-6380 or Michelle Long, Executive Director of the Tennessee Alcoholic Beverage Commission, at 615/741-1602.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the Department of State on this the 28th day of June, 2002.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Notice to be sent via U.S. Mail, postage prepaid, on this the 28th day of June, 2002, to Courtney Pearre, Waller, Lansden, Dortch & Davis, PLLC, Nashville City Center, 511 Union Street, Suite 2100, P.O. Box 198966, Nashville, Tennessee 37219-8966.

Michelle Long, Director
Alcoholic Beverage Commission

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400

CORRECTION TO THE MAY 2002 G.O.C. ANNOUNCEMENT

The May 2002 announcement omitted the effective date for sequence number 05-07, 0400 Environment and Conservation, Chapter 1200-1-11 filed on May 8, 2002. The effective date is July 22, 2002.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400**PETITION FOR DECLARATORY ORDER****NOTICE OF HEARING**

(As required Under T.C.A. §4-5-224)

1. **Petitioner's Name:** The City Of Cookeville
2. **Petitioner's Attorneys:** William L Penny
Sharon O. Jacobs
Address: 2525 West End Avenue
Suite 1500
Nashville, TN 37203
Telephone Number: 615-244-0020

3. **Background:**

Section 303(d) of the Clean Water Act (33 U.S.C. § 1313(d)) requires the State of Tennessee to develop a list of waters for which effluent limitations are not stringent enough to implement water quality standards. This list is known as the 303(d) list. In 1998, the 303(d) list included a listing for Pigeon Roost Creek in Putnam County for Organic Enrichment/DO. The City of Cookeville Waste Water Treatment Plant discharges into Pigeon Roost Creek at river mile 2.3 and was issued by the Tennessee Department of Environment and Conservation (TDEC) NPDES permit #TN0024198. The Permit contained limits on total nitrogen and monitoring requirements for phosphorus.

4. **Summary of the relief requested:**

The Petitioner has requested a ruling from the Board the promulgation of the 303(d) list is the responsibility of the Board and the development of the list be done in a manner consistent with the rulemaking procedures of the Uniform Administrative Procedures Act. The Petitioner requests the Board declare the 1998 303(d) list void and of no effect. In addition, the Petitioner requests that the Board find that TDEC's application of organic enrichment or nutrient criteria is the establishment of water quality criteria which is the responsibility of the Board.

The Board will convene a contested case hearing in this matter on July 23-24, 2002.

If you are interested in intervening or participating in this case in any way or think that you may be affected by the possible outcome of this case, you must file a Petition to Intervene, stating your specific interest(s) in the case and your legal position/argument regarding those interests.

Administrative Procedures Docket Number: 04.30-026581A

Your petition must be filed with: Judge Marion Wall
Tennessee Secretary of State
Administrative Procedures Division
312 8th Avenue, North

TENNESSEE ADMINISTRATIVE REGISTER

8th Floor, William R. Snodgrass Bldg.
Nashville, TN 37243

Copies must also go to:

Patrick N. Parker and
Tennessee Dept. of Environment & Conservation
Office of General Counsel
312 8th Avenue, North
25th Floor, William R. Snodgrass Bldg.
Nashville, TN 37243-1548

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 August 2002 is 9.62 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 5.62 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 June, 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.

The G.O.C.

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-01	June 6, 2002	1660 Wildlife Resources Commission	Emergency Rule	Amendment	<i>Chapter 1660-2-7 Rules and Regulations Governing Operation of Vessels</i> 1660 -2-7-.34 Dale Hollow Lake	Sheryl Holtam, Attorney TWRA P.O. Box 40747 Nashville, TN 37204 (615) 781-6606	June 6, 2002 through November 18, 2002
06-08	June 5, 2002	0400 Environment and Conservation Division of Solid Waste Management	Rulemaking Hearing Rules	Amendment	<i>Chapter 1200-1-7 Solid Waste Processing and Disposal</i> 1200-1-7-.07 Fee System For Non-Hazardous Disposal And Certain Non-Hazardous Processors Of Solid Waste	Glenn Birdwell Solid Waste Management L & C Twr, 5th Flr 401 Church St Nashville, TN 37243 (615) 532-0788	Aug 19, 2002
06-14	June 13, 2002	1200 Health Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	<i>1200-8-2 Standards for Prescribed Child Care Centers</i> 1200-8-2-.01 Definitions 1200-8-2-.02 Licensing Procedures 1200-8-2-.03 Disciplinary Procedures 1200-8-2-.04 Administration 1200-8-2-.05 Admissions, Discharges, and Transfers 1200-8-2-.06 Basic Services 1200-8-2-.07 Building Standards 1200-8-2-.08 Life Safety 1200-8-2-.09 Infectious and Hazardous Waste 1200-8-2-.10 Records and Reports 1200-8-2-.11 Child, Parent and Responsible Party Rights 1200-8-2-.12 Procedures for the Withholding of Resuscitative Services 1200-8-2-.13 Disaster Preparedness Chapter	Glenn Watson Anita Van Tries Health Health Care Facilities 1st Flr, Cordell Hull Bldg 425 5th Ave N Nashville, TN 37247 615-741-2170	Aug 27, 2002
06-15	June 17, 2002	0800 Labor and Workforce Development Boiler and Elevator Inspection Boiler and Pressure Vessel Section Board of Boiler Rules	Proposed Rules	Amendments	<i>Chapter 0800-3-3 Boiler Inspections</i> 0800-3-3-.01 Definitions 0800-3-3-.02 Adoption by Reference 0800-3-3-.03 Administration 0800-3-3-.04 General Requirements 0800-3-3-.05 Existing Power Boilers 0800-3-3-.06 Existing Heating Boilers 0800-3-3-.07 Existing Pressure Vessels Boilers	James G. Davis Legal Counsel Labor and Workforce Development TN Twr, 26th Flr 312 8th Ave N Nashville, TN 37243-0662 (615) 741-0851	Oct 28, 2002

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-16	June 17, 2002	0400 Environment and Conservation Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Inactive Hazardous Substance Sites Remedial Action Program</i> 1200-1-13 List of Inactive Hazardous Substance Sites (09-504)	Robert Powell Superfund 4th Flr Annex L&C Bldg Nashville TN 37243-1538 615-532-0927	Aug 31, 2002
06-17	June 17, 2002	0400 Environment and Conservation Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Inactive Hazardous Substance Sites Remedial Action Program</i> 1200-1-13 List of Inactive Hazardous Substance Sites (33-599))	Robert Powell Superfund 4th Flr Annex L&C Bldg Nashville TN 37243-1538 615-532-0927	Aug 31, 2002
6-19	June 18, 2002	1200 Health Tennessee Medical Laboratory Board	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-6-3 General Rules Governing Medical Laboratories</i> 1200-6-3-.01 Definitions 1200-6-3-.02 Licensing Procedures 1200-6-3-.03 Change in the Location, Director, Supervisor, Owner, or Testing in a Medical Laboratory 1200-6-3-.04 Inspections – Reports 1200-6-3-.05 Licensure Discipline, Assessment of Costs, and Subpoenas 1200-6-3-.06 Minimum Standards 1200-6-3-.07 Participation in Proficiency Testing 1200-6-3-.08 Patient Test Management 1200-6-3-.09 Quality Control 1200-6-3-.10 Performance Improvement Program 1200-6-3-.11 Facilities, Safety, Infectious and Hazardous Waste Disposal 1200-6-3-.12 Referral of Cultures to the Department of Health 1200-6-3-.13 Personnel Policies 1200-6-3-.14 Personnel Requirements for a Medical Laboratory 1200-6-3-.15 Special Regulations for ASTC, Blood Donor Centers and Plasmapheresis Centers 1200-6-3-.16 Alternate Site Testing 1200-6-3-.17 Waived Testing 1200-6-3-.18 Collection Stations	Robert J. Kraemer, Jr., OGC 26th Flr Snodgrass TN Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	Sept 1, 2002

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-20	June 18, 2002	1180 Examiners in Psychology	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1180-1</i> <i>General Rules Governing the Practice of Psychologists, Senior Psychological Examiners, Psychological Examiners, and Certified Psychological Assistants</i></p> <p>1180-1-.01 Definitions 1180-1-.02 Necessity of Licensure 1180-1-.03 Fees 1180-1-.04 Application Review, Approval, Denial, and Interviews 1180-1-.05 Renewal of License 1180-1-.07 Retirement and Reactivation of License 1180-1-.08 Continuing Education 1180-1-.09 Professional Ethics 1180-1-.10 Disciplinary Grounds, Actions, Civil Penalties and Informal Settlement 1180-1-.11 License 1180-1-.12 Change of Address and/or Name 1180-1-.14 Board Meetings, Officers, Consultants, Records, and Declaratory Orders 1180-1-.15 Advertising and Other Public Statements 1180-2-.01 Scope of Practice</p> <p><i>Chapter 1180-2</i> <i>Rules Governing Psychologists</i></p> <p>1180-2-.03 Procedures for Licensure 1180-2-.04 Examinations 1180-2-.05 Temporary License 1180-2-.06 Provisional License</p> <p><i>Chapter 1180-3</i> <i>Rules Governing Psychological Examiners and Senior Psychological Examiners</i></p> <p>1180-3-.01 Scope of Practice 1180-3-.02 Qualifications for Licensure 1180-3-.03 Procedures for Licensure 1180-3-.04 Examinations 1180-3-.05 Temporary License</p>	Glenn Watson, OGC 26th Flr, Snodgrass TN Twr 312 8th Ave Nashville, TN 37247-0120 615-741-1611	Nov 1, 2002

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-20, cont.				New Rules	<i>Chapter 1180-4 Rules Governing Certified Psychological Assistants</i> 1180-4-.01 Scope of Practice 1180-4-.02 Qualifications for Certification 1180-4-.03 Procedures for Certification		
06-24	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-1 Standards for Hospitals</i> 1200-8-1-.04 Administration 1200-8-1-.12 Patient Rights	Peggy DePriest, OGC Health 26th Flr, TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002
06-25	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-6 Standards for Nursing Homes</i> 1200-8-6-.04, Administration	Peggy DePriest, OGC Health 26th Flr, TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002
06-26	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-10 Standards for Ambulatory Surgical Treatment Centers</i> 1200-8-10-.04 Administration 1200-8-10-.12 Patient Rights	Peggy DePriest, OGC Health 26th Flr, TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002
06-27	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-15 Standards for Residential Hospice</i> 1200-8-15-.04 Administration 1200-8-15-.12 Patient/Resident Rights	Peggy DePriest, OGC Health 26th Flr, TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002
06-28	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-26 Standards for Home care Organizations Providing Home Health Services</i> 1200-8-26-.04 Administration 1200-8-26-.12 Patient Rights	Peggy DePriest, OGC Health 26th Flr, TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002
06-29	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-27 Standards for Home Care Organizations Providing Hospice Services</i> 1200-8-27-.04 Administration 1200-8-27-.12 Patient Rights	Peggy DePriest, OGC Health 26th Flr, 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002

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SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-30	June 18, 2002	1200 Health Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-28 Standards for HIV Supportive Living</i> 1200-8-28-.04, Administration 1200-8-28-.12 Resident Rights	Peggy DePriest, OGC Health 26th Flr, TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2002
06-31	June 21, 2002	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendments	<i>Chapter 1660-1-27 Rules and Regulations for State Operated Hunter Education Centers and Firing Ranges</i> 1660-1-27-.05 Bartlett Hunter Education Center	Sheryl Holtam, Attorney TWRA P.O. Box 40747 Nashville, TN 37204 (615) 781-6606	Sept 4, 2002
06-32	June 21, 2002	1240 Human Services Adult and Family Services Division	Rulemaking Hearing Rules	Amendments	Chapter 1240-1-51 Periods of Eligibility 1240-1-51-.01 Eligibility for Families First-Time Limits	William B. Russell Citizens Plaza Bldg 15th Flr 400 Deaderick St Nashville, TN 37248 (615) 313-4731	Sept 4, 2002
06-38	June 28, 2002	0080 Agriculture Regulatory Services	Emergency Rules	New Rules	<i>Chapter 0080-6-15 Rules and Regulations Governing Commercial Aerial Applicators of Pesticides</i> 0080-6-15-.01 General Rules 0080-6-15-.02 Denial of License	Patricia Clark General Counsel Agriculture P. O. Box 40627 Nashville, TN 37204 615-837-5093	June 28, 2002 through Dec 10, 2002
06-39	June 28, 2002	0080 Agriculture	Proposed Rules	Amendment	<i>Chapter 0080-2-1 Health Requirements for Admission and transportation of Livestock and Poultry</i> 0080-2-1-.12 Bison and other Ruminants	Patricia Clark General Counsel Agriculture P. O. Box 40627 Nashville, TN 37204 615-837-5093	Dec 10, 2002
06-40	June 28, 2002	0030 Aging and Disability	Rulemaking Hearing Rules	Amendment New rules	<i>Chapter 0030-2-1 State-Funded Home and Community Based Services for the Elderly and Disabled Adults</i> 0030-2-1-.03 Intrastate Allocation Formula 0030-2-1-.04 Maximum Unit Cost for Services	Richard Russell OGC 26th Flr, Snodgrass TN Twr, 312 th Ave N Nashville, TN 37247-0120 615-741-1611	Sept 11, 2002

DEPARTMENT OF REVENUE - 1320**NOTICE OF DETERMINATION OF INTEREST RATE**

Pursuant to T.C.A. §67-1-801(a)(1) through (3), notice is hereby given that the rate of interest on all taxes collected or administered by the Department of Revenue shall be eight and three-quarters percent (8.75%) effective on and after July 1, 2002, through June 30, 2003.

Ruth E. Johnson
Commissioner of Revenue

DEPARTMENT OF REVENUE - 1320**NOTICE OF DETERMINATION OF INTEREST RATE FOR INSTALLMENT PAYMENTS**

Pursuant to T.C.A. § 67-1-801(a)(4)(D), notice is hereby given that the rate of interest on all tax liabilities paid in installments by agreement with the Commissioner of the Department of Revenue shall be eleven and three-quarters percent (11.75%) effective on and after July 1, 2002.

Ruth E. Johnson
Commissioner of Revenue

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EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

0080 - Department of Agriculture - Division of Animal Industries - Emergency Rules promulgated in response to the threat of Chronic Wasting Disease introduction into the State of Tennessee, chapter 0080-2-1 Health Requirements for Admission and Transportation of Livestock and Poultry, 5 T.A.R. (May 15, 2002). Filed April 15, 2002; effective through September 27, 2002. (04-16)

DEPARTMENT OF AGRICULTURE – 0080 DIVISION OF REGULATORY SERVICES

STATEMENT OF NECESSITY REQUIRING EMERGENCY RULES

Pursuant to T.C.A. § 4-5-208, the Tennessee Department of Agriculture’s Regulatory Services Division, Pesticides Section is promulgating the following emergency rules relating to the aerial application of pesticides and the persons licensed as aerial pesticide applicators. These emergency rules are necessary as a part of the State’s “homeland security” efforts to increase public safety, gather information, and reduce the threat of terrorism.

The Governor, the Office of Homeland Security, and the Department of Agriculture are in agreement that there is a potential for an immediate threat to the public health, safety and welfare in that the existing rules concerning licensure requirements, record keeping requirements, aircraft security measures and coordination with law enforcement agencies are not adequate to meet the heightened security concerns since the attacks of September 11. Therefore, if emergency rules are not promulgated the aerial spraying season will begin without sufficient security measures in place.

For copies of the entire text of the proposed amendment contact Kathy Booker, Pesticide Administrator, Regulatory Services Division, Department of Agriculture, P. O. Box 40627, Nashville, Tennessee, 37204, 615-837-5133.

Dan Wheeler, Commissioner
Department of Agriculture

**EMERGENCY RULES
OF THE
DEPARTMENT OF AGRICULTURE
DIVISION OF REGULATORY SERVICES**

**CHAPTER 0080-6-15
RULES AND REGULATIONS GOVERNING
COMMERCIAL AERIAL APPLICATORS
OF PESTICIDES**

The text of the amendments to the current rules is as follows:

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0080-6-15-.01 General Rules

0080-6-15-.02 Denial of License

AMENDMENTS

Rule 0080-6-15-.01 General Rules is amended by deleting the rule in its entirety and substituting the following language so that as that the amended rule shall read:

0080-6-15-.01 GENERAL RULES.

- (1) Any person applying for a license as a Commercial Aerial Applicator shall have first obtained a Certification, as provided in the "Tennessee Application of Pesticides Act of 1978" found in T.C.A. §§ 62-21-101 et. seq, in the category of pesticides which they intend to apply or provide sufficient evidence of an equivalent certification from a state with which the State of Tennessee has a current and official reciprocal agreement.
- (2) Any person applying for a license as a Commercial Aerial Applicator shall take an examination administered by the department of agriculture as directed by the Commissioner in order to determine if the applicant has the knowledge and technical qualifications necessary for the issuance of such license.
- (3) Aerial Applicators shall maintain a log record for a period of 36 months on each application. Such record shall be made available on demand to the Commissioner for his review and copies shall be provided to representatives of the department of agriculture upon request. Aerial Applicators located outside the boundary of the State of Tennessee, shall submit a certified copy of any log record for any or all applications as required by the Commissioner within 48 hours at a time and location designated by the Commissioner.
- (4) The log record shall clearly set out the following information relative to each and every pesticide application:
 - (a) The pesticide used and its EPA registration number.
 - (b) The crop or plant to which the pesticide was applied.
 - (c) The dosage rate of the application.
 - (d) The approximate acreage to which the pesticide was applied.

- (e) The location, description, and GPS coordinates of the area to which the pesticide is applied.
 - (f) The landowner, producer, or other person employing such Aerial Applicator's services.
 - (g) The date of pesticide application.
 - (h) The name and Tennessee license number of the Aerial Applicator.
 - (i) The decal number of the aircraft used for the application.
- (5) All pesticides applied by Aerial Applicators shall be applied in a manner that is consistent with its labeling. Each Aerial Applicator must submit evidence to prove that label directions were followed and all restrictions were fully met when requested to do so by the Commissioner.
- (6) Aerial Applicators holding a license under existing Tennessee law may renew such license without examination, but such renewed license shall be subject to whatever restrictions or limitations as are indicated by the license pursuant to the provisions of T.C.A. §43-8-302(9).
- (7) A Tennessee issued Aerial Applicator License with photo identification shall be in the possession of the Aerial Applicator while engaged in the aerial application of pesticides in the State of Tennessee.
- (8) Aerial Applicators in the State of Tennessee shall notify the sheriff's office in the county in which a pesticide application is to be made. Such notification shall be made prior to the pesticide application and no later than the day of the application. The Aerial Applicator shall report the name of the landowner and the location of each intended pesticide application as well as the names(s) of the pesticide (s) to be sprayed.
- (9) All aircraft licensed under this chapter shall be secured or otherwise rendered inoperable by means of a prop chain lock, gust lock, throttle restriction, or other measures acceptable to the Commissioner of Agriculture except when the aircraft is in use or under the direct control of an Aerial Applicator licensed under this chapter or under the direct responsibility of an airport operator.

Authority. T.C.A. §§43-8-301 through 43-8-309.

Rule 0080-6-15-.02 Denial of License is amended by deleting the rule in its entirety and substituting the following language so that as that the amended rule shall read:

0080-6-15-.02 DENIAL OF LICENSE

The Commissioner of Agriculture may deny licensing to applicants not meeting the requirements for certification and/or licensing or for violations of the rules or statutes concerning the use, purchase or sale of pesticides. Provided however, any person denied such certification or licensure may contest such decision by requesting a hearing as a contested case under the "Administrative Procedures Act" (T.C.A. §4-5- 301 et seq).

Authority: T.C.A. §§43-8-301 through 43-8-309.

The emergency rules set out herein were properly filed in the Department of State 28th day of June, 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 10th day of December, 2002. (06-38)

TENNESSEE WILDLIFE RESOURCES COMMISSION-1660

STATEMENT OF NECESSITY REQUIRING EMERGENCY RULE AMENDMENT

Pursuant to T.C.A. 4-5-208 , the Tennessee Wildlife Resources Commission is promulgating this emergency rule regarding waterway zoning on Dale Hollow Lake. This rule is necessary to insure the safety of all persons in vessels in the vicinity of State Highway 111 bridge and Sunset Marina. The area in front of the marina is a constricted channel in which vessels must operate in close proximity to each other. Further, this constricted area passes under the Highway 111 bridge which is supported by a number of large piers which boaters must navigate around. There is currently no speed restriction in the proposed zoning area, which is a very popular boating area, and is the main channel of the Obey River for transversing Dale Hollow Lake.

The emergency nature of the rule centers around the time of year. Memorial Day weekend is approaching and marks the beginning of the peak activity for boating and is usually one of the heaviest boating days of the year. Complaints from boaters in the area along with letters of request for the zoning from local forms of government and business has led to the urgent necessity of the rule. Any other type of rulemaking would not allow the zoning to become effective until the end of the year, after the peak activity. The Commission feels that the safety of all those boaters in the restricted navigation channel and in the area of the bridge piers is jeopardized by the high speed operation. Therefore, the Commission intends to zone this area by enacting a "slow, no-wake" zone as delineated by buoys and/or signs approximately sixteen hundred feet (1600') on the east side and eleven hundred feet (1100') feet on the west side of the Highway 111 bridge from May 15 through Labor Day.

In light of the reasons set forth, the commission finds that there is an immediate danger to the welfare and safety of the boating public and further finds that the nature of this danger is such that any other form of rulemaking would not protect the public thereby requiring adoption of these emergency rule amendments.

For copies of the entire text of the proposed amendment, contact: Ed Carter, Chief of Boating, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204.

Ed Carter, Chief of Boating
Tennessee Wildlife Resources Agency

**EMERGENCY RULES
OF THE
WILDLIFE RESOURCES COMMISSION**

**CHAPTER 1660-2-7
RULES AND REGULATIONS GOVERNING OPERATIONS OF VESSELS**

AMENDMENT

Rule 1660-2-7-.34 Dale Hollow Lake is amended by adding new paragraph (3) which shall read as follows:

- (3) All vessels being operated within approximately sixteen-hundred feet (1600') on the east side (upstream) and eleven-hundred feet (1100') on the west side (downstream) of the Highway 111 bridge, as delineated by a line of informational buoys, shall be operated at a "slow, no wake" speed from May 15 through Labor Day.

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

The emergency rules set out herein were properly filed in the Department of State on the 6th day of June, 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 day of 18th day of November, 2002. (06-01)

PROPOSED RULES

DEPARTMENT OF AGRICULTURE - 0080 DIVISION OF REGULATORY SERVICES

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

Presented herein are proposed amendments of Division of Regulatory Services, Department of Agriculture submitted pursuant to T.C.A. §44-5-202 in lieu of a rulemaking hearing. It is the intent of the Division of Regulatory Services, Department of Agriculture to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Agriculture, 440 Hogan Road, Nashville, Tennessee 37220, and the Department of State, 8th Floor, William R Snodgrass Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243-0307, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

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.

The text of the proposed amendment is as follows:

AMENDMENT

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 an approved CWD surveillance program in which no CWD has ever been diagnosed nor has the herd been identified as a trace-back or trace-forward herd. The herd must have an enrollment date in the program on or before January 1,2000.
- (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”.
- (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.*

Department of State on the 28th day of June, 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 10th day of December, 2002. (06-39)

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT - 0800
DIVISION OF BOILER AND ELEVATOR INSPECTION
BOILER AND PRESSURE VESSEL SECTION
BOARD OF BOILER RULES

Presented herein are proposed amendments of the Department of Labor and Workforce Development, Division of Boiler and Elevator Inspection, Boiler and Pressure Vessel Section, Board of Boiler Rules submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Labor and Workforce Development to promulgate these rules and 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 rules and amendments are published. Such petition, to be effective, must be filed in the Legal Services office of the Department of Labor and Workforce Development, William R. Snodgrass - Tennessee Tower - 26th Floor, 312 Eighth Avenue North, Nashville, Tennessee 37243-0293, and in the Department of State, William R. Snodgrass - Tennessee Tower - 8th Floor, 312 Eighth Avenue North, Nashville, TN 37243 (615) 741-2078, 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 Mr. Dean Dickey, Director, Boiler and Elevator Division, Tennessee Department of Labor and Workforce Development, Andrew Johnson Tower - 3rd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0663, telephone: (615) 741-2123.

The text of the proposed amendments is as follows:

CHAPTER 0800-3-3
BOILER INSPECTIONS

AMENDMENTS

Rule 0800-3-3-.01 Definitions is amended by deleting the rule in its entirety and substituting the following language, so that as amended the rule shall read:

0800-3-3-.01 DEFINITIONS. As used in this Chapter, unless the context otherwise requires:

- (1) Act means the provisions of T.C.A. Title 68, Chapter 122.
- (2) ANSI means the American National Standards Institute.
- (3) API means the American Petroleum Institute.
- (4) Alteration means a change in any item described on the original manufacturer's data report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes, such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel, shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.
- (5) Approved means approved by the Board of Boiler Rules.
- (6) Authorized Inspection Agency means:

- (a) A jurisdiction as defined by this rule; or
 - (b) An insurance company which has been licensed or registered by the appropriate authority of a state of the United States or a province of Canada to write boiler and pressure vessel insurance and to provide all inspection services required by the Act for boilers and pressure vessels insured by such company in this State.
- (7) Board means the Board of Boiler Rules.
- (8) Boiler means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof under pressure or vacuum, for the use external to itself, by the direct application of heat. The term boiler includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and complete within themselves.
- (a) Power boiler - A boiler in which steam or other vapor is generated at a pressure of more than 15 psig.
 - (b) High-temperature water boiler - A water boiler intended for operation at pressures in excess of 160 psig. or temperatures exceeding 250°F.
 - (c) Heating boiler - A steam or vapor boiler operating at pressures not exceeding 15 psig. or a hot water boiler operating at pressures not exceeding 160 psig. or temperatures not exceeding 250°F.
 - (d) Electric boiler - A power or heating boiler in which the source of heat is electricity.
 - (e) Miniature boiler - A power or high-temperature water boiler which does not exceed the following limits:
 - 1. 16 in. inside diameter of shell;
 - 2. 20 sq. ft. heating surface (not applicable to electric boilers);
 - 3. 5 cu. ft. gross volume exclusive of casing and insulation;
 - 4. 100 psig. maximum allowable working pressure.
 - (f) Unfired steam boiler - An unfired pressure vessel or system of unfired pressure vessels intended for operation at a pressure in excess of 15 psig. steam for the purpose of producing and controlling an output of thermal energy.
 - (g) Waste heat boiler - An unfired pressure vessel or system of unfired pressure vessels intended for operation in excess of 15 psig. steam for the purpose of producing and controlling an output of thermal energy.
 - (h) Heat recovery boiler - A vessel or system of vessels comprised of one or more heat exchanger surfaces used for the recovery of waste heat.
 - (i) Steam heating boiler - A steam boiler for operation at pressures not exceeding 15 psig.
 - (j) Hot water heating boiler - A boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which is operated at a pressure not exceeding 160 psig. and/or a temperature of 250°F at or near the boiler outlet.

- (k) Hot water supply boiler - A boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig. and/or a temperature of 250°F at or near the boiler outlet.
 - (l) Portable boiler - A boiler which is primarily intended for temporary location, where the construction and usage permits it to be readily moved from one location to another.
 - (m) Potable hot water heater - A heater supplying potable water for commercial purposes in which the pressure does not exceed 160 psig. and the temperature does not exceed 210°F.
- (9) Certificate of competency means a certificate issued to a person who has passed the examination prescribed by the Board pursuant to T.C.A. § 68- 122-109.
- (10) Certificate of inspection means a certificate issued for operation of a boiler or pressure vessel, as required in T.C.A. §68-122-111.
- (11) Certificate inspection means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding, suspending or revoking a certification of inspection. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.
- (a) Internal Inspection - As complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.
 - (b) External Inspection - An inspection made when a boiler or pressure vessel is in operation, if possible.
- (12) Commission - The commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop or field inspections in accordance with the National Board Rules for Commissioned Inspectors, and whose employer submits the inspector's application to the National Board for such commission.
- (13) Condemned boiler or pressure vessel means a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by an inspector qualified to take such action who has applied a stamping or marking designating its rejection.
- (14) Department – The Tennessee Department of Labor and Workforce Development.
- (15) Existing installation means any boiler constructed, installed, placed in operation, or contracted for before July 1, 1955.
- (16) Inspector means the Chief Inspector, any Deputy Inspector, Special Inspector, or Owner-User Inspector.
- (a) Chief Inspector - The Chief Boiler and Pressure Vessel Inspector appointed pursuant to T.C.A. §68-122-106.
 - (b) Deputy Inspector - Any inspector appointed pursuant to T.C.A. §68-122-107.
 - (c) Special Inspector - An inspector holding a Tennessee certificate of competency, and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers or pressure vessels in this State.

- (d) Owner-User Inspector - An inspector continuously employed by a company owning or operating pressure vessels in this State for the purposes of making inspections of pressure vessels used or to be used by such company, but not for resale, and providing such company complies with the requirements of T.C.A. §68-122-108.
- (17) Jurisdiction means a state, commonwealth, county or municipality of the United States or a province of Canada which has adopted one or more sections of the ASME Code, one of which is Section 1, and maintains a duly constituted department, bureau or division for the purpose of enforcement of such Code.
- (18) Licensed boiler and pressure vessel contractor means a person, firm, or corporation authorized to engage in the erection and/or repair of boilers and pressure vessels.
- (19) Lined potable water heater means a water heater with a corrosion-resistant lining used to supply potable hot water.
- (20) National Board means the National Board of Boiler and Pressure Vessel Inspectors (NB), 1055 Crupper Avenue, Columbus, Ohio 43229.
- (21) National Board Inspection Code means the ANSI Standard NB-23 for boiler and pressure vessel repairs and alterations published by the National Board.
- (22) NFPA means National Fire Protection Association, Inc.
- (23) Nuclear power plant means one or more nuclear power systems and containment systems.
- (24) Nuclear power system means a system that serves the purpose of producing and controlling an output of thermal energy from nuclear fuel and those associated systems essential to the functions of the power system. The components of the system include such items as pressure vessels, piping systems, pumps, valves and storage tanks.
- (25) New installation means any boiler constructed, installed, placed in operation or contracted for after July 1, 1949 and any pressure vessel constructed, installed, placed in operation or contracted for after July 1, 1955.
- (26) Non-standard boiler or pressure vessel means a boiler or pressure vessel that does not bear the ASME stamp, the API- ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by the Board.
- (27) Owner or User means any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler or pressure vessel within the jurisdiction.
- (28) Owner-User inspection agency means an owner or user of pressure vessels who maintain a regularly established inspection department, whose organization and inspection procedures generally meet the requirements of the National Board rules and are acceptable to the Board.
- (29) Pressure vessel means a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source other than those boilers defined in paragraph (8) of this rule.
- (30) Psig means pounds per square inch gauge.
- (31) Reinstalled boiler or pressure vessel means a boiler or pressure vessel removed from its original setting and reinstalled at the same location without change of ownership.
- (32) Repair means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

- (33) Second-hand boiler or pressure vessel means a boiler or pressure vessel which has changed both location and ownership since last used.
- (34) Standard boiler or pressure vessel means a boiler or pressure vessel which bears the stamp of this State, the ASME stamp, the API-ASME stamp, both the ASME and National Board stamps, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by the Board.
- (35) Historic power boilers means any steam traction engine, portable or stationary, standard or nonstandard power boiler, including free-lance and scale models, owned by publicly operated museums, non-profit organizations and individuals who preserve, maintain, exhibit and only occasionally operate these boilers on a not-for-profit basis and for the primary purpose of perpetuating the agricultural and pioneer heritage of Tennessee.

Authority: T.C.A. §§68-122-101, 68-122-102, and 4-5-202.

Rule 0800-3-3-.02 Adoption by Reference is amended by deleting the rule in its entirety and substituting the following language, so that as amended the rule shall read:

Rule 0800-3-3-.02 Adoption by Reference. Unless otherwise provided by applicable law or the provisions of this Chapter, the required minimum standard for the construction, installation, operation, maintenance, repair, alteration, testing and inspection of boilers and pressure vessels in the State of Tennessee shall be those prescribed in the following publications; as amended per adopted edition and addenda:

- (1) Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (ASME Code), published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.
- (2) National Board Inspection Code (NBIC), published by the National Board of Boiler and Pressure Vessel Inspectors (NB), 1055 Crupper Avenue, Columbus, Ohio 43229.
- (3) Code for Unfired Pressure Vessels for Petroleum Liquids and Gases (API-ASME Code), published by the American Society of Mechanical Engineers in conjunction with the American Petroleum Institute.
- (4) Controls and Safety Devices for Automatically Fired Boilers (ASME-CSD-1), published by the American Society of Mechanical Engineers.
- (5) Boiler and Combustion Systems Hazards Code (NFPA 85), published by the National Fire Prevention Association, International, 1 Batterymarch Park, Quincy, Massachusetts 02269.

Authority: T.C.A. §§68-122-101, 68-122-102, and 4-5-202.

Subparagraph (d)(1) of paragraph (1) of Rule 0800-3-3-.03 Administration is amended by deleting the word tow between the words of and or in the second line of said subparagraph and inserting the word two, and by deleting the number B31.10 at the end of the last sentence in such subparagraph and inserting the number B31.1, so that as amended such subparagraph shall read:

- (d) 1. Power piping external to power boilers from the boiler to the first stop valve of a single boiler, and to the second stop valve in a battery of two or more boilers, is subject to the requirements of the ASME Code, Power Boilers, Section I. The design, fabrication, installation and testing of the valves and piping shall be in accordance with ASME B31.1.

Authority: T.C.A. §§68-122-101 through 68-122-103, and 4-5-202.

Subparagraph (c) of paragraph (7) of Rule 0800-3-3-.03 Administration is amended by adding the language , that organization shall return the certificate between the words certificate and of in the second line of said subparagraph, so that as amended such subparagraph shall read:

- (c) When the holder of a certificate of competency ceases to be employed by the organization which requested the certificate, that organization shall return the certificate of competency and valid identification card to the Chief Inspector.

Authority: T.C.A. §§68-122-101 through 68-122-103, 68-122-108, 68-122-109, and 4-5-202.

Paragraph (9) of Rule 0800-3-3-.03 Administration is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (9) Inspection reports.
 - (a) Deputy and Special Inspectors shall submit to the Chief Inspector on a form approved by the Board, an initial inspection report for each boiler and pressure vessel subject to inspection in this State. Complete data shall be submitted on a Board-approved form for each non-standard boiler or pressure vessel.
 - (b) Deputy and Special Inspectors shall submit to the Chief Inspector on a form approved by the Board, Re-Inspection reports of subsequent inspections of both standard and non-standard boilers and pressure vessels.
 - (c) Owner-user inspection agencies shall report in accordance with subparagraphs (a) and (b) above. Such reports shall be filed as provided in paragraph (12) of this rule.
 - (d) Inspection reports required by subparagraphs (a), (b) and (c) above shall be submitted within thirty days after the date of inspection.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Paragraph (10) of Rule 0800-3-3-.03 Administration is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (10) Insurance.
 - (a) An insurance company shall notify the Chief Inspector within thirty days of all boilers or pressure vessels, on which insurance is written, cancelled, not renewed or suspended.
 - (b) An insurance company shall conduct all required inspections to boilers and pressure vessels that are covered in the insurance policy, where premiums for specific inspection requirements are specified.
 - (c) If a special inspector employed by the insurance company does not perform the inspection required in subparagraph (b) above within ninety (90) days of the expiration date of the Certificate of Inspection, a Deputy Inspector may be called to perform such inspection to determine the safety compliance of such boiler or pressure vessel. In the event that a Deputy Inspector performs an inspection on an insured boiler or pressure vessel, the insurance company in question will be invoiced for a Special Inspection Fee, as specified in T.C.A. § 68-122-113.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Subparagraph (b) of paragraph (12) of Rule 0800-3-3-.03 Administration is amended by deleting the word signed between the words reports and by in the second line of said subparagraph and inserting the word submitted, so that as amended such subparagraph shall read:

- (b) Retain on file where the equipment is inspected a true record or copy of each of the latest inspection reports submitted by the inspector;

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Subparagraph (a) of paragraph (21) of Rule 0800-3-3-.03 Administration is amended by deleting the words responsible for the in-service inspection between the words inspector and shall in the fourth line of said subparagraph and inserting the words authorizing the repair or alteration, so that as amended such subparagraph shall read:

- (a) Repairs and alterations shall not be made without the permission of an Inspector employed by the Authorized Inspection Agency responsible for the in-service inspection of the subject boiler or pressure vessel. Such repairs and alterations shall be done in accordance with the National Board Inspection Code. The inspector authorizing the repair or alteration shall sign the necessary National Board “NB-R” form or forms.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Paragraph (24) of Rule 0800-3-3-.03 Administration is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (24) Application of State Serial Numbers. Upon completion of the installation of a boiler or pressure vessel, or at the time of the initial certificate inspection of an existing installation, the Inspector shall tag each boiler or pressure vessel in the vicinity of the code stamping with a Board approved and Department supplied registration tag.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Paragraph (25) of Rule 0800-3-3-.03 Administration is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (25) Exemptions. Potable hot water heaters are exempt from the “Construction Standards” requirements of rule 0800-3-3-.03(1)(a) and (b) when neither of the following limitations are exceeded:
 - (a) Heat input of 199,999 BTU/hr.
 - (b) Water temperature of 210°F. However, such potable hot water heaters, with a heat input of between 100,000 and 199,999 BTU/hr., are subject to registration, inspection and inspection certificate requirements. These vessels are required to have an NB rated, ASME constructed, test-lever pressure-temperature activated safety relief device.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Subparagraph (a)(7) of Paragraph (1) of Rule 0800-3-3-.04 General Requirements is amended by deleting the words non-return and between the words the and steam-stop in the third line of said subparagraph, so that as amended such subparagraph shall read:

7. Before opening the manhole or handhole covers and entering any parts of the steam-generating unit connected to a common header with other boilers, close, tag and (preferably) padlock the steam-stop valves; and open drain valves or cocks between the two valves. After draining the boiler, close, tag, and (preferably) padlock the blowoff valves. Disconnect blowoff lines (where practicable) between pressure parts and valves. Open all drains and vent lines.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110 through 68-122-113, 68-122-116, and 4-5-202.

Subparagraph (c) of Paragraph (1) of Rule 0800-3-3-.04 General Requirements is amended by adding the sentence, The oxygen content of the breathable atmosphere shall be between 19.5% and 23.5%, at the end of said subparagraph, so that as amended such subparagraph shall read:

- (c) No employee or inspector shall be permitted to enter a boiler drum or pressure vessel until the plant inspector or supervisor and the person entering the pressure vessel have confirmed that all stop valves on inlet and outlet piping (not vented to atmosphere) have been closed and tagged. When not valved, the piping shall be disconnected or blanked. In addition, plant personnel shall make appropriate tests to assure that there is no oxygen deficiency or hazardous or toxic gases in the drums or pressure vessels to be entered by the inspector. The oxygen content of the breathable atmosphere shall be between 19.5% and 23.5%.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-110, and 4-5-202.

Subparagraph (a) of Paragraph (5) of Rule 0800-3-3-.04 General Requirements is amended by deleting the words be exceeded by more than 2 percent at the end of the last sentence of said subparagraph, and by adding the words exceed that which is allowed by the applicable ASME code of construction, so that as amended such subparagraph shall read:

- (a) A pressure test, when applied to boiler or pressure vessels, shall not exceed 1 ½ times the maximum allowable working pressure. The pressure shall be under proper control so that in no case shall the required test pressure exceed that which is allowed by the applicable ASME code of construction.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-110, and 4-5-202.

Subparagraph (e) of Paragraph (5) of Rule 0800-3-3-.04 General Requirements is amended by deleting the words ASME Code between the words the and are in the third line of said subparagraph, and inserting the word NBIC, so that as amended such subparagraph shall read:

- (e) When the contents of the vessel prohibit contamination by any other medium or when a pressure test is not possible, other testing media may be used providing the precautionary requirements of the applicable section of the NBIC are followed.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-110, and 4-5-202.

Subparagraph (a) of Paragraph (6) of Rule 0800-3-3-.04 General Requirements is amended by deleting the subparagraph in its entirety and substituting the following language, so that as amended the subparagraph shall read:

- (a) Each automatically-fired boiler shall be equipped with one or more automatic low-water fuel cutoff device conforming to the requirements of ASME CSD-1, latest edition/addenda adopted by the Board. If a waterfeeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber, and so located as to supply requisite feedwater. The lowest safe waterline should not be lower than the lowest visible part of the water glass.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110, and 4-5-202.

Subparagraph (a) of Paragraph (10) of Rule 0800-3-3-.04 General Requirements is amended by deleting the word responsible between the words the and inspector in the fourth line of said subparagraph, and inserting the word authorizing, so that as amended such subparagraph shall read:

- (a) Before any necessary repairs or alterations are made, an inspector employed by the authorized inspection agency responsible for the in-service inspection of the boiler or vessel shall be consulted. After such repairs or alterations are made, they shall be reviewed and found acceptable by the authorizing inspector.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110, and 4-5-202.

Subparagraph (b) of Paragraph (10) of Rule 0800-3-3-.04 General Requirements is amended by deleting the word Alterations at the beginning of the first line of said subparagraph, and inserting the word Repairs, so that as amended such subparagraph shall read:

- (b) Repairs shall be made by an organization holding a current National Board Repair Certificate of Authorization and the license required by rule 0800-3-3-.03(21).

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110, and 4-5-202.

Paragraph (13) of Rule 0800-3-3-.04 General Requirements is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

(13) Clearance.

- (a) When boilers are replaced or new boilers are installed in either existing or new buildings, a height of at least 3 feet shall be provided between the top of the boiler proper and the ceiling or roof, and at least 3 feet between all sides of the boiler and adjacent walls or other structures. Boilers and pressure vessels having manholes shall have 5 feet clearance from the manhole opening and any wall, ceiling or piping that will prevent a person from entering the boiler or vessel. All boilers and pressure vessels shall be so located that adequate space will be provided for the proper operation of the boilers and pressure vessels and their appurtenances, for the inspection of all surfaces, tubes, waterwalls, economizers, piping valves and other equipment, and for the necessary maintenance, repair and replacement of tubes.
- (b) A variance from the requirements of (a) above may be issued by the Chief Inspector for the installation of a Steam Heating, Hot Water Heating, Hot Water Supply, or Unfired Steam Boilers or Unfired Pressure Vessels. All requests must be submitted to the Chief Inspector prior to installation.

Authority: T.C.A. §§68-122-101 through 68-122-104, 68-122-110, and 4-5-202.

Paragraph (18) of Rule 0800-3-3-.04 General Requirements is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (18) Prevention of Furnace Explosions. Fuel-burning equipment, the related safety devices and controls, and their operation shall be in accordance with the requirements of ASME CSD-1, or the NFPA 85 latest edition/addenda adopted by the Board, as applicable.

Authority: T.C.A. §§68-122-101 through 68-122-104, and 4-5-202.

Subparagraph (a) of Paragraph (20) of Rule 0800-3-3-.04 General Requirements is amended by adding the word and number NFPA 70 at the end of the last sentence of said subparagraph, so that as amended such subparagraph shall read:

- (a) The grounding of the boiler shall be permanently fastened on some part of the boiler, and shall be grounded in accordance with the National Electrical Code, NFPA 70.

Authority: T.C.A. §§68-122-101 through 104, and 4-5-202.

Paragraph (21) of Rule 0800-3-3-.04 General Requirements is amended by deleting the words, but in no case less than 4 inches diameter or equivalent area. Where the horizontal run is more than 10 feet, the size of the vent or flue shall be increased to a minimum of 6 inches in diameter or equivalent area, at the end of the last sentence of said subparagraph, and substituting a period (.) for the comma (,) after the word manufacturer, so that as amended such subparagraph shall read:

- (21) Flue Connection. Each gas-fired boiler shall be equipped with a vent or flue which shall terminate at any acceptable location outside the building. The size of the vent or flue shall be that recommended by the boiler manufacturer.

Authority: T.C.A. §§68-122-101 through 104, and 4-5-202.

Paragraph (22) of Rule 0800-3-3-.04 General Requirements is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (22) Attendants for Power Boilers.
 - (a) A power boiler having a rating of either 5 h.p. or 50 sq. ft. of heat- absorbing surface or greater shall not be operated for periods of longer than twenty (20) minutes without being checked by an attendant who has been qualified by the owner in its operation, regardless of whether the boiler is equipped with automatic feedwater regulator, fuel or damper regulator, high and low water alarm, or other form of automatic control.
 - (b) A variance from the requirements of (a) above may be issued by the Board. All requests must be submitted to the Chief Inspector no less than forty-five (45) days prior to the next regularly scheduled or called meeting of the Board.

Authority: T.C.A. §§68-122-101, 68-122-102, and 4-5-202.

Subparagraph (i)(2) of paragraph (6) of Rule 0800-3-3-.05 Existing Power Boilers is amended by deleting the word Theses in the third line of said subparagraph and inserting the word These, so that as amended such subparagraph shall read:

2. By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the ASME Code, Section I; or

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (e) of paragraph (7) of Rule 0800-3-3-.05 Existing Power Boilers is amended by deleting the number 120° in the second line of said subparagraph and inserting the number 120° F, and by deleting the number 215° in the fourth line of said subparagraph, and inserting the number 215° F, so that as amended such subparagraph shall read:

- (e) When deaerating heaters are not employed, it is recommended that the temperature of the feed water be not less than 120° F to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feedwater temperature be not less than 215° F so that dissolved gases may be thoroughly released.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Paragraph (8) of Rule 0800-3-3-.05 Existing Power Boilers is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (8) Water Level Indicators.
 - (a) No outlet connections (except for damper regulator, feedwater regulator, low water fuel cutout, drains steam gauges, or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom) shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least ¾ inch pipe size, with the discharge to be piped to a safe location.
 - (b) Per ASME Section I, gauge cocks are no longer required.
 - (c) For all installations where the water gauge glass or glasses are more than 30 feet above boiler operating floor, remote water level indicating or recording gauges shall be installed at eye level.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (b) of paragraph (10) of Rule 0800-3-3-.05 Existing Power Boilers is amended by adding the word not between the words shall and be in the second line of said subparagraph, so that as amended such subparagraph shall read:

- (b) When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location, and shall not be discharged on the top of the boiler or its setting.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (e) of paragraph (11) of Rule 0800-3-3-.05 Existing Power Boilers is amended by deleting the word or between the words case and renewal in the first line of said subparagraph, and inserting the word of, so that as amended such subparagraph shall read:

- (e) All fittings between the boiler and blowoff valve shall be of steel. In case of renewal of blowoff pipe or fittings, they shall be installed in accordance with the rules for new installations. See Recommended Rules for National Board Boiler Blowoff Equipment.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Paragraph (2) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by deleting the rule number 0800-2-11-.05(3) between the words rule and except in the second line of said subparagraph, and inserting the rule number 0800-3-3-.05(3), so that as amended such subparagraph shall read:

- (2) Non-standard Riveted Boilers. The maximum allowable working pressure on the shell of a nonstandard riveted heating boiler shall be determined in accordance with rule 0800-3-3-.05(3) except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed 15 psig., or a hot water boiler exceed 160 psig. or 250 degrees F temperature.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (a) of paragraph (5) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by deleting the number 2 in the seventh line of said subparagraph and inserting the number 2½, and by deleting the number 2 in the eighth line of said subparagraph, and inserting the number 2½, so that as amended such subparagraph shall read:

- (a) Each steam boiler shall have one or more ASME/National Board stamped safety valves of the spring pop-type adjusted and sealed to discharge at a pressure not to exceed 15 psi. Seals shall be attached in a manner to prevent the valves from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure of the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field installation. For valves exceeding 2½ inches pipe size, the drain holes or holes shall be tapped not less than 3/8 inch pipe size. For valves less than 2½ inches, the drain hole shall not be less than ¼ inch in diameter.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (b) of paragraph (5) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by adding the word heating between the words steam and boiler in the first line of said subparagraph, and is amended by deleting the number ¾ in the first line of said subparagraph and inserting the number ½, and by deleting the words unless the boiler and radiating surface consist of a self-contained unit, between the words inch and No in the first and second lines of said subparagraph, so that as amended such subparagraph shall read:

- (b) No safety valve for a steam heating boiler shall be smaller than ½ inch unless the boiler and radiating surface consist of a self-contained unit. No safety valve shall be larger than 4½ inches. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (d) of paragraph (5) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by adding the word the between the words be and greater in the first line of said subparagraph, so that as amended such subparagraph shall read:

- (d) The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000 or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in Table 2. In many cases, a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case, the requirements of Item 5, Paragraph (e) shall be met.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (a) of paragraph (6) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by adding the word /NB between the words ASME and –rated in the eighth line of said subparagraph, so that as amended such subparagraph shall read:

- (a) Each hot water heating boiler shall have at least one ASME/National Board stamped safety relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one ASME/National Board Stamped safety relief valve of the automatic reseating type set to relieve at or below maximum allowable working pressure of the boiler Safety relief valves, ASME/National Board stamped as to capacity, shall have pop action when tested by steam. When more than one safety relief valve is used on either hot water-heating or hot water-supply boilers, the additional valve or valves shall be ASME/NB rated, and may be set within a range not to exceed 6 psig. above the maximum allowable working pressure of the boiler up to and including 60 psig., and 5 percent for those having a maximum allowable working pressure exceeding 60 psig. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum permitted by this paragraph.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (c) of paragraph (6) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by adding the words approximately equal to, or greater than, the seat diameter between the words diameter and In, in the fourth line of said subparagraph, and by deleting the number $\frac{1}{2}$ in the fourth line of said subparagraph, and inserting the number $\frac{1}{4}$, so that as amended such subparagraph shall read:

- (c) No safety relief valve shall be smaller than $\frac{3}{4}$ inch nor larger than $4\frac{1}{2}$ inches standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a safety relief valve of $\frac{1}{2}$ inch standard pipe. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than $\frac{1}{4}$ inch in diameter or its equivalent area.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Subparagraph (f) of paragraph (6) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by deleting the paragraph in its entirety and substituting the following language, so that as amended the paragraph shall read:

- (f) The safety relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operating at maximum capacity, the pressure cannot rise more than 5 psig. above the maximum allowable working pressure for steam heating boilers, and 10 percent above maximum allowable working pressures for hot water boilers.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Paragraph (8) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by deleting the word of where it appears in the paragraph title between the words Pressure and Altitude, and inserting the word or, so that as amended such paragraph title shall read:

- (8) Pressure or Altitude Gauges and Thermometers.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

Paragraph (4) of Rule 0800-3-3-.07 Existing Pressure Vessels Boilers is amended by deleting the number 130 between the words AR-and whichever in the ninth line of said paragraph, and inserting the number 150, so that as amended such paragraph shall read:

- (4) Overpressure Protection. Each pressure vessel shall be provided with safety relief valves and controlling devices as necessary to protect against overpressure. These devices shall be so constructed, located and installed that they cannot be rendered inoperative. The relieving capacity of such pressure relief devices shall be adequate to prevent a rise in pressure in the vessel of no more than 10 percent above the highest pressure to which any pressure relieving device is set. The opening pressure of the lowest set pressure relieving device shall be no greater than the maximum allowable working pressure of the vessel. Where an additional hazard is involved due to fire or other unexpected sources of external heat, the pressure relief devices shall meet the requirements of ASME Code Section VIII, Division 1, Paragraph UG-125 or Division 2, Paragraph AR-150, whichever is applicable.

Authority: T.C.A. §§68-122-101, 68-122-102, 68-122-104 and 4-5-202.

The proposed rules set out herein were properly filed in the Department of State on the 17th day of June, 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 October, 2002. (06-15)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT

- 0400 - Department of Environment and Conservation - Division of Radiological Health - Public Necessity rules dealing with regulation of radioactive materials under the terms of an agreement between Tennessee and the U.S. Nuclear Regulatory Commission (NRC), chapters 1200-2-4, 5, 7, 8, 10, and 12, 5 T.A.R. (May 2002) - Filed April 18, 2002; effective through September 30, 2002. (04-18)
- 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.

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RULEMAKING HEARINGS

BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES - 1370 COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

There will be a hearing before the Tennessee Board of Communications Disorders and Sciences' Council for Licensing Hearing Instrument Specialists to consider the promulgation of a new rule, repeal of a rule, and amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, and 63-17-203. 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 28th day of August, 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 Floor, Cordell Hull Bldg., 425 5th Ave. N., 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 1370-2-.06, Fees, is amended by deleting paragraphs (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) 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 draw against an account in a United States Bank, and made payable to the Council for Licensing Hearing Instrument Specialists.
- (3) Fee Schedule
 - (a) Hearing Instrument Specialists

Type Fee	Amount
1. Application Fee	\$450.00
2. Duplicate License or Duplicate Certificate Fee	\$ 25.00
3. Written Endorsement/Verification Fee	\$ 20.00

4.	Examination Fees	
	(i) Written-1st attempt	\$175.00
	(ii) Written-Retake	\$175.00
	(iii) Practical-1st attempt	\$175.00
	(iv) Practical-Retake	\$125.00
5.	Late Renewal Fee	\$150.00
6.	Licensure Renewal Fee (Biennial)	\$700.00
7.	State Regulatory Fee (Biennial)	\$ 10.00
(b)	Apprentice Hearing Instrument Specialist	
	Type Fee	Amount
1.	Application Fee	\$125.00
2.	Examination and Retake Fee	\$125.00
3.	State Regulatory Fee	\$ 10.00

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-118, 63-17-203, 63-17-209, 63-17-211, and 63-17-214.

Rule 1370-2-.07, Application Review, Approval, Denial and Interviews, 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) A temporary authorization to practice may be issued to an applicant pursuant to T.C.A. § 63-1-142.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-142, 63-17-203, 63-17-205, and 63-17-213.

NEWRULE

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1370-2-.08 Examinations

1370-2-.08 EXAMINATIONS. All applicants for licensure as a hearing instrument specialist or for registration as an apprentice hearing instrument specialist must successfully complete the applicable examinations described in this rule. All other requirements for licensure or registration must be successfully completed before the Council will approve an applicant to take the examinations.

- (1) Hearing Instrument Specialist

- (a) Written Examination - The Council adopts as its written licensure examination the International Hearing Society's sanctioned examination or its successor examination.
 - 1. The passing score shall be the overall passing score as determined by the International Hearing Society.
 - 2. If the applicant is currently licensed or has been licensed in another state as a hearing instrument specialist, the applicant shall direct the National Board for Certification in Hearing Instruments Sciences to submit evidence that he is currently certified by the NBC-HIS or the applicant shall direct the IHS to submit documentation that he has passed the written examination as provided in this rule.
 - (b) Practical Skills Examination - Successful completion of the written examination requirements must be accomplished before the Council will approve an applicant to take the practical skills examination.
 - 1. All applicants will be required to demonstrate knowledge in audiogram interpretation, advanced audiometric techniques, and unless successfully completed pursuant to subparagraph (2) (b) for registration as an apprentice, earmold impression technique.
 - 2. The passing score shall be a minimum of seventy-five percent (75%) on each section of the practical skills examination.
 - (c) Jurisprudence Examination
 - 1. Applicants will be tested on their knowledge of the HIS statute, Title 63, Chapter 17 of the T.C.A., and Council rules and regulations.
 - 2. The passing score shall be a minimum of seventy-five percent (75%).
- (2) Apprentice Hearing Instrument Specialist
- (a) Written Examination
 - 1. Applicants will be tested on the content of the IHS Basic Course for Independent Study.
 - 2. The passing score shall be a minimum of seventy-five percent (75%) on each section of the written examination.
 - (b) Practical Skills Examination
 - 1. Applicants will be tested on basic audiometric technique and earmold impression technique.
 - 2. The passing score shall be a minimum of seventy-five percent (75%) on each section of the practical skills examination.
 - (c) Successfully completing the written and jurisprudence examinations will qualify the applicant for apprenticeship if all other requirements have been met, pursuant to Rule 1370-2-.05.
- (3) Fees - Initial and retake examination fees, pursuant to Rule 1370-2-.06, must be received in the Council's Administrative Office prior to the examination date, except as provided in Paragraph (4).
- (4) Examination Retakes and Limitations

- (a) An applicant who fails any section of either the written examination or the practical skills examination will be retested in the section(s) failed only.
 - (b) ~~On or before the thirtieth (30)~~ **(30)** day from receipt of the examination results, the applicant shall submit to the Council his retake fee. Failure to do so will result in the application file being closed. If closed, no further Council action will take place until a new application is received pursuant to the rules governing the application process, including payment of all fees.
 - (c) After three (3) failures of the written or practical skills examinations, the applicant must wait for twelve (12) months before sitting for a retake. During these twelve (12) months, the applicant must receive training assistance from a Tennessee licensed hearing instrument specialist. Within ninety (90) days of the applicant's notification of the third (3rd) examination failure, the applicant must notify the Council in writing of the name of the Tennessee licensed hearing instrument specialist who will provide the training.
- (5) Examination Proctors
- (a) The Council, or its designated representatives, shall administer all examinations. The Council shall take any actions necessary to insure impartiality.
 - (b) Any Council member administering the practical skills examination may elect to recuse himself from administering the practical skills examination to a particular applicant.
 - (c) Any applicant taking the practical skills examination may, upon written request, have a Council member recused from administering such applicant's practical skills examination. The written request of the applicant should be received in the Council's Administrative Office at least ten (10) days prior to the scheduled examination.
- (6) Examination Dates and Sites - The location of the examinations shall be designated in advance by the Council and such shall be held not less than annually at such time and place as specified by the Council, if there are applicants eligible for the examinations. Examinations shall be given at other times as, in the opinion of the Council, the number of applicants warrants.
- (7) Examination Results - Examination results will be mailed to the applicant. Results are not provided by telephone, facsimile, or e-mail.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-201, 63-17-203, 63-17-208, 63-17-209, and 63-17-210.

REPEAL

Rule 1370-2-.08, Examinations, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, and 63-17-203.

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-48)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF AIR POLLUTION CONTROL

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the state implementation plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for its consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 at 9:30 a.m. on the 19th day of August 2002.

Written comments will be included in the hearing records if received by the close of business Aug. 19, 2002, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any 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 initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to Aug. 19, 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, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Mr. John Patton at 615-532-0604. For complete copies of the text of the notice, please contact Mr. John Patton, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, telephone 615-532-0604.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1200-3-18
VOLATILE ORGANIC COMPOUNDS

AMENDMENTS

Part 10 of subparagraph (b) of paragraph (1) of rule 1200-3-18-.03 Compliance Certification, Recordkeeping, And Reporting Requirements For Coating And Printing Sources is amended by substituting for the present part 10 a different part 10 so that, as amended, the part shall read as follows:

10. For catalytic incinerators:
 - (i) Continuous records of the temperature of the gas stream upstream of the catalyst bed at the nearest feasible measurement point to the catalyst bed;
 - (ii) Records of all 3-hour periods of operation for which the average temperature measured according to the requirement of subpart (i) above is below the gas stream temperature measured before the catalyst bed during the most recent determination of destruction efficiency of the catalytic incinerator that demonstrated that the source was in compliance;

- (iii) Records of analyses of catalyst test cores made to verify the catalyst bed is not contaminated or masked to the extent that the destruction efficiency of the incinerator is diminished below that attained during the most recent destruction efficiency test that demonstrated the source was in compliance; and
- (iv) An initial analysis of test cores conducted within 12 months after (rule-effective date). Subsequent tests shall be within 13 months of each previous test, or according to a schedule specified on a permit for the source served by the incinerator.

Authority: T.C.A. §§68-201-105 and 4-5-202.

Subpart (ii) of part 1 of subparagraph (b) of paragraph 2 of rule 1200-3-18-.83 Test Methods And Compliance Procedures: Emission Capture And Destruction Or Removal Efficiency And Monitoring Requirements is amended by striking the words “and temperature rise across each catalytic incinerator bed” so that, as amended, the subpart shall read as follows:

- (ii) Temperature immediately before the catalytic incinerator; and

Authority: T.C.A. §§68-201-105 and 4-5-201 *et seq.*

This notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2002. (06-34)

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF AIR POLLUTION CONTROL**

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of an amendment to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 *et seq.* and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 at 9:30 a.m. on the 19th day of August, 2002.

Written comments will be included in the hearing records if received by the close of business August 19, 2002, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any 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 initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to (August 19, 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, 21st Floor, 401 Church Street, Nashville TN 37243, telephone (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Mr. John Patton at 615-532-0604. For complete copies of the text of the notice, please contact Mr. Martin Smith, Department of Environment and Conservation, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243, telephone 615-532-0569.

SUBSTANCE OF PROPOSED CHANGE**CHAPTER 1200-3-27
NITROGEN OXIDES****AMENDMENT**

Subparagraph (f) of paragraph (1) of rule 1200-3-27-.06 Nox Budget Trading Program For State Implementation Plans (40 CFR 96) is amended by substituting the following sentence (“The permitting authority may allocate additional allowances to NOx Budget units that have been generated through NOx emission reductions from industrial, mobile, and area source sectors that are permanent, enforceable, quantifiable, and surplus as determined by and approved by the Administrator and the permitting authority.”) in place of the existing sentence at the end of subparagraph (f), so that, as amended, the subparagraph shall read:

- (f) The provisions of Sec. 96.40 as adopted for Tennessee are revised to read as follows:

Sec. 96.40 State trading program budget.

The State trading program budget allocated by the permitting authority under Sec. 96.42 for a control period will equal the total number of tons of NOx emissions apportioned to the NOx Budget units under Sec. 96.4 in the State for the control period. The state trading program budget to be allocated to units under Sec. 96.4(a)(1) is 25814 tons/season, as specified for electricity generating units in the state in the EPA’s final published budgets for states under the EPA’s NOx SIP call. The budget to be allocated to units under Sec. 96.4(a)(2) is 5519 tons/season. The total of budgets for non-EGU units subject to this rule 1200-3-27-.06 and included in the EPA’s inventory for the NOx SIP call. The portion of the state trading program budget allocated to units under Sec. 96.4(a)(2) shall be as set forth in the state implementation plan. The nitrogen oxides allowance (NOx allowance) allocated under Sec. 96.4(a)(2) must be subjected to a public hearing and submitted to the EPA for approval as a revision to the state implementation plan. The permitting authority may allocate additional allowances to NOx Budget units that have been generated through NOx emission reductions from industrial, mobile, and area source sectors that are permanent, enforceable, quantifiable, and surplus as determined by and approved by the Administrator and the permitting authority.

Authority: T.C.A. §§68-201-105 and 4-5-201 et. seq.

This notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2002. (06-33)

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

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated, 71-5-105 and 71-5-109. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in Room 16 of the Legislative Plaza, 6th Avenue North, Nashville, Tennessee, at 9:00 a.m. C.D.T. on the 15th day of August 2002.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Finance and Administration, Bureau of TennCare, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Bureau of TennCare to determine how it may reasonably provide such aid or service. Initial contact may be made with the Bureau of TennCare's ADA Coordinator by mail at the Bureau of TennCare, 729 Church Street, Nashville, Tennessee 37247-6501 or by telephone at (615) 741-0155 or 1-800-342-3145.

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

SUBSTANCE OF PROPOSED RULES

Rule 1200-13-1-.06 Provider Reimbursement is amended by adding a new paragraph (5) and renumbering the present paragraph (5) as (6) and subsequent paragraphs renumbered accordingly so as amended the new paragraph (5) shall read as follows:

- (5) Behavioral Unit Pilot Program.
 - (a) Behavioral Unit pilot program facilities shall be reimbursed for Medicaid patient days at the prevailing Medicaid Level II ceiling rate for the first year of operation. This first year rate shall be subject to cost settlement based upon cost report data. For the second and third years of the pilot program, the facility shall be reimbursed based upon Behavioral Unit expenditures reported in the facility's cost report. The Medicaid rate paid for Behavioral Unit patient days shall be subject to the Medicaid Level II ceiling rate.
 - (b) During the three year pilot project, beds eligible for reimbursement are limited to 150 statewide and 50 per grand region. At the inception of the pilot program, the number of eligible beds shall be determined for each participating facility. The number of beds shall be determined based upon the Medicaid eligible beds in each participating facility's state approved Alzheimer's Unit as of July 1, 2002.

At that time, an adjustment shall be made to reduce any beds in excess of 150 statewide and 50 per grand region. For grand regions having more than one qualifying facility, the number of beds allotted to each facility for the Behavioral Unit pilot project shall be determined by taking the number of beds in each facility's state approved Alzheimer's Unit and dividing that number by the total number of qualifying beds in the grand region. The 50 beds available for the region shall then be allocated based on the resulting percentage for each facility.

Rule 1200-13-1-.10 Criteria for Medicaid Reimbursement of Care in Nursing Facilities is amended by adding a new paragraph (6) and renumbering the present paragraph (6) as (7) so as amended the new paragraph (6) shall read as follows:

- (6) Criteria for Medicaid Reimbursement of Behavioral Unit pilot program level of care in a Nursing Facility
 - (a) The individual must be determined by the Tennessee Department of Human Services to be financially eligible for Medicaid reimbursement for Nursing Facility Care.

(b) An individual must meet both of the following criteria in order to be approved for Medicaid-reimbursed Behavioral Unit pilot program level of care in a Nursing Facility:

1. **MEDICAL NECESSITY OF CARE:** Care in a Nursing Facility must be expected to improve or ameliorate the individual's physical or mental condition, to prevent a deterioration in health status, or to delay progression of a disease or disability, and such care must be ordered and supervised by a physician on an ongoing basis.
2. **NEED FOR INPATIENT NURSING CARE:** The individual must have a mental condition, disability, or impairment that requires daily nursing care. The individual must require Behavioral Unit pilot program services, which, in accordance with accepted medical practice, are not usually and customarily self-performed.

To qualify for Behavioral Unit services the patient shall require therapeutic interventions such as supervision, interaction, monitoring, prompting, cueing, modeling, and redirecting at least daily for behaviors that include, but are not limited to, the following:

- (i) History and/or attempts to harm self or others, such as kicking, biting, scratching, hitting, or pinching.
 - (ii) Aggressive behaviors and mannerisms.
 - (iii) Increased motor activity with agitation.
 - (iv) Suicidal tendencies.
 - (v) High elopement risk (normal safety precautions with door locks not enough).
 - (vi) Perpetual disruptive behavior (hits, bangs objects continuously).
 - (vii) Public disrobing, sexual inappropriateness, public defecation/urination.
 - (viii) Unpredictable episodes of explosive anger or aggression.
3. **BEHAVIORAL UNIT PATIENT CLASSIFICATION:** Patients qualifying for admission to the Behavioral Unit pilot program shall be classified in the following Resource and Utilization Group (RUGs) categories: BA1; BA2; BB1; BB2; CA2; CB1; CB2; CC1; CC2; IA1; IA2; and IB2. Patients classified in the above categories have behavioral problems, are clinically complex, or have impaired cognition.

(c) Eligible facilities shall meet the following criteria:

1. Behavioral Unit pilot program facilities shall be located in each of the three grand divisions of the state of Tennessee as defined by the Department of Health's Division of Health Care Facilities.
2. For calendar year 2001, Medicaid patient days in each eligible facility's state approved Alzheimer's Unit shall constitute 75% or more of the total patient days billed for the state approved Alzheimer's Unit.
3. Eligible facilities shall have a minimum of 50 licensed beds in their Behavioral Unit. Should a grand region have no qualifying facility due to the minimum licensed beds requirement, this provision shall be waived for that region.
4. Each facility shall have operated a state approved Alzheimer's Unit for the past five years.

5. No facility shall be eligible for the Behavioral Unit pilot program if its special Alzheimer's unit received a "J" level or higher survey citation within the past three years. (A "J, K or L" level citation is based on federal regulations and indicates Immediate Jeopardy, defined as a situation in which the provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.).
6. Eligibility for the Behavioral Unit program shall include only those facilities meeting all stated requirements as of July 1, 2002.
7. Eligible facilities may choose to decline participation in the Behavioral Unit pilot program. Facilities opting to be excluded from the program shall contact the Commissioner of the Department of Health in writing no later than thirty days after notification of eligibility.

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

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-44)

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

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated, 71-5-105 and 71-5-109. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in Room 16 of the Legislative Plaza, 6th Avenue North, Nashville, Tennessee, at 9:00 a.m. C.D.T. on the 15th day of August 2002.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Finance and Administration, Bureau of TennCare, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Bureau of TennCare to determine how it may reasonably provide such aid or service. Initial contact may be made with the Bureau of TennCare's ADA Coordinator by mail at the Bureau of TennCare, 729 Church Street, Nashville, Tennessee, 37247-6501 or by telephone at (615) 741-0155 or 1-800-342-3145.

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

SUMMARY OF PROPOSED RULES**CHAPTER 1200-13-13
TENNCARE MEDICAID**Eligibility

The Technical and financial eligibility requirement for TennCare Medicaid are as follows:

- (a) To be eligible for TennCare Medicaid, individuals must:
 1. Meet all technical requirements applicable to the appropriate category of medical assistance as described in Chapter 1240-3-3-.03 of the rules of the TDHS – Division of Medical Assistance, and all financial eligibility requirements applicable to the appropriate category of medical assistance as described in Chapter 1240-3-3-.03 of the rules of the TDHS – Division of Medical Assistance; or
 2. Meet the financial eligibility requirements of the SSI Program of the Social Security Administration and be approved for SSI benefits by the Social Security Administration; or
 3. Be a woman who is under age sixty-five (65), is uninsured, is not eligible for Medicaid under any other category, is a U.S. citizen or qualified alien, and has been diagnosed by a screening at a Centers for Disease Control and Prevention (CDCP) site with breast or cervical cancer, including pre-cancerous conditions.
- (b) The Bureau of TennCare will also have access to third party resources on current TennCare Medicaid eligibles. MCCs will release insurance information from their files to the Bureau of TennCare on a regular basis, as required in the contract between the MCCs and the Tennessee Department of Finance and Administration.
- (c) Eligibility for TennCare Medicaid is limited to individuals who meet the following criteria:
 1. Tennessee residents who are eligible for Medicaid as defined in rule 1200-3-3 of the TDHS – Division of Medical Assistance;
 - (i) Individuals enrolled as categorically needy, as defined at 1200-13-13-.01 of these rules, will be eligible for TennCare Medicaid for a period determined by their eligibility category.
 - (ii) Individuals enrolled as medically needy, as defined at 1200-13-13-.01 of these rules, will be eligible for a period of one (1) year regardless of his/her Medicaid eligibility period.
 - (iii) TennCare Medicaid enrollees in Parts 1. And 2. above, must be recertified for TennCare Medicaid prior to the expiration of their eligibility and qualify to remain in TennCare Medicaid, or apply for and be approved for TennCare Standard in order to maintain their benefits in the TennCare Program without a break in coverage.
 2. Tennessee residents who are determined eligible for the SSI Program by the Social Security Administration.

3. Women who have been enrolled as a result of needing treatment for breast or cervical cancer and who meet the technical and financial requirements found at 1200-13-13-.02 of these rules will be enrolled for a period of one (1) year. Prior to the expiration of that year, she will be asked to recertify her, and her family's if appropriate, address, monthly income, and access to health insurance in order to continue to participate in the TennCare Medicaid Program.
- (d) Effective date of eligibility
1. For SSI eligibles, the date determined by the Social Security Administration in approving the individual for SSI coverage.
 2. For all other Medicaid eligibles, the date of the application or the date of the qualifying event (such as the date that a spend-down obligation is met), whichever is later.
 3. For persons applying for Medicaid eligibility during a period when the DHS offices are not open, the date their faxed application is received at DHS, but only when the faxed application is followed up on the next business day with a complete application at DHS.

Enrollment

Persons determined eligible for TennCare Medicaid by the TDHS or the Social Security Administration, as eligible for SSI benefits, are subject to the following requirements:

- (a) Individuals who are approved for TennCare Medicaid by the TDHS or the Social Security Administration (for SSI benefits) shall be allowed to enroll in TennCare Medicaid at any time throughout the year.
- (b) TennCare Medicaid enrollees will have a forty-five (45) day period after initially selecting or being assigned to a health plan to change plans. No additional changes will be allowed except as otherwise specified in these rules.
- (c) If an individual is approved for TennCare Medicaid and has another family member already enrolled in the TennCare Program, that individual shall be placed in the same health plan as the currently enrolled family member. To the extent possible, all identifiable family members shall be placed in the same health plan. The exception will be any family members assigned to TennCare Select by the Bureau of TennCare. If the newly enrolled family member opts to change MCOs during the 45-day change period as stated in (b) above, all family members on the case will be transferred to the new MCO.
- (d) Enrollees in TennCare Medicaid shall be given their choice of health plans when possible. If no MCO is available to enroll new members in the enrollee's region, the enrollee will be assigned to TennCare Select until such time as another MCO becomes available. The Bureau may also elect to assign certain TennCare Medicaid children with special health needs to TennCare Select. Once the 45-day change period, as stated in (b) above expires, an individual shall remain a member of the designated plan until:
 1. Recertification if he/she is TDHS-eligible for TennCare Medicaid. During the recertification process, the enrollee will be given the opportunity to change health plans if he/she chooses to do so. Enrollees who must recertify TennCare Medicaid eligibility more often than annually will only be allowed to change health plans one (1) time per twelve (12) months, except as otherwise provided for in these rules; or
 2. He/she, if eligible for TennCare Medicaid as a result of being eligible for SSI benefits, is given the opportunity to change health plans annually during a period specified by the Bureau of TennCare; or

3. He/she loses eligibility to participate in the TennCare Program, whichever comes first.

However, enrollees, after going through the appeal process as described in (4)(b) below, and obtaining the approval of the Bureau of TennCare, may be permitted to change enrollment to a different health plan. In the event that an enrollee elects to change health plans, the enrollee's medical care will be the responsibility of the original health plan until enrollment in the subsequent health plan is deemed complete.

- (e) All changes in health plan assignments are subject to the requested health plan's ability and capacity to accept additional enrollees. If the requested health plan cannot accept additional enrollees, the enrollee will be assigned to another health plan, or remain in the same health plan of which he/she is a current member.
- (f) TennCare Medicaid enrollees shall be enrolled in a BHO for their mental health and substance abuse services.
- (g) TennCare Medicaid enrollees shall be accepted by an MCO regardless of their health condition at the time of enrollment.
- (h) Individuals or families determined eligible for TennCare Medicaid shall select a health plan at the time of application. Individuals enrolled as a result of being eligible for SSI benefits will be assigned to a health plan as they do not have the opportunity to select a health plan prior to their effective date of coverage. All TennCare Medicaid enrollees have a forty-five (45) day period, effective with the effective date of coverage, to request a change of health plans.
- (i) Enrollment shall be effective on the date provided to the Bureau of TennCare by the TDHS or the Social Security Administration, in accordance with these rules, and the eligible person has selected or been assigned to a health plan from those available where the person resides. In the event that an individual fails to select a health plan or the requested health plan is unable to accept additional enrollees, he/she shall be assigned to a health plan by the Bureau of TennCare.
- (j) MCOs shall offer enrollees to the extent possible, freedom of choice among providers participating in their respective health plans. If after notification of enrollment the enrollee has not chosen a primary care provider, one may be chosen for him/her by the MCO. The period during which an enrollee may choose his/her primary care provider shall not be less than fifteen (15) calendar days.

TennCare Medicaid enrollees are given their choice of health plans when possible. Once enrolled, the enrollee shall remain a member of the designated health plan until he/she is given an opportunity to change during an annual recertification period, or during a Bureau of TennCare-specific time for those who are SSI-eligible to participate in TennCare Medicaid. Only one (1) change is permitted every twelve (12) months, except where otherwise provided for in these rules.

Benefits

Benefits for TennCare Medicaid will not change until January 1, 2003. Benefits currently consist of enumerated covered medical services to be provided as medically necessary, including hospital, physician and pharmacy services as well as EPSDT (Early and Periodic Screening, Diagnosis and Treatment) services for children. The benefits package will be modified effective January 1, 2003, to provide limitations on some services and to require copayments for pharmacy services.

The notice of rulemaking hearing was properly filed in the Department of State on the 28th day of June, 2002. (06-45)

DEPARTMENT OF FINANCE AND ADMINISTRATION - 06
BUREAU OF TENNCARE

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated, 71-5-105 and 71-5-109. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in Room 16 of the Legislative Plaza, 6th Avenue North, Nashville, Tennessee, at 9:00 a.m. C.D.T. on the 15th day of August 2002.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Finance and Administration, Bureau of TennCare, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Bureau of TennCare to determine how it may reasonably provide such aid or service. Initial contact may be made with the Bureau of TennCare's ADA Coordinator by mail at the Bureau of TennCare, 729 Church Street, Nashville, Tennessee, 37247-6501 or by telephone at (615) 741-0155 or 1-800-342-3145.

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

SUMMARY OF PROPOSED RULES

CHAPTER 1200-13-14
TENNCARE STANDARD

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TennCare Standard is the new TennCare category for the waiver eligible population.

TennCare Standard will be offered to two groups of Tennessee residents who do not have access to group health insurance.

- Those who have incomes below 200 percent poverty; and
- Those who are "medically eligible" at any income level.

In addition, a third group will have access to pharmacy benefits only under TennCare Standard. This group will be persons enrolled in TennCare as of December 31, 2001, who have Medicare but not Medicaid, and who continue to meet the criteria for "uninsurability"

A fourth group, will be children under 19 with family incomes below 200% poverty and access to insurance who were enrolled in TennCare as of December 31, 2001. At such time as these children reach their 19th birthday and/or their family income exceeds 200% poverty, they will have to be eligible in another category in order to remain on TennCare. They will have premium and copay obligations if their family income exceeds 100% poverty.

Eligibility for TennCare Standard is limited to individuals who are not eligible for Medicaid and meet the following criteria:

- (a) Are Tennessee residents who are medically eligible and have income below one hundred (100%) percent of the poverty level;
- (b) Tennessee residents who were enrolled on the program as of June 30, 2002 as uninsured or uninsurable and who have incomes at or below the poverty level established annually based on appropriations made available by the State Legislature or have income above that level but have proven they are medically eligible in accordance with the procedures specified in these rules so long as they continue to be uninsured and lack access to group health insurance. The only exception other than that described in paragraph (d) is for uninsured children under two hundred (200%) percent of poverty who were enrolled on the program as of June 30, 2002 and have remained continuously enrolled in the program, even if they have access to group health insurance. These enrollees must report changes in income, family size and compensation, and employment and employment status to their county TDHS office in writing within the time frame established at T.C.A. 71-5-110 for reporting changes so that a determination can be made as to access to (or lack of) employer-sponsored health insurance and the appropriate level of premium to be assessed, if any.
- (c) Tennessee residents, who were eligible for Medicare on December 31, 2001, enrolled in TennCare as an uninsured as of December 31, 2001 and who do not qualify for Medicaid, subject to proving to the Bureau that they are uninsurable. These enrollees must complete a redetermination process at the TDHS office in the county where they reside. This includes, but is not limited to, a review of access to other health insurance, (except Medicare) address, change in income, and any change in family size and composition. Enrollees who have access to other health insurance will lose their eligibility for TennCare Standard. At that time they will also be required to prove they are uninsurable the enrollee must provide a denial letter from an insurance company or its authorized agent, for which the denial is based upon the applicant's health status. TennCare will send a notice to non-Medicaid individuals who had Medicare and TennCare as an uninsured as of December 31, 2001, telling them that they must submit a letter of declination for a Medicare supplemental policy. The failure to provide proof of uninsurability will result in disenrollment from TennCare and the enrollee will no longer be eligible to apply for TennCare Standard.
- (d) Tennessee residents, who were eligible for Medicare, enrolled in TennCare as an uninsurable as of December 31, 2001, and who do not qualify for Medicaid. These enrollees must complete a redetermination process at the TDHS office in the county where they reside. This includes, but is not limited to, a review of access to other health insurance, (except Medicare) address, change in income, and any change in family size and composition. Enrollees who have access to other health insurance will lose their eligibility for TennCare Standard. However, this population will not be required to re-prove their uninsurable status.
 1. "Other health insurance" for the categories of eligibles described in subparagraphs (d) and (e) of this paragraph includes the following:
 - (i) A group health plan as defined in these rules;
 - (ii) Health insurance coverage, meaning benefits consisting of medical care (provided directly through insurance or reimbursement or otherwise, and including items and services paid for as medical care) under any hospital or medical services policy or certificate, hospital or medical services plan contract, or health maintenance contract offered by a health insurance issuer;
 - (iii) Medicaid;
 - (iv) Armed forces health insurance (TRICARE);

- (v) A state health risk pool.

b. Enrollment:

Enrollment for TennCare Standard will shift to the Department of Human Services from the Department of Health. SSI beneficiaries through the Social Security Administration will be enrolled TennCare Medicaid benefits, while the SPMI/SED population, unless also eligible for Medicaid, will be enrolled in TennCare Standard. The Department of Mental Health and Developmental Disabilities will be the lead agency for establishing policy and procedural requirements and criteria for TennCare eligibility. Please also refer to the Summary of TennCare Standard above for general and technical eligibility requirements.

Enrollment for TennCare Standard ceases when:

- (a) The enrollee becomes eligible for participation in an employer-sponsored group health insurance plan;
- (b) The enrollee becomes eligible for Medicare;
- (c) The enrollee is determined eligible for Medicaid;
- (d) The enrollee becomes eligible for TRICARE;
- (e) The enrollee purchases an individually-funded, non-employer-sponsored health insurance plan;
- (f) It is determined that the enrollee falsified the information given at the time of application for TennCare Standard and approval was based on this false information;
- (g) The enrollee fails to pay the required premium in order to enroll and/or remain enrolled in TennCare Standard;
- (h) The enrollee has failed to pay applicable co-payments for services received and the Bureau has authorized disenrollment;
- (i) It is determined that an enrollee has abused the TennCare Program by allowing an ineligible person to utilize the enrollee's TennCare Standard identification card to obtain services, subject to federal and state laws and regulations;
- (j) The individual fails to comply with TennCare Program requirements, subject to federal and state laws and regulations;
- (k) It is determined that the enrollee has abused the TennCare Program by using their TennCare Standard identification card to seek or obtain drugs or supplies illegally or for resale, subject to federal and state laws and regulations;
- (l) Death of the enrollee;
- (m) It is determined that any of the technical eligibility requirements are no longer met;
- (n) The enrollee has failed to respond to a recertification process requirement, to assure that the enrollee and other family members, as appropriate, remains eligible for TennCare Standard;
- (o) When the TDHS county office receives a voluntary written request for termination of eligibility

- c. Benefits for TennCare Standard will not change until January 1, 2003. Currently, the benefits consist of enumerated covered medical services to be provided as medically necessary, including hospital, physician and pharmacy services as well as EPSDT (Early and Periodic Screening, Diagnosis and Treatment) services for children. The benefits package will be modified effective January 1, 2003, to provide limitations on some services and to require copayments for some services, including pharmacy, based upon an income sliding scale. EPSDT will not be a covered benefit as of January 1, 2003.
- d. Appeals of adverse actions for persons on TennCare Standard.
 - 1. For persons on TennCare Standard who have been denied services, the appeals process will follow the Grier v. Wadley appeals process which has been in effect for the past two years. Enrollees may appeal any denial, delay, termination, suspension, reduction of TennCare benefits or any other act or omission by the TennCare program which impairs the quality, timeliness, or availability of such benefits.
 - 2. An enrollee must be given notice of an adverse action and has the right to appeal. The enrollee has 30 days to file an appeal and the enrollee has a right to a decision on his/her appeal within 90 days for a regular appeal and 31 days for an expedited.
 - 3. The appeal may be filed by telephone, fax, in person or in writing. If the enrollee needs assistance in filing an appeal, TennCare will assist him/her. The MCC has 14 days or 5 in the case of an expedited appeal to reconsider its original decision.
 - 4. For pharmacy services, if the enrollee is denied a medication at the pharmacy, he/she must be given a notice of the denial and receive a fourteen day supply of the medication, unless the medication is non-covered, medically contraindicated, or the prescription is for less than 14 days.
 - 5. If the TennCare Solutions Unit does not resolve the appeal, the appeal is sent to an Administrative Judge for a fair hearing. The enrollee may represent himself or have a friend or an attorney assist him with the hearing. The enrollee will be sent a Notice of Hearing telling him what the hearing is about and that he may have a hearing in person or on the telephone. The Notice will inform him of his rights at the hearing and the time and place, if appropriate.

The notice of rulemaking hearing was properly filed in the Department of State on the 28th day of June, 2002. (06-46)

**DEPARTMENT OF HEALTH - 1200
BOARD FOR LICENSING HEALTH CARE FACILITIES**

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of new rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia room on the ground floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 8:00 a.m. (CDT) on the 14th day of August, 2002.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities 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 Care Facilities, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing, visit the Department of Health's web page on the Internet at www.state.tn.us/health and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-0508, (615) 741-7598.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-8-5
BEHAVIORAL HEALTH UNITS IN NURSING FACILITIES**

NEW RULES

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1200-8-5-.01 Special Services: Behavioral Unit pilot program

1200-8-5-.01 SPECIAL SERVICES: BEHAVIORAL UNIT PILOT PROGRAM. Structurally distinct parts of a nursing home may be designated as special care units for patients with dementia, cognitive disorders, psychiatric disorders, post-traumatic stress disorders, mania, schizophrenia, major depression, and mood disorders. These conditions result in certain behaviors that require daily behavior management programs and/or pharmacological interventions that cannot be managed in a less restrictive setting. The unit shall provide goal-directed, comprehensive and interdisciplinary services directed at attaining the highest practicable level of physical, affective, behavioral and cognitive functioning. Units which hold themselves out to the public as providing specialized behavior services shall comply with provisions T.C.A. 68-11-1404 and shall be in compliance with the following minimum standards:

- (1) In order to be admitted to the Behavioral Unit:
 - (a) A diagnosis of one or more of the above mentioned conditions must be made by a physician. The specific etiology causing the behavior shall be identified to the best level of certainty prior to admission to the special care unit; and,
 - (b) The need for admission must be determined by an interdisciplinary team consisting of at least a physician experienced in the management of the patients with these diagnoses, mental health professional, a registered nurse, and a relative, guardian, or patient care advocate on behalf of the patient.

- (2) All patients qualifying for admission to the Behavioral Unit, regardless of payer source, shall be classified in the following RUGs categories: BA1; BA2; BB1; BB2; CA2; CB1; CB2; CC1; CC2; IA1; IA2; IB1 and IB2. Patients classified in the above categories have behavioral problems, are clinically complex, or have impaired cognition.
- (3) Behavioral Units shall be separated from the remaining portion of the nursing home by a locked door and must have extraordinary and acceptable fire safety features and policies, which ensure the well being and protection of the patients.
- (4) The patients must have direct access to a secured, therapeutic outdoor area. This outdoor area shall be designed and maintained to facilitate emergency evacuation.
- (5) There must be limited access to the designated unit so that visitors and staff do not pass through the unit to get to other areas of the nursing home.
- (6) Each unit must contain a designated dining/activity room, which shall accommodate 100 percent seating for the patients.
- (7) Corridors or open spaces shall be designed to facilitate ambulation and activity, and shall have an unobstructed view from the central working or nurses' station.
- (8) Increased assistance with maintaining nutritional needs with focus on frequent carbohydrate and protein snacks, nutritious finger foods, and extra fluids with increased vitamins, minerals and electrolytes.
- (9) Assessment procedures to document behaviors, interventions, and effectiveness of behavior management and/or medication.
- (10) New MDS at least every 180 days or at time of significant change in order to determine if patient can move to Level I care.
- (11) The Behavioral Unit shall have a structured, therapeutic activities program daily.
- (12) The designated unit shall provide a minimum of 3.5 hours of direct care to each patient every day, including .75 hours of licensed nursing personnel time. Direct care shall not be limited to nursing personnel time and may include direct care provided by dietary staff, social workers, administrator, therapists, activities, psychiatric services, and other caregivers, including volunteers.
- (13) A physician who has specialized training and experience in the care of individuals with severe behavioral conditions shall be responsible for the medical direction and medical oversight of the Behavioral unit. He/she would assist with the development and evaluation of policies and procedures governing the provision of medical service in the unit.
- (14) A clinical psychologist with at least one-year of training shall be available on staff or a consulting basis to work with the patients and the unit.
- (15) A transfer agreement with an acute psychiatric care facility is required and the Behavioral Unit patient has priority readmission status to the unit as his or her condition may warrant.
- (16) In addition to the classroom instruction required in the nurse aide-training program, each nurse aide assigned to the unit shall have 40 additional hours of classroom instruction. This program shall include instruction in the following subject areas:
 - (a) Dealing with dysfunctional behavior and catastrophic reactions in the patient;

- (b) Identifying and alleviating safety risks to the patient;
 - (c) Providing assistance in the activities of daily living for the patient;
 - (d) Communicating with the families and other persons interested in the patient;
 - (e) Charting and measuring behavior; and
 - (f) Behavior intervention techniques.
- (17) Each patient shall have a treatment plan developed by facility staff that shall be reviewed monthly and implemented by an interdisciplinary treatment team consisting of at least a physician experienced in the management of the patients with these behaviors, a registered nurse, a social worker, psychiatric professional, activity coordinator, and a relative, guardian, or patient care advocate for the patient.
- (18) A protocol for identifying and alleviating job stress among staff on the special care unit must be developed, implemented, and administered.
- (19) The staff of the unit shall organize a support group for families of unit patients and non-patients from the community which meets at least quarterly for the purpose of:
- (a) Providing ongoing education for the families;
 - (b) Permitting families to give advice about treatment for patients and non-patients;
 - (c) Alleviating stress in family member; and
 - (d) Resolving special problems of unit patients and non-patients.
- (20) When the interdisciplinary team determines that discharge of a patient to another facility or community-based program is appropriate, a discharge plan shall be implemented which is designed to assist and support the patients' family and caregiver in the transition to the new setting.
- (21) Program staff shall be available post-discharge, for a period not to exceed thirty days, on a fee for service basis to act as a continuing resource for the patient, family or caregiver. The fees charged for transitional services shall be in addition to the facility's normal reimbursement for Behavioral Unit patients. However, the fee shall not exceed the facility's cost of providing the transitional service.
- (22) Program staff shall be available for consultative services to community-based groups that provide behavioral health programs. The facility should serve as a community resource for treatment advice and clinical training. The fees charged for consultative services shall be in addition to the facility's normal reimbursement for Behavioral Unit patients. However, the fee shall not exceed the facility's cost of providing the consultative service.
- (23) The facility shall create a marketing plan describing the community services to be provided, method of advertisement, and cost. Marketing plans and promotional materials are to be approved by the Bureau of TennCare no less than annually.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, and 68-11-209.

The notice of rulemaking set out herein was properly filed in the Department of State on the 21st day of June, 2002. (06-23)

**TENNESSEE DEPARTMENT OF HEALTH - 1200
BUREAU OF HEALTH LICENSURE AND REGULATION
DIVISION OF EMERGENCY MEDICAL SERVICES**

There will be a hearing before the Division of Emergency Medical Services to consider the promulgation of new rules pursuant to T.C.A. §§ 68-140-504, 68-140-509 and 68-140-510. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building, Ground Floor, located at 425 Fifth Avenue North, Nashville, Tennessee at 10:00 a.m., Central Daylight Time, on the 5th day of September, 2002.

Any individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Department of Health, Division of Emergency Medical Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party plans to review such filings, to allow time for the Division of Emergency Medical Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the department’s ADA coordinator at the Andrew Johnson Tower, 11th Floor, 710 James Robertson Parkway, Nashville, TN 37243-0675, 615-741-6350.

For a copy of the entire text of the notice of rulemaking, contact Joseph B. Phillips, Director, Division of Emergency Medical Services, Cordell Hull Building, First Floor, 425 Fifth Avenue, North, Nashville, TN 37247-0701, 615-741-2584.

SUBSTANCE OF PROPOSED RULES

NEW RULES

CHAPTER 1200-12-2

PROCEDURES FOR ADMINISTERING CHEMICAL AGENT ANTIDOTES OR EPINEPHRINE IN EMERGENCY SITUATIONS

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1200-12-2-.01	Introduction	1200-12-2-.04	Reports
1200-12-2-.02	Definitions	1200-12-2-.05	Notification
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1200-12-2-.01 INTRODUCTION.

- (1) During the response to emergency situations such as those precipitated by a terrorist event, emergency responders or persons may encounter patients or suffer self-exposure to toxic chemical agents requiring the immediate administration of antidotes or medications to preserve and sustain life and vital functions. Upon the exposure to a significant risk, this rule authorizes emergency treatment by use of autoinjection or intramuscular injection of such antidotes or medications as shall be approved by the Board or the State Medical Officer.

1200-12-2-.02 DEFINITIONS - WITHIN THE MEANING OF THIS RULE:

- (1) “Emergency responder” – Emergency responder means emergency medical technicians, paramedics, fire fighters, emergency medical first response workers, law enforcement and other public safety officials or volunteers making an authorized response or rendering emergency care at the scene of an emergency.

- (2) "Exposure" – Exposure means the presence of an injurious agent in such circumstances that life threatening symptoms may reasonably be anticipated, and that such situations impose an immediate threat to life.

1200-12-2-.03 PROCEDURES.

- (1) EMS personnel or emergency responders may utilize or administer the contents or medications upon the availability of antidote kits or means to administer antidotes or other medications approved for intramuscular injection or autoinjection by the Board or the Commissioner of Health.

1200-12-2-.04 REPORTS.

- (1) Upon the administration of such antidotes or medication by autoinjection or intramuscular injection during an emergency situation, the time and use of such antidotes shall be reported to the appropriate medical personnel assuming care for the patient.

1200-12-2-.05 NOTIFICATION.

- (1) Upon a situation or event involving suspected chemical agents or other toxic substances responding personnel shall immediately notify an emergency dispatch center and inform appropriate public safety and health officials.

Authority: T.C.A. §§4-5-202, 4-5-203, 4-5-204, 68-140-503, 68-140-504, 68-140-509, and 68-140-510.

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-41)

TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240 ADULT AND FAMILY SERVICES DIVISION

There will be a hearing before the Tennessee Department of Human Services to consider the promulgation of amendments pursuant to Tennessee Code Annotated §§71-3-151—71-3-165. 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 15th Floor Puett Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 1:30pm Central Time on Monday August 19, 2002.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten days (10) prior to the scheduled hearing or meeting dates, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney, at 400 Deadrick Street, Nashville, Tennessee, (615) 313-5563 (TDD)- (615) 532-8569.

For a copy of the proposed rule contact: Darryl Wells, Legal Assistant, Office of General Counsel, 400 Deaderick Street, Nashville, Tennessee 37248-0006, Telephone: (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

THE TENNESSEE DEPARTMENT OF HUMAN SERVICES ADULT AND FAMILY SERVICES DIVISION

CHAPTER 1240-1-49 FAMILIES FIRST EMPLOYMENT AND TRAINING

AMENDMENTS

Subparagraph (a) of Paragraph (1) of Rule 1240-1-49-.04, Failure To Comply, Conciliation, Good Cause, And Sanctions is amended by deleting Parts 8 and 11 in their entireties and by substituting instead the following new Parts (8) and (11), so that, as amended, the new parts shall read as follows:

8. Is participating in Department-approved counseling program addressing barriers to self-sufficiency as a part of the Personal Responsibility Plan (PRP).
11. Is residing in a domestic violence or domestic abuse shelter.

Authority: T.C.A. §§ 4-5-202; 71-1-105(12); 71-3-151—71-3-165; 71-3-154(a), (g) and (h); 71-3-157(c)(1) and (f); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

Part 3 of Subparagraph (c) of Paragraph (1) of Rule 1240-1-49-.04, Failure To Comply, Conciliation, Good Cause, And Sanctions, is amended by deleting Part 3 in its entirety.

Authority: T.C.A. §§ 4-5-202, 71-1-105(12), 71-3-151—71-3-165; 71-3-154(a), (d)(1)(B) and (C), (g) and (h); 71-3-157(c)(1) and (f); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

Subparagraphs (k) and (l) of Paragraph (3) of Rule 1240-1-49-.06, Voluntary Quit, are amended by deleting Subparagraphs (k) and (l) in their entireties and by substituting instead the following new language, so that, as amended, Subparagraphs (k) and (l) shall read as follows:

- (k) the employee left a job in connection with patterns of employment in which workers frequently move from one employer to another; or
- (l) quit to enter an education or training program.

Authority: T.C.A. §§ 4-5-202, 71-1-105(12); 71-3-151—71-3-165; 71-3-154(a), (g) and (h); 71-3-157(c)(1) and (f); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

CHAPTER 1240-1-49
FAMILIES FIRST EMPLOYMENT AND TRAINING

Rule 1240-1-49, Families First Employment and Training, is amended by adding the following new rule as Rule 1240-1-49-.08, so that, as amended, Rule 1240-1-49-.08 shall read as follows:

1240-1-49-.08 DEPARTMENT OF HEALTH VISITS.

- (1) Whenever the Families First cash payment is terminated for any reason other than on the basis of:
 - (a) income;
 - (b) resources;
 - (c) there are no children within the age limits for a dependent child in the home;
 - (d) the caretaker has moved out of Tennessee, or;
 - (e) the caretaker has requested closure.

the Department of Human Services (DHS) will notify the Department of Health (DOH).
- (2) The Department of Health will immediately take appropriate action to monitor and protect the safety and well being of the children in the family. Appropriate action will include at least one home visit with the children, by a nurse, medical social worker or other health professional within thirty (30) days of the termination of cash assistance. When appropriate, the Department of Health will make a referral to the Department of Children's Services (DCS).
- (3) If DCS determines that temporary financial assistance will prevent the removal of a child from the custody of his or her parent, DCS will notify DHS directly or notify the Department of Health which will in turn notify DHS.
- (4) The Department of Human Services may provide temporary financial assistance to such families if such assistance is needed to prevent a child's loss of housing, heat, light or water or removal from the home by DCS.
- (5) To receive temporary financial assistance:
 - (a) an eligible child who was in the closed Families First case must be in the home;
 - (b) the family must meet the Consolidated Need Standard income test for Families First cash assistance; and
 - (c) the family must meet the resource limits for Families First cash assistance.
- (6) The issuance of temporary financial assistance may be provided only during the three (3) months immediately following the termination of the Families First cash assistance except when the closure was due to the family reaching the sixty (60)-month time limit. When the closure was due to the family reaching the sixty (60)-month time limit, the temporary financial assistance may be provided for any month in which the family meets the criteria in section 1240-1-49-.08(5).

Authority: T.C.A. §§ 4-5-202, 71-1-105(12), 71-3-151—71-3-165; 71-3-154(d)(1)(B) and (C); 71-3-155; 71-3-157(c)(1); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

**CHAPTER 1240-1-50
STANDARD OF NEED/INCOME**

AMENDMENTS

Paragraph (1) of Rule 1240-1-50-.20, Standard of Need/Income, is amended by deleting the catchline in Paragraph (1), “Families First Standards”, and by substituting instead the language “Families First Cash Assistance Standards”.

Authority: *T.C.A. §§ 4-5-202, 71-1-105(12); 71-3-151—71-3-165; 71-3-154(a)(2); 71-3-155; 71-3-157(c)(1); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.*

Subparagraphs (b) and (c) of Paragraph (1) of Rule 1240-1-50-.20, Standard of Need/Income, are amended by deleting Subparagraphs (b) in their entirety, and by substituting instead the following language, so that, as amended, Subparagraphs (b) and (c) shall read as follows:

- (b) Gross Income Standard (GIS). This standard is set at One Hundred Eighty-Five Percent (185%) of the consolidated need standard. If the gross countable income of an assistance group exceeds this standard, the Assistance Group (AG) is not eligible for Families First.
- (c) Standard Payment Amount (SPA). Tennessee does not meet One Hundred Per Cent (100%) of need as defined by the consolidated need standard. Rather, a maximum payment by family size, dependent on available State and Federal funds is paid, except in the instances specified in 1240-1-50-.20(e).

Authority: *T.C.A. §§ 4-5-202, 71-1-105(12); 71-3-151—71-3-165; 71-3-154(a)(2); 71-3-155; 71-3-157(c)(1); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.*

Subpart (ii) of Subparagraph (e) of Paragraph (1) of Rule 1240-1-50-.20, Standard of Need/Income, is amended by deleting Subpart (ii) in its entirety and by substituting instead the following new language, so that, as amended, Subpart (ii) shall read as follows:

- (ii) the date of implementation of the Families First program (September 1, 1996), as provided by Public Chapter 950 (1996), unless:
 - (I) the child was conceived as the result of verified rape or incest;
 - (II) the child is the firstborn (including all children in the case of a multiple birth) of a minor included in the Families First grant who becomes a firsttime minor parent;
 - (III) the child does not reside with his/her parent;
 - (IV) the child was conceived in a month the AG was not receiving Families First; or
 - (V) the child was already born prior to the later of the date of application for Families First or the date of implementation of Families First, and the child has entered or returned to the home.

Authority: *T.C.A. §§ 4-5-202, 71-1-105(12); 71-3-151—71-3-165; 71-3-154(a)(2); 71-3-155; 71-3-157(c)(1); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.*

Part 3 of Subparagraph (e) of Paragraph (1) of Rule 1240-1-50-.20, Standard of Need/Income, is amended by deleting Part 3 in its entirety and by substituting instead the following new language, so that, as amended, Part 3 shall read as follows:

3. The family benefit cap will not apply to a subsequent period of eligibility for families who reapply for Families First subsequent to receipt of cash assistance for an eighteen (18) month eligibility period during which the child was born, as long as the reason for prior case closure was other than a failure to comply with work or child support enforcement requirements or other Personal Responsibility Plan provisions, and the parent/caretaker had cooperated with the Department as defined in departmental policies for the Families First program.
 - (i) Departmental policies and rules with which the parent/caretaker must cooperate include, but are not limited to:
 - (I) Child support cooperation requirements, such as identifying the absent parent, meeting with child support enforcement staff, submitting a child for blood testing, and testifying in court if necessary;
 - (II) Carrying out and fulfilling Personal Responsibility Plan provisions and requirements; or
 - (III) Carrying out and fulfilling Work Plan provisions and requirements.

Authority: T.C.A. §§ 4-5-202, 71-1-105(12); 71-3-124(e); 71-3-151—71-3-165; 71-3-154(a)(2), (4) and (5) and (h)(1) and (2); 71-3-155; 71-3-157(c)(1); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

Subparagraph (g) of Paragraph (1) of Rule 1240-1-50-.20, Standard of Need/Income, is amended by adding the following new Part, so that, as amended, the new Part shall read as follows:

3. Standard for Families First Transitional Services
 - (i) Families First assistance groups and other low income families may receive transitional services after the Families First case closes.
 - (ii) For purposes of this Part, “transitional services” is defined as services to assist the customer in attaining long-term self-sufficiency.
 - (iii) Transitional services will be provided subject to the continued availability of state and/or federal funding.
 - (iv) In order to receive these services, the assistance group’s gross monthly income must meet a standard of need.
 - (v) The standard of need for transitional services under this Part is defined as Two Hundred Per Cent (200%) of the Federal poverty level for the assistance group family size. The standard of need for this Part does not apply to Transitional Child Care or Transitional Medicaid.

Authority: T.C.A. §§ 4-5-202, 71-1-105(12); 71-3-124(e); 71-3-151—71-3-165; 71-3-154(a)(2) and (5); and (b)(1); 71-3-155; 71-3-157(c)(1); 71-3-163; 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

**CHAPTER 1240-1-51
PERIODS OF ELIGIBILITY**

AMENDMENTS

Paragraph (8) of Rule 1240-1-51-.01 Eligibility For Families First - Time Limits is amended by deleting Paragraph (8) in its entirety.

Authority: T.C.A. §§4-5-202, 71-1-105(12); 71-3-151—71-3-165; 71-3-154(d)(1)(B) and (C); 71-3-157(c)(1); 42 U.S.C.A. § 1315; Federal Waiver of July 26, 1996.

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-42)

**DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES - 0940
DIVISION OF MENTAL HEALTH SERVICES**

The Tennessee Department of Mental Health and Developmental Disabilities will hold a public hearing to consider the promulgation of new rules pursuant to Tenn. Code Ann., §§ 33-1-305 and 33-3-217. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann., Section 4-5-204, and will take place in the Cumberland Room, Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee, at 9:00 a.m., on the 23rd day of August, 2002.

Written comments will be considered if received by close of business, September 23, 2002, at the DMHDD Office of Legal Counsel, 2600 Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243.

Individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Tennessee Department of Mental Health and Developmental Disabilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to the scheduled meeting date or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Mental Health and Developmental Disabilities ADA Coordinator, Joe Swinford, 5th Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37243. Mr. Swinford's telephone number is (615) 532-6700; the department's TDD is (615) 532-6612. Copies of the notice are available from the Tennessee Department of Mental Health and Developmental Disabilities in alternative format upon request.

For a copy of the notice of rulemaking hearing, contact: Anita M. Daniels, Office of Legal Counsel, Tennessee Department of Mental Health and Developmental Disabilities, 2600 Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243; telephone (615) 532-6520

SUBSTANCE OF PROPOSED RULES**CHAPTER 0940-3-9
TREATMENT REVIEW COMMITTEE****TABLE OF CONTENTS**

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0940-3-9-.05 Involvement of Service Recipients and Others	0940-3-9-.11 Emergencies
0940-3-9-.06 Treatment Review Committee Process	

0940-3-9-.01 APPLICATION.

This chapter applies to all providers of inpatient mental health services, without regard to source or category of licensure, certification or accreditation.

0940-3-9-.02 SCOPE.

A Treatment Review Committee (TRC) can:

- (1) Make decisions for service recipients who are admitted voluntarily or involuntarily to a hospital or treatment resource which provides inpatient services, and who lack capacity to make informed decisions regarding medication, obtaining information, or release of information as determined by the assessment process in the department's rules on capacity to make informed decisions; and
- (2) Make decisions about medication for service recipients who are committed involuntarily to a hospital or treatment resource and who have the capacity to make informed decisions, but who object to medication.

The authority of the TRC does not extend to a service recipient who is voluntarily admitted and has capacity to make informed decisions.

0940-3-9-.03 DEFINITIONS.

- (1) "Business Day" means Monday through Friday, 8:00 a.m. until 4:30 p.m., excluding legal holidays.
- (2) "Conservator" means a person appointed by a court under the conservatorship laws in Title 34, Chapter 3, Tenn. Code Ann., or the Uniform Veterans' Guardianship Law in Title 34, Chapter 5, Tenn. Code Ann. with authority to make decisions for an adult who lacks capacity to make informed mental health care decisions.
- (3) "Durable Power of Attorney for Health Care" means a legal document authorized by Title 34, Chapter 6, Part 2, Tenn. Code Ann. that allows the attorney-in-fact to make decisions for a service recipient's mental health care.
- (4) "Emergency" means:
 - (a) For purposes of administration of medication:

1. An immediate threat of serious physical harm to the service recipient or to others caused by the violent behavior of the service recipient; or
 2. An immediate threat to the service recipient of deteriorating physical well-being with risk to life or long term health caused by the effects of mental illness or serious emotional disturbance; or
 3. Actual violent behavior by the service recipient causing substantial property damage; or
 4. The need to prevent substantial deterioration of the service recipient's mental health or to prevent physical harm to the service recipient or to others, and the need is greater than any potential harm to the service recipient; or
 5. An immediate threat to the service recipient of deteriorating physical well-being with risk to life or long term health caused by the effects of a physical illness or condition.
- (b) For purposes of obtaining information from other treatment agencies: an immediate threat to the service recipient's physical or mental health if the information is not obtained.
- (5) "Guardian" means a person appointed by a court under Title 34, Chapter 2, Tenn. Code Ann. with authority to make decisions for a person under eighteen (18) years of age who lacks capacity to make informed mental health care decisions.
 - (6) "Involuntary Admission" means an admission to an inpatient hospital or treatment resource under Title 33, Chapter 6, Part 4 or 5, Tenn. Code Ann., T.C.A. §§33-3-401, 33-3-402, 33-3-403, 33-3-412, 33-3-607, 33-7-301, 33-7-303, or 37-1-128.
 - (7) "Lacks Capacity" means the factual demonstration, as determined by the assessment process in DMHDD rules on capacity to make informed decisions, that the individual is unable to understand:
 - (a) A proposed procedure(s)/treatment(s) identified in the scope of this chapter;
 - (b) The risks and benefits of such procedure(s)/treatment(s); and
 - (c) The risks and benefits of any available alternative(s) to the proposed procedure(s)/treatments(s).
 - (8) "Legal Custodian" means a person or agency appointed by a court under Title 37, of the Tenn. Code Ann. with authority to make decisions for a service recipient who lacks capacity to make informed mental health care decisions.
 - (9) "Qualified Mental Health Professional" means a person who is licensed in Tennessee, if required for the profession, and is a psychiatrist; physician with expertise in psychiatry as determined by training, education, or experience; psychologist with health service provider designation; psychological examiner; senior psychological examiner; social worker who is certified with two years of mental health experience or licensed; marital and family therapist with two years of mental health experience or licensed; nurse who has a master's degree in nursing; professional counselor with two years of mental health experience or licensed; or, if the person is providing service to service recipients who are children, any of the above educational credentials plus mental health experience with children.
 - (10) "Service Recipient" means a person who is receiving inpatient services for mental illness or serious emotional disturbance.

- (11) “Service Recipient Advocate” means an individual designated to be an advocate for the rights of a service recipient, but who is not a member of the service recipient’s treatment team.
- (12) “Surrogate Decision-maker” means an adult, identified by a physician who:
- (a) Knows about a service recipient’s mental retardation or mental impairment related to a developmental disability and condition as it relates to the matter in question;
 - (b) Is actively involved in the service recipient’s life;
 - (c) Is willing to make a decision for the service recipient on routine mental health treatment;
 - (d) Appears to be reasonably capable of making such a decision and is likely to make it objectively in the service recipient’s interest;
 - (e) Appears to have no conflict of interest with the service recipient and the service recipient does not object to the surrogate decision-maker in any way; and
 - (f) Is, in order of descending preference for service as a surrogate, the service recipient’s spouse, adult child, parent or stepparent, adult sibling, any other adult relative of the service recipient, or any other adult.
- (12) “Treatment Review Committee (TRC)” means a committee established under T.C.A. §33-6-107 to make decisions for service recipients who receive inpatient services.
- (13) “Understand” means the reception, storage, maintenance, retrieval of specific facts, and the assignment of personal relevance of those facts.
- (14) “Voluntary Admission” means an admission to an inpatient hospital or treatment resource under Title 33, Chapter 6, Part 2, Tenn. Code Ann.

0940-3-9-.04 COMPOSITION.

- (1) A Treatment Review Committee (TRC) must have at least four (4) members. If a TRC is making decisions for service recipients who are children, at least one (1) member must have mental health experience with children. Any TRC making decisions regarding medication must include a physician. A TRC should include:
- (a) A licensed physician;
 - (b) A service recipient advocate (required for all TRCs);
 - (c) A qualified mental health professional; and
 - (d) One of the following: a licensed pharmacist, a clinical chaplain, or another qualified mental health professional.
- (2) No person who is a member of a service recipient’s treatment team may be a member of the TRC making decisions for the service recipient.

- (3) The service recipient may request a specific person, or an alternate, to serve as the service recipient advocate. Whenever possible, this request must be granted, although the facility may deny the request for good cause, such as if the requested service recipient advocate is not available, doesn't qualify as a service recipient advocate, or declines the request. The request and the granting or denying of that request must be documented in the service recipient's record, including the criteria considered and the reason for granting or denying the request.
- (4) If the service recipient does not request a specific person to serve as the service recipient advocate, or if the request for a specific person, or alternate is denied, the facility shall designate an advocate for the service recipient.
- (5) A facility may elect to have multiple TRCs, either for making different types of decisions or for making decisions in various areas of the facility. If multiple TRCs are established, all must meet the composition requirements of 0940-3-9-.04.

0940-3-9-.05 INVOLVEMENT OF SERVICE RECIPIENTS AND OTHERS.

- (1) The Treatment Review Committee (TRC) shall encourage service recipients who are sixteen (16) years old or older to participate in the TRC meeting to the fullest extent possible.
- (2) The TRC shall make every effort to obtain the participation of parents, legal custodian, or legal guardian in the TRC meeting, if the service recipient is an unemancipated child.
- (3) The service recipient's family members, legal custodian, legal guardian, conservator, or attorney-in-fact under a durable power of attorney for health care may attend the TRC meeting.
- (4) For service recipients who also have mental retardation or a mental impairment related to a developmental disability, a surrogate decision-maker under T.C.A. §§33-3-219 and 220 may attend the TRC meeting.

0940-3-9-.06 TREATMENT REVIEW COMMITTEE PROCESS.

- (1) A Treatment Review Committee (TRC) meeting shall be requested by an individual identified in 0940-3-9-.06(2) to make informed decisions stated in 0940-3-9-.02.
- (2) A TRC meeting may be requested by the service recipient, the service recipient advocate, the attending physician, a member of the service recipient's treatment team, other clinical professionals involved in the service recipient's care, or the service recipient's parent, legal custodian, legal guardian, conservator, attorney-in-fact under a durable power of attorney for health care, or surrogate decision-maker selected under T.C.A. §§33-3-219 and 220. Requests, issues considered, criteria used, and reasons for granting or denying the request must be documented in the service recipient's record.
- (3) If a TRC meeting is requested by the service recipient, the request cannot be denied unless the TRC has met on the issue within five (5) days preceding the request.
- (4) A TRC meeting must be convened as soon as practical, but no later than twenty-four (24) hours for emergency medication issues. For non-emergencies, the TRC must convene no later than three (3) business days after the request.
- (5) When a TRC meeting has been scheduled for a service recipient, all reasonable efforts must be made to notify the parents, legal custodian, or legal guardian of a service recipient who is an unemancipated child or the service recipient's family members, conservator, attorney-in-fact under a durable power of attorney for health care, or surrogate decision-maker selected under T.C.A. §§33-3-219 and 220.

- (a) Whenever possible, notifications about TRC meetings must be made at least twenty-four (24) hours before the meeting.
 - (b) All notifications must be documented in the service recipient's record. If notifications are not made, the reason must be documented in the service recipient's record.
- (7) Before making a decision for a service recipient who lacks capacity to give or withhold informed consent under this chapter, the TRC must:
- (a) Review the issues to be decided;
 - (b) Interview the service recipient, if possible, unless the service recipient declines the opportunity to be interviewed; and
 - (c) Review the service recipient's record, including the documentation of the assessment of capacity to give or withhold informed consent regarding the issue in question.
- (8) All decisions made by a TRC for a service recipient must be documented in the service recipient's record.
- (9) Decisions made by a TRC must be communicated to the service recipient and to the parents, legal guardian, or legal custodian of a service recipient who is an unemancipated child; a conservator, surrogate decision-maker or attorney-in-fact under a durable power of attorney for health care of an adult service recipient.
- (10) The TRC may not override a decision by a parent, legal custodian, or legal guardian of a service recipient who is an unemancipated child, or a conservator or attorney-in-fact under a durable power of attorney for health care of an adult service recipient. The TRC may not override a decision by the surrogate decision-maker of a service recipient with mental retardation or mental impairment related to a developmental disability.

0940-3-9-.07 MEDICATION DECISIONS.

- (1) Service recipients who lack capacity.
- (a) When a service recipient lacks capacity to make informed decisions regarding medication, the service recipient may be administered medication when a physician certifies that the medication is a necessary part of the service recipient's treatment and there is no other reasonable alternative.
 - 1. This certification must be made by the physician after a face-to-face evaluation of the service recipient and must be documented in the service recipient's record.
 - 2. The order for medication is valid for up to seventy-two (72) hours. The order may be renewed once for up to an additional seventy-two (72) hours, if another physician or psychologist with health service provider designation assesses the service recipient as still lacking capacity to make informed decisions regarding medication.
 - 3. After 144 hours, if the service recipient still lacks the capacity to make informed decisions regarding medication, the Treatment Review Committee (TRC) must decide whether the service recipient must receive medication and, if so, which classes of medication are authorized.
 - (b) TRC authorizations for medication must be time-limited and documented in the service recipient's record.

- (c) The service recipient's capacity to make informed decisions regarding medication must be reassessed at least every thirty (30) days.
 - (d) When the service recipient regains the capacity to make informed decisions regarding medication, the service recipient must be asked to make decisions about medication and the TRC's authorization for medication expires.
 - (e) If a service recipient for whom the TRC has authorized medication has not gained the capacity to make informed decisions regarding medication within ninety (90) days of the assessment that the service recipient lacks capacity, the facility shall facilitate petitioning the court to have a conservator appointed, if the service recipient is an adult. If the service recipient is an unemancipated child and has not gained the capacity to make informed decisions regarding medication within ninety (90) days of the assessment that the service recipient lacks capacity, the facility shall contact the service recipient's parent, legal guardian, or legal custodian to make an informed decision for the service recipient.
- (2) Involuntarily committed service recipients who have capacity and object.
- (a) If a service recipient who is committed involuntarily under Title 33, Chapter 6, Part 4 or 5, Tenn. Code Ann., T.C.A. §§33-3-401, 33-3-402, 33-3-403, 33-3-412, 33-3-607, 33-7-301, 33-7-303, or 37-1-128 has the capacity to make informed decisions for medication, but objects to medication, the service recipient may be given medication only if approved by the TRC.
 - (b) The attending physician must consider the service recipient's objections and must discuss treatment alternatives with the service recipient and attempt to reach agreement with the service recipient before requesting the TRC to approve medication. The physician must document the discussion in the service recipient's record.
 - (c) The TRC must consider the service recipient's objection to the proposed medication and must review the documentation of the discussion between the service recipient and his or her attending physician regarding treatment alternatives before making a decision about medication.
 - (d) The TRC may approve medication for no longer than ninety (90) days. If medication is approved, the TRC must specify the classes of medication that are approved.
 - (e) If the service recipient continues to object, at least every ninety (90) days the attending physician must:
 - 1. Consider the service recipient's objection;
 - 2. Discuss treatment alternatives with the service recipient;
 - 3. Attempt to reach agreement with the service recipient regarding medication; and
 - 4. Document the discussion in the service recipient's record.
 - (f) If the service recipient continues to object, at least every ninety (90) days the TRC must:
 - 1. Consider the service recipient's objection;
 - 2. Consider the recommendations of the attending physician; and
 - 3. Make a decision about medication.

If medication is approved, the TRC must specify the classes of medication that are approved.

- (g) If, after approval of medication by the TRC, the service recipient gives informed consent for the medication, the service recipient must sign an authorization for the medication and the TRC's authorization for medication expires. If the service recipient objects again, then the process under 2(a) in 0940-3-9-.07 must be initiated.
- (h) If the service recipient's legal status changes to voluntary, the TRC's authorization for medication expires.

0940-3-9-.08 OBTAINING INFORMATION.

- (1) If a service recipient lacks capacity to make informed decisions to obtain information from a service provider, the Treatment Review Committee (TRC) must decide whether the information must be requested and the specific information that is to be requested. The TRC authorization must indicate the specific information requested, the purpose of the request and the date or condition of the expiration. The TRC's authorization must be documented in the service recipient's record.
 - (a) The service recipient's capacity to make informed decisions to obtain information must be reassessed every thirty (30) days.
 - (b) When the service recipient regains the capacity to make informed decisions to obtain information, the service recipient must make decisions to obtain information and the TRC's authorization for obtaining information expires.
 - (c) If an adult service recipient for whom the TRC has authorized obtaining information has not gained the capacity to make informed decisions to obtain information within ninety (90) days of the TRC meeting held under this chapter, the inpatient facility shall facilitate petitioning the court to have a conservator appointed.
 - (d) If the service recipient is an unemancipated child and has not gained the capacity to make informed decisions to obtain information within ninety (90) days of the assessment that the service recipient lacks capacity, the facility shall contact the service recipient's parent, legal guardian, legal custodian, or surrogate decision-maker to make an informed decision for the service recipient.
- (2) The TRC does not have authority to make decisions for service recipients who have capacity to make informed decisions for obtaining information.

0940-3-9-.09 RELEASE OF INFORMATION.

- (1) The Treatment Review Committee (TRC) may authorize release of information for service recipients who lack capacity and who are either involuntarily or voluntarily admitted.
 - (a) The TRC must specify the information to be released. The TRC authorization to release information must be documented in the service recipient's record and must specify the:
 - 1. Person or agency to whom the information is to be released;
 - 2. Purpose of the release;

3. Information to be released; and
 4. Condition or date on which the authorization expires.
- (b) The service recipient's capacity to make informed decisions for release of information must be reassessed at least every thirty (30) days.
- (c) If an adult service recipient for whom the TRC has authorized release of information has not gained the capacity to make informed decisions to release information within ninety (90) days of the assessment that the service recipient lacks capacity, the facility shall facilitate petitioning the court to have a conservator appointed.
- (d) If the service recipient is an unemancipated child and has not gained the capacity to make informed decisions to release information within ninety (90) days of the assessment that the service recipient lacks capacity, the facility shall contact the service recipient's parent, legal guardian, or legal custodian to make an informed decision for the service recipient.
- (e) When the service recipient regains the capacity to make informed decisions to release information, the service recipient must make decisions to release information and the TRC's authorization to release information expires.
- (2) The TRC may authorize release of information for service recipients who are involuntarily committed and have capacity, but object to the release of information.
- (a) Before requesting the TRC to authorize release of information, the attending physician must:
1. Consider the service recipient's objections;
 2. Discuss alternatives with the service recipient;
 3. Attempt to reach agreement with the service recipient; and
 4. Document the discussion in the service recipient's record.
- (b) The TRC must consider the service recipient's objection to the proposed release of information and review the documentation of the discussion between the service recipient and his or her attending physician on alternatives before making a decision about the release of information.
- (c) The TRC may authorize the release of information for up to ninety (90) days.
- (d) The TRC authorization to release information must be documented in the service recipient's record and must specify the:
1. Person or agency to whom the information is to be released;
 2. Purpose of the release;
 3. Information to be released; and
 4. Condition or date on which the authorization expires.

- (e) If a service recipient continues to object, at least every ninety (90) days, the attending physician must:
 - 1. Consider the service recipient's objections;
 - 2. Discuss alternatives with the service recipient;
 - 3. Attempt to reach agreement with the service recipient regarding release of information; and
 - 4. Document the discussion in the service recipient's record.
- (f) If a service recipient continues to object, at least every ninety (90) days, the TRC must:
 - 1. Consider the service recipient's objection;
 - 2. Consider the recommendations of the attending physician; and
 - 3. Make a decision about the release of information, including the specific information to be released, for no longer than ninety (90) days.
- (g) If the service recipient gives informed consent to release information after authorization of release of information by the TRC, the service recipient must sign an authorization to release the information and the TRC's authorization to release information expires.
- (h) If the TRC does not authorize the release of information, the information can only be released under T.C.A. §§33-3-105,106,108,110 and 111.
- (i) If the service recipient's legal status changes from involuntary to voluntary, the TRC's authorization for the release of information expires.

0940-3-9-.10 SERVICE RECIPIENTS WHO HAVE DECLARATIONS FOR MENTAL HEALTH TREATMENT.

- (1) The wishes of a service recipient who is voluntarily admitted to an inpatient treatment facility as expressed in a declaration for mental health treatment (DMHT) shall be honored, except:
 - (a) If a service recipient has been admitted voluntarily under a DMHT, the declaration can authorize hospitalization up to fifteen (15) days. To continue the hospital stay beyond the fifteen (15) days authorized by a DMHT, the facility must petition for involuntary hospitalization, or the continued stay must be authorized by a conservator, legal custodian, guardian, or attorney-in-fact under a durable power of attorney for health care, or the service recipient must be discharged.
 - (b) If a service recipient has been admitted voluntarily under a DMHT and the declaration expires, the declaration remains in effect for an additional thirty (30) days, except for the continuation of hospitalization.
 - (c) An emergency endangering the service recipient's life or health.
- (2) If a service recipient is involuntarily committed under Title 33, Chapter 6, Part 4 or 5, Tenn. Code Ann., T.C.A. §§ 33-3-402, 33-3-403, 33-3-607, 33-7-301, or 33-7-303, and the attending physician or other mental health service provider proposes to treat in a manner contrary to the service recipient's wishes as expressed in a declaration for mental health treatment, the TRC must meet.

- (a) The TRC must review the service recipient's declaration for mental health treatment, the request for review and the recommendations, including reasons. The TRC must document in the service recipient's record its decision and the justification.
- (b) The TRC may authorize mental health treatment in a manner contrary to the service recipient's wishes as expressed in a declaration for mental health treatment for up to thirty (30) days.
- (c) To continue to provide mental health treatment contrary to the declaration of mental health treatment, the TRC must convene and authorize the mental health treatment at thirty (30) day intervals up to a maximum of 90 days. If the service recipient has not gained the capacity to make informed decisions for mental health treatment within ninety (90) days of the TRC meeting held in accordance with this chapter, the facility must:
 - 1. Contact the service recipient's parent, legal guardian or legal custodian to make an informed decision for the service recipient; or
 - 2. Petition the court to have a conservator appointed.
- (d) The service recipient must make the decisions when the service recipient regains capacity to make informed decisions regarding mental health treatment.
- (e) The service recipient may be medicated only in compliance with this chapter if the service recipient has capacity and objects to medication.

0940-3-9-.11 EMERGENCIES.

(1) Medication:

- (a) Without regard to whether the service recipient has or lacks capacity to make informed decisions about medication, in an emergency, medication may be administered to the service recipient without informed consent or Treatment Review Committee (TRC) approval for up to twenty-four (24) hours.
- (b) If the emergency continues beyond twenty-four (24) hours, the emergency order for medication may be extended for an additional twelve (12) hours, but only after a face-to-face assessment of the service recipient by a physician.
- (c) After 36 hours, the service recipient cannot be medicated without the approval of the TRC, the parent, legal custodian, or legal guardian of a service recipient who is an unemancipated child, or the adult service recipient's conservator, or an attorney-in-fact under a durable power of attorney for health care. If a service recipient has mental retardation or mental impairment related to a developmental disability, a surrogate decision-maker selected under T.C.A. §§33-3-219 and 220 can give approval for the medication.

(2) Information:

In an emergency, information may be requested or disclosed from a treatment agency without the informed consent of the service recipient and without the authorization of a TRC.

Authority: T.C.A. §§4-4-103, 33-1-101, 33-1-305, 33-3-104, 33-6-107.

**CHAPTER 0940-1-6
CAPACITY TO MAKE DECISIONS**

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0940-1-6-.01 PURPOSE

The purpose of this chapter is to prescribe a uniform assessment process to determine, under T.C.A. §33-3-217, whether a service recipient lacks capacity to make informed decisions.

0940-1-6-.02 SCOPE

This chapter covers the determination of whether a service recipient with mental retardation, mental impairment related to a developmental disability, mental illness, or serious emotional disturbance has capacity to make an informed decision under T.C.A. §§33-3-217 and 218. For persons with a mental illness or serious emotional disturbance, this chapter applies only to a hospital or inpatient treatment resource.

0940-1-6-.03 APPLICABILITY

- (1) For a service recipient with mental retardation or mental impairment related to a developmental disability under T.C.A §33-1-101, this chapter applies to: (1) application for admission to a developmental center under T.C.A. §33-5-301, (2) request for discharge from a developmental center under T.C.A. §33-5-303, or (3) request for routine medical, dental, or mental health treatment.
- (2) For a service recipient, 16 years old or older, with a mental illness or serious emotional disturbance, this chapter applies to: (1) application for voluntary admission to, or discharge from, a hospital or inpatient treatment resource; (2) after admission to a hospital or inpatient treatment resource, determination of the service recipient's capacity to make an informed decision regarding: (a) mental health treatment, (b) the release of information to other qualified mental health professionals or case management agencies, (c) the request for information from other treatment agencies, or (d) the release of information to a family member.
- (3) When a service provider believes that a service recipient lacks capacity to make an informed decision, he/she must arrange for an assessment under this chapter, unless others have decision-making authority as noted in this chapter.
- (4) A qualified examiner, defined in 0940-1-6-.04, must approach any evaluation of a service recipient's capacity with the assumption that the service recipient has capacity to make an informed decision. A determination that a service recipient lacks capacity must be based on the assessment process under this chapter and must be limited to the time the assessment is made, and to the issue needing an informed decision. This status must not be generalized to other situations. The assessment process under this chapter must be used only to assess the capacity to make an informed decision and may not be used otherwise to limit the rights of a service recipient.
- (5) The service provider recommending the procedures(s)/ treatments may not do the assessment except as follows:

- (a) The service provider recommending the procedure(s)/treatment(s) may do the assessment, in urgent circumstances, for a service recipient with a mental illness or serious emotional disturbance admitted to a hospital or inpatient treatment resource, if and only if, no other qualified examiner is available. When a service provider recommends a procedure(s)/treatment(s) and does the assessment, a reassessment by a qualified examiner who is not the service provider must be done within 72 hours of the assessment to provide for independent review.
- (b) For a service recipient with mental retardation or a mental impairment related to a developmental disability seeking routine medical, dental, or mental health treatment, the licensed physician or licensed dentist recommending the procedure(s)/treatment(s) may do the assessment.
- (c) Emergency services may be provided without regard to capacity when an emergency endangers a service recipient's health or life.

0940-1-6-.04 DEFINITIONS

- (1) "Contextual stressors" mean interrelated conditions, which may affect the quality of the service recipient's response to the assessment process. Examples include, but are not limited to, fear, lack of privacy, hunger, thirst, or exhaustion.
- (2) "Developmental disability" means a condition based on having either a severe chronic disability or mental retardation as defined in T.C.A §33-1-101.
- (3) "Informed decision-making" means the service recipient's ability to process information disclosed by the service provider that is appropriate and relevant to the issue to be decided and the recipient's situation. Appropriate information includes, but is not limited to:
 - (a) The nature and scope of the procedure(s)/treatment(s),
 - (b) The risks and benefits of the procedure(s)/treatment(s), and
 - (c) Any alternative(s) to the procedure(s)/treatment(s).
- (4) "Lacks capacity" means the factual demonstration that the individual is unable to:
 - (a) Understand a proposed procedure(s)/treatment(s), which requires an informed decision; and
 - (b) Understand the risks and benefits of such procedure(s)/treatment(s); and
 - (c) Understand the risks and benefits of any available alternative(s) to the proposed procedure(s)/treatment(s).
- (5) "Mental retardation" means substantial limitations in functioning as defined in T.C.A §33-1-101:
 - (a) As shown by significantly sub-average intellectual functioning that exists concurrently with related limitations in two or more of the following adaptive skill areas:
 - 1. Communication,
 - 2. Self-care,

3. Home living,
 4. Social skills,
 5. Community use,
 6. Self-direction,
 7. Health and safety,
 8. Functional academics,
 9. Leisure,
 10. Work, and
- (b) That are manifested before age eighteen.
- (6) “Qualified examiner” means:
- (a) To determine the capacity of a service recipient with mental retardation or mental impairment related to a developmental disability, to make an informed decision:
 1. Only a licensed physician or licensed doctoral level psychologist with health service provider designation may determine capacity to make an informed decision about admission to, or discharge from, a developmental center.
 2. Only a licensed dentist may determine capacity to make an informed decision about routine dental care.
 3. Only a licensed physician may determine capacity to make an informed decision about routine medical or mental health treatment.
 - (b) To determine the capacity of a service recipient with a mental illness or serious emotional disturbance to make an informed decision: only a licensed physician or licensed doctoral level psychologist with health service provider designation can determine capacity to make an informed decision about admission to, or discharge from, a hospital or inpatient treatment resource, mental health treatment, release of information, or request for information.
- (7) “Severe, chronic disability” means a condition, in a person over five years of age, that:
- (a) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (b) Is manifested before age twenty-two (22);
 - (c) Is likely to continue indefinitely;
 - (d) Results in substantial functional limitations in three or more of the following major life activities:
 1. Self-care,
 2. Receptive and expressive language,

3. Learning,
 4. Mobility,
 5. Self-direction,
 6. Capacity for independent living,
 7. Economic self-sufficiency, and
- (e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is likely to continue indefinitely and to need to be individually planned and coordinated.
- (8) "Treatment Review Committee (TRC)" means a committee established under T.C.A §33-6-107 to make decisions for a service recipient voluntarily admitted to a hospital or inpatient treatment resource who lacks capacity to make an informed decision. The committee may also make certain decisions for a service recipient who has been involuntarily admitted to a hospital or inpatient treatment resource and does not lack capacity to make an informed decision.
- (9) "Understand" means the reception, storage, maintenance, retrieval of specific facts, and the assignment to personal relevance to those facts.

0940-1-6-.05 DUTIES

- (1) Duties of a Service Provider:
- (a) Determine the need for an assessment: When a service provider has cause to believe that a service recipient lacks capacity to make an informed decision, he/she must arrange for a qualified examiner to assess capacity under this chapter.
 - (b) Take action based on the outcome of the assessment:
 1. Follow the decision of a voluntarily admitted service recipient who has capacity to make an informed decision.
 2. Follow the decision of a Treatment Review Committee (TRC) convened under T.C.A §33-6-107 and Department rules, when an involuntarily admitted service recipient has capacity to make an informed decision about medication but objects to medication.
 3. If the service recipient lacks capacity to make an informed decision, the service provider must obtain an informed decision before the procedure(s)/treatment(s) may occur:
 - (i) For a service recipient with mental retardation or a mental impairment related to a developmental disability seeking admission to, or discharge from, a developmental center under T.C.A. §33-5-301 or § 33-5-305, the service provider must:
 - (I) Obtain consent from the parent(s) or legal guardian if the service recipient is under 18 years old and not in state custody. In the absence of a parent or legal guardian, notify the Department of Children Services.

- (II) Obtain consent from the legal custodian if the service recipient is under 21 years old and in state custody.
 - (III) Obtain consent from the court appointed conservator with authority to make treatment decisions before admission to, or discharge from, a developmental center.
 - (IV) Notify the service recipient's attorney, spouse, or nearest known adult relative, when a service recipient 18 years old or older needs a conservator. The service provider may petition a court to appoint a conservator.
- (ii) For a service recipient with mental retardation or a mental impairment related to a developmental disability seeking routine medical, dental, or mental health treatment, the service provider must:
- (I) Obtain consent from the parent(s) or legal guardian if the service recipient is under 18 years old and not in state custody. In the absence of a parent or legal guardian, notify the Department of Children Services.
 - (II) Obtain consent from the legal custodian if the service recipient is under 21 years old and in state custody.
 - (III) Obtain consent from the court appointed conservator with authority to make medical, dental, or mental health treatment decisions.
 - (IV) Follow decisions in a Declaration for Mental Health Treatment (Title 33, Chapter 6, Part 10, Tenn. Code Ann.), or obtain consent from an attorney in fact under a durable power of attorney for health care.
 - (V) Obtain consent from an appropriate surrogate decision-maker under T.C.A. §33-3-220 whom the service recipient does not reject, when there is no conservator or legal document for decision-making authority.
 - (VI) Notify the service recipient's attorney, spouse, or nearest known adult relative, when a service recipient 18 years old or older is in need of a conservator. The service provider may petition a court to appoint a conservator.
- (iii) Except in case of an emergency, for a service recipient with a mental illness or serious emotional disturbance, the service provider must:
- (I) Obtain consent from the parent(s) or legal guardian, if the service recipient is under 18 years old and not in state custody. In the absence of a parent or legal guardian, notify the Department of Children's Services.
 - (II) Obtain consent from the legal custodian, if the service recipient is under 21 years old and in state custody.
 - (III) Obtain consent from the court appointed conservator with authority to make decisions about mental health treatment, release of information, or requesting information. If, after multiple and extensive attempts, the conservator cannot be contacted or is unwilling to participate, the service provider may request approval of the procedure(s)/treatment(s) from a Treatment Review Committee for up to 60 days under Department rules on Treatment Review Committees. If the conservator is not located or does not participate within the first 30 days, the service provider should petition the court for a successor conservator.

- (IV) Follow decisions in a Declaration for Mental Health Treatment (Title 33, Chapter 6, Part 10, Tenn. Code Ann.), or obtain consent from an attorney in fact under a durable power of attorney for health care.
 - (V) Convene a Treatment Review Committee in the absence of a conservator or legal document providing for other decision-making authority for an adult service recipient, or a parent, legal guardian, or legal custodian for a service recipient under 18 years old.
 - (VI) Comply with the TRC decision consistent with the Department rules on TRCs.
 - (VII) Notify the service recipient's attorney, spouse, or nearest known adult relative, when a service recipient 18 years old or older is in need of a conservator. The service provider may petition a court to appoint a conservator.
- (c) Arrange for reassessments of the service recipient's capacity to make informed decisions: After a service recipient has been assessed to lack capacity, reassessments of capacity should occur monthly or when the service recipient or the service provider believes the service recipient has capacity. Only a qualified examiner may perform a reassessment.
- (2) Duties of a Qualified Examiner:
- (a) Perform an assessment. The examiner must:
 - 1. Optimize the service recipient's potential to demonstrate capacity including, but not limited to:
 - (i) Determine the service recipient's optimal mode of learning and convey information in that format; and
 - (ii) Adjust communication to allow for physical, educational, socio-economic, cultural and linguistic differences between the service recipient and examiner; and
 - (iii) Minimize the impact of contextual stressors on the service recipient.
 - 2. Provide appropriate and relevant information to the service recipient on:
 - (i) The issue to be decided; and
 - (ii) The reason a decision is needed; and
 - (iii) The proposed procedure(s)/treatment(s) and the risks and benefits of the proposed procedure(s)/treatment(s); and
 - (iv) The risks and benefits of any alternative(s); and
 - (v) The option to refuse or later withdraw from participation in procedure(s)/treatment(s), and the risks and benefits of refusal or withdrawal; and
 - (vi) Any consequences of accepting or refusing the procedure(s)/treatment(s).
 - 3. Seek responses from the service recipient on the following:
 - (i) Understanding of the proposed procedure(s)/ treatment(s):

- (I) Does the service recipient explain the issue to the examiner?
 - (II) Does the service recipient explain to the examiner what is being proposed?
 - (ii) Understanding of the potential risks and benefits of the proposed procedure(s)/treatment(s):
 - (I) Does the service recipient explain what could happen if the procedure(s)/treatment(s) is carried out?
 - (II) Does the service recipient explain what could happen if the procedure(s)/treatment(s) is NOT carried out?
 - (III) Does the service recipient explain the procedure(s)'s/treatment(s)'s side effects?
 - (iii) Understanding the risks and benefits of the available alternative(s) procedure(s)/treatment(s):
 - (I) Does the service recipient explain other ways the issue could be addressed?
 - (II) Does the service recipient explain that the procedure(s)/treatment(s) can be refused and what will happen if the procedure(s)/treatment(s) is refused?
 - (III) Does the service recipient explain whether the procedure(s)/treatment(s) can be stopped after it begins?
 - (IV) Does the service recipient explain the result of any of the other ways of addressing the issue, refusing to address the issue, or stopping the procedure(s)/treatment(s) after it has begun?
 - (iv) Ability to communicate and maintain a choice:
 - (I) Does the service recipient express his/her wishes under the requirements of this chapter?
 - (II) Does the service recipient continue to express the same decision about the issue during subsequent questioning?
- (b) Document the assessment. After the initial assessment, or any reassessments, the qualified examiner must document the form and method of the assessment, which must include:
1. The issue which requires an informed decision; and
 2. Specific actions, statements, or behaviors of the service recipient that initially gave cause to question the service recipient's lack of capacity; and
 3. Material/information provided in the service recipient's optimal mode of learning; and
 4. The communication adjustments made to allow for physical, educational, socio-economic, cultural, and linguistic differences between the service recipient and examiner; and
 5. Measures taken to minimize the impact of contextual stressors on the service recipient; and

6. Specific actions taken by the examiner to assist the service recipient's understanding of the risks and benefits of the proposed procedure(s)/treatment(s) and any alternative(s) procedure(s)/treatment(s), including documentation of the actions taken to assist the service recipient's communication of his/her decision; and
 7. Specific service recipient statements or behaviors that support the examiner's conclusion about the service recipient's capacity to make an informed decision; and
 8. The examiner's conclusion on the service recipient's capacity to make an informed decision; and
 9. The examiner's signature, credentials, and the date of the assessment.
- (3) Duties of the Tennessee Department of Mental Health and Developmental Disabilities: Maintain a list of tools that are acceptable to assess capacity under this chapter. Qualified examiners may use one of these tools or develop their own tools consistent with the requirements of this chapter.

Authority: *T.C.A. §§33-1-101, 33-1-305, 33-3-217, and 33-3-218.*

This notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-35)

**DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES - 0940
DIVISION OF MENTAL HEALTH SERVICES**

The Tennessee Department of Mental Health and Developmental Disabilities will hold a public hearing to consider amendments to present rules and promulgation of new rules, pursuant to Tenn. Code Ann., Section 33-1-305. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code. Ann., Section 4-5-204, and will take place in the Multi-Media Room, Third Floor, Snodgrass Building, Seventh Avenue, North, Nashville, Tennessee, at 9:00 a.m. on the 16th day of August, 2002.

Written comments will be considered if received by close of business, September 16, 2002, at the DMHDD Office of Legal Counsel, 2600 Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243.

Individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Tennessee Department of Mental Health and Developmental Disabilities, to discuss any auxiliary aids or services needed to facilitate such participation or review. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to the scheduled meeting date or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Mental Health and Developmental Disabilities ADA Coordinator, Joe Swinford, 5th Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37243. Mr. Swinford's telephone number is (615) 532-6700; the department's TDD is (615) 532-6612. Copies of the notice are available from the Tennessee Department of Mental Health and Developmental Disabilities in alternative format upon request.

For a copy of the notice of rulemaking hearing, contact: Anita M. Daniels, Office of Legal Counsel, Tennessee Department of Mental Health and Developmental Disabilities, 2600 Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243; telephone (615) 532-6520

CHAPTER 0940-5-15
MINIMUM PROGRAM REQUIREMENTS FOR MENTAL HEALTH ADULT DAY TREATMENT SERVICES

AMENDMENTS

The Tennessee Department of Mental Health and Developmental Disabilities proposes to amend Rule 0940-5-15 by deleting it in its entirety and substituting the following:

TABLE OF CONTENTS

0940-5-15-.01	Definition	0940-5-15-.05	Plan Of Care Requirements
0940-5-15-.02	Application of Rules for Mental Health Adult Day Treatment Services	0940-5-15-.06	Record Requirements
0940-5-15-.03	Personnel Requirements	0940-5-15-.07	Environmental Requirements
0940-5-15-.04	Assessment Requirements	0940-5-15-.08	Medication Administration

0940-5-15-.01 DEFINITION

- (1) "Adult Day Treatment Services" means a non-residential program that provides a treatment and/or rehabilitation of least (3) hours duration per program day for adult service recipients. The program may be provided during the day, evening, or weekend hours. The program may be structured and offer community living skills training, vocational training, assistance with interpersonal relationships and be geared toward moving the service recipient on to a more independent and normal life style. The program might also be unstructured and provide socialization and maintenance to service recipients who might not move on to more independence.

0940-5-15-.02 APPLICATION OF RULES FOR MENTAL HEALTH ADULT DAY TREATMENT SERVICES

- (1) The governing body of an adult day treatment services must comply with the following rules:
 - (a) Rule 0940-5-4-.03 (2) Life Safety Day Care Occupancy
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Mental Health Services (new rules to be filed)
 - (d) Chapter 0940-5-15 Minimum Program Requirements for Mental Health Adult Day Treatment Services

0940-5-15-.03 PERSONNEL REQUIREMENTS

- (1) Treatment and/or rehabilitation services must be provided by mental health professionals or by mental health service personnel.
- (2) The program must provide access to medical services either by a written agreement with or employ a physician to serve as medical consultant.
- (3) The program must maintain a written agreement with a psychiatrist to serve as a psychiatric consultant.

- (4) The program must provide at least one (1) staff person on-duty/on-site for each ten- (10) service recipients present. Staff persons counted in the staff-to-service recipient ratio may only be persons who are assigned to provide direct day program services as described by written job description. Support staff such as clerical, housekeeping, van and bus driver staff; students involved in an on-site practicum for academic credit, and volunteers, may not be counted in the staff-to-recipient ratio.
- (5) The program must provide at least one on duty staff certified in CPR and trained in First aid and the Heimlich maneuver.

0940-5-15-.04 INDIVIDUALASSESSMENT REQUIREMENTS

- (1) The program must ensure that the following assessments are completed prior to the development of the service recipient Plan of Care:
 - (a) Assessment of current functioning in the following areas:
 1. Community living skills;
 2. Independent living skills;
 3. Emotional, psychological health;
 4. Educational level
 - (b) Basic medical history and current health information;
 - (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol and/or other drug use; and
 - (d) History of prior mental health and alcohol and drug treatment episodes.

0940-5-15-.05 INDIVIDUAL PLAN OF CARE (POC) REQUIREMENTS

- (1) A plan must be developed for each service recipient. The plan must be based on initial and on-going assessment of needs and strengths and must be completed within seventy-two (72) hours of admission. Documentation of the plan must be made in the individual's record and must include the following:
 - (a) The service recipient's name.
 - (b) The date of plan development.
 - (c) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes I-V and/or ICD-9.
 - (d) Needs and strengths of the service recipient that are to be addressed within the particular service/program component.
 - (e) Observable and measurable service recipient goals that are related to specific needs identified and which are to be addressed by the particular service/program component.

- (f) Interventions that address specific goals and objectives, identify staff and/or service recipient responsibility for interventions, and planned frequency of contact.
- (g) Signature(s) of the staff who develop the plan and the primary staff responsible for its implementation, including physician when appropriate.
- (h) Signature of service recipient (and/or conservator, legal custodian, or attorney in-fact). Reasons for refusal to sign and/or inability to participate in Plan of Care development must be documented.
- (i) Discharge planning that includes a projected discharge date and anticipated post discharge needs including documentation of resources needed in the community.
- (j) A review of the POC must occur every thirty (30) days of service or completion of the stated goal(s) and objective(s) and must include the following documentation:
 - 1. Dated signature(s) of appropriate treatment staff, including physician; and
 - 2. An assessment of progress toward each treatment goal and/or objective with revisions as indicated; and
 - 3. A statement by the staff psychiatrist or physician of justification for the level of service(s) needed including an assessment of suitability for treatment in a less restrictive environment. Justification for continued services must be documented.

0940-5-15-.06 INDIVIDUAL RECORD REQUIREMENTS

- (1) The record for each service recipient must contain the following information:
 - (a) Progress notes which must include written documentation of progress and changes which have occurred within the Plan of Care and, at a minimum, must be developed after each service contact. Progress notes must be dated and minimally include the signature, with title or degree, of the person preparing the note.
 - (b) Narrative summary review of all medications prescribed at least every thirty (30) days, which includes specific reasons for continuation of each medication;
 - (c) Results of assessments required by rule 0940-5-15-.03; and
 - (d) Discharge summary which states, if appropriate, service recipient condition at the time of discharge and signature of staff person preparing the summary.

0940-5-15-.07 ENVIRONMENTAL REQUIREMENTS

- (1) The program must provide areas in which different therapeutic and/or educational/training activities can be conducted at the same time.
- (2) Each skills-training area must contain and have readily available equipment and supplies, which are appropriate and necessary to conducting skills-training activities.

0940-5-15-.08 MEDICATION ADMINISTRATION

- (1) The service recipient’s ability and training must be taken into consideration when supervising the administration of medication.
- (2) Prescription medications are to be taken only by service recipients for whom they are prescribed, and in accordance with the directions of a physician.
- (3) Drugs must be stored in a locked container that ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized person.
- (4) Discontinued and outdated drugs and containers with worn, illegible, or missing labels must be discarded.
- (5) All medication errors, drug reactions, or suspected overmedication must be reported to the practitioner who prescribed the drug.
- (6) Documentation or other tangible evidence of the current prescription of each medication taken by a service recipient must be maintained by the facility.
- (7) When psychotropic or other regularly taken medications are prescribed by a physician, these medications should be reviewed by the physician at least on a quarterly basis, and more often if medically indicated.

Authority: T. C. A. §§4-4-103 and 33-1-305

The Tennessee Department of Mental Health and Developmental Disabilities proposes to amend Rule 0940-5-17 by deleting it in its entirety and substituting the following:

CHAPTER 0940-5-17

MINIMUM PROGRAM REQUIREMENTS FOR MENTAL HEALTH ADULT RESIDENTIAL TREATMENT PROGRAM

TABLE OF CONTENTS

0940-5-17-.01	Definition	0940-5-17-.07	Assessment Requirements
0940-5-17-.02	Application of Rules for Mental Health Residential Treatment Program	0940-5-17-.08	Plan Of Care Requirements
0940-5-17-.03	Personnel And Staffing Requirements	0940-5-17-.09	Management Of Disruptive Behavior
0940-5-17-.04	Other Services	0940-5-17-.10	Service Recipient Rights
0940-5-17-.05	Emergency Services	0940-5-17-.11	Medication Administration
0940-5-17-.06	Individual Record Requirements	0940-5-17-.12	Recreational Activities
		0940-5-17-.13	Health, Hygiene, And Grooming

0940-5-17-.01 DEFINITION

- (1) “Adult Residential Treatment Program” means a mental health treatment program that offers 24 hour intensive, coordinated, and structured services for adult service recipients within a non-permanent therapeutic milieu that focuses on enabling a service recipient to move to a less restrictive setting.

0940-5-17-.02 APPLICATION OF RULES FOR MENTAL HEALTH ADULT RESIDENTIAL TREATMENT PROGRAM

- (1) The governing body of an adult residential treatment program must comply with the following rules:
 - (a) Rule 0940-5-4-.02 (2) Life Safety Board and Care Occupancy
 - (b) Chapter 0940-5-5 Adequacy of Program Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Mental Health Services (new rules to be filed),
 - (d) Chapter 0940-5-17 Minimum Program Requirements for Mental Health Adult Residential Treatment Program

0940-5-17-.03 PERSONNEL AND STAFFING REQUIREMENTS

- (1) Treatment and rehabilitation services must be provided by mental health professionals or mental health personnel and under the direct clinical supervision of a licensed mental health professional.
- (2) The program must provide access to medical services via a written agreement or employment of a licensed physician.
- (3) If the physician is not a psychiatrist, the program must arrange for the regular, consultative, and emergency services of a licensed psychiatrist;
- (4) During normal waking hours, all programs must provide a least one (1) direct care staff person on duty, on site for every ten (10) service recipients present in the program. Staff persons counted in the staff-to-service recipient ratio may only be persons who are assigned to provide direct program services as described by written job description. Support staff such as clerical, housekeeping, van and bus driver staff; students involved in an on-site practicum for academic credit, and volunteers, may not be counted in the staff-to-recipient ratio. During normal sleeping hours, all programs must provide one (1) direct-care staff service recipient on site in each building where service recipients are housed; and in any building housing more than ten (10) service recipients, programs must provide one (1) additional direct-care staff service recipient on duty, on site for each additional ten (10) service recipients.
- (5) The program must provide a ratio of one (1) on-site, on-duty direct-treatment staff member to ten (10) service recipients for not less than three (3) hours of treatment/rehabilitation services on site per week day.
- (6) The program must provide at all times at least one (1) on-duty staff member certified in cardiopulmonary resuscitation (CPR) and trained in First aid, and the Heimlich maneuver.

0940-5-17-.04 OTHER SERVICES.

- (1) The program must arrange access to qualified dental, medical, nursing, and pharmaceutical care for service recipients of the program on a twenty-four (24) hours per day and seven (7) days a week basis. Service recipients or their families may choose a personal professional for non-emergency services.
- (2) The program must insure that each service recipient has had a physical examination within the six (6) months prior to admission or within thirty (30) days after admission. Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work), as determined necessary by the physician, and special studies where the index of suspicion is high and thereafter as often as indicated by the service recipient's physician.

- (3) In consultation with the service recipient/guardian/conservator, the program must arrange access for each service recipient for ongoing mental health services not provided by the program and assist the service recipient in keeping appointments and participating in such treatment programs. Documentation of such referrals must be kept in the service recipient's record.

0940-5-17-.05 EMERGENCY SERVICES.

- (1) Program must arrange care for emergency services on a twenty-four (24) hours per day and seven (7) days a week basis.
- (2) The program must provide direct or telephone access to at least one (1) Tennessee licensed mental health professional twenty-four (24) hours a day seven (7) days a week. If the professional is not a psychiatrist, the program must also arrange for the regular, consultative, and emergency services of a psychiatrist.
- (3) The program must provide back-up coverage by staff trained to handle acute psychiatric problems on a twenty-four (24) hours per day and seven (7) days per week on-call basis.
- (4) The program must secure emergency services for service recipients who pose an imminent physical danger to themselves or others.

0940-5-17-.06 INDIVIDUAL RECORD REQUIREMENTS

- (1) The record maintained for each service recipient must include the following information:
 - (a) Progress which must include written documentation of progress and changes which have occurred within the Plan of Care and, at a minimum, must be recorded daily. Progress notes must be dated and minimally include the signature, with title or degree, of the person preparing the note;
 - (b) A list of each service recipient article of each service recipient's personal property valued at one hundred (\$100.00) or more, including its disposition if no longer in use;
 - (c) Narrative summary review of all medications prescribed at least every six (6) months, which includes specific reasons for continuation of each medication.

0940-5-17-.07 ASSESSMENT REQUIREMENTS

- (1) The facility must ensure that the following assessments are completed prior to the development of the service recipient's Plan of Care:
 - (a) Current assessment of functioning according to presenting problem(s), including a history of the presenting problem, and assessments in the following areas:
 1. Community living skills,
 2. Educational level;
 3. Independent living skills, and
 4. Emotional psychological health;

- (b) Current diagnosis and DSM axis (I-V);
- (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol and other drug use.
- (d) History of prior mental health and alcohol and drug treatment episodes.
- (e) Basic medical history and information.

0940-5-17-.08 PLAN OF CARE REQUIREMENTS

- (1) A plan must be developed for each service recipient. The plan must be based on initial and on-going assessment of needs and strengths and must be completed within seventy-two (72) hours of admission. Documentation of the plan must be made in the individual's record and must include the following:
 - (a) The service recipient's name.
 - (b) The date of plan of care development.
 - (c) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes I-V and/or ICD-9.
 - (d) Needs and strengths of the recipient that are to be addressed within the particular service/program component.
 - (e) Observable and measurable individual goals that are related to specific needs identified and which are to be addressed by the particular service/program component.
 - (f) Interventions that address specific goals and objectives, identify staff responsible for interventions, and planned frequency of contact.
 - (g) Signatures(s) of treatment staff who develop the plan and the primary staff responsible for its implementation, including physician when appropriate.
 - (h) Signature of service recipient (and/or conservator legal custodian, or attorney in-fact). Reasons for refusal to sign and/or inability to participate in Plan of Care development must be documented.
 - (i) Discharge planning that includes a projected discharge date and anticipated post discharge needs including documentation of resources needed in the community.
 - (j) A review of the Plan of Care must occur at least every thirty days after development of the Plan of Care and every thirty days thereafter and must include the following documentation:
 - 1. Dated signature(s) of appropriate treatment staff, including physician; and
 - 2. An assessment of progress toward each treatment goal and/or objective with revisions as indicated; and
 - 3. A statement by the staff psychiatrist or physician of justification for the level of services(s) needed; and

4. An assessment of suitability for treatment in a less restrictive environment must be part of the review process.

0940-5-17-.09 MANAGEMENT OF DISRUPTIVE BEHAVIOR

- (1) Policies addressing the methods for managing service recipients' disruptive behavior must include the following:
 - (a) Post incident debriefing for staff and service recipient.
 - (b) Service recipient Program Plan modification as indicated.
 - (c) Teaching the adaptive or desirable behavior to the service recipient in conjunction with the implementation of the procedures.
 - (d) Physical holding must be implemented in such a way as to minimize any physical harm to the service recipient and may only be used when the service recipient poses an immediate danger to self or others. Physical holding may be used only until the service recipient is calm.

0940-5-17-.10 SERVICE RECIPIENT RIGHTS

- (1) Service recipients must be allowed to use their personal funds directly or allow the service recipient's representative payee or other legally authorized person acting on behalf of the service recipient to purchase incidentals and special needs items.
- (2) Each service recipient must be allowed to possess and use his/her own money unless otherwise indicated by the service recipient's Plan of Care.

0940-5-17-.11 MEDICATION ADMINISTRATION

- (1) The service recipient's ability and training must be taken into consideration when supervising the self-administration of medication.
- (2) Prescription medications are to be taken only by service recipients for whom they are prescribed, and in accordance with the directions of a physician.
- (3) Medications must be stored in a locked container which ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized persons.
- (4) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (5) It must be documented and reported to practitioners who prescribed the medication, all medication errors, drug reactions, or suspected overmedication.
- (6) Evidence of the current prescription of each medication taken by a service recipient must be maintained by the program.
- (7) All direct-service staff must be trained about medications used by service recipients. This training must include information about the purpose and function of the medications, their major side effects and contraindications, and ways to recognize signs that medication is not being taken or is ineffective.

- (8) Staff must have access to medications at all times.
- (9) All medications must be administered by licensed medical or licensed nursing personnel or by other qualified personnel. (Qualified personnel under these rules means a certified or registered respiratory therapist, a radiological technologist, a nuclear medicine technologist, or a certified physician assistant practicing pursuant to a protocol approved by the medical staff.) Such qualified service personnel may only administer medication within the scope of an established protocol.
- (10) Schedule II drugs must be stored within two (2) separately locked compartments at all times and be accessible only to staff in charge of administering medication.
- (11) All medications and other medical preparations intended for internal or external human use must be stored in medicine cabinets or drug rooms. Such cabinets or drug rooms must be kept securely locked when not in use and the key must be in the possession of the supervising nurse or other authorized staff. Locks in doors to medicine cabinets and drug rooms must be such that they require an action on the part of staff to lock and unlock.
- (12) Staff must document each time a service recipient self-administers medication or refuses a medication. This documentation must include the date, time, medication name, dosage as well as over the counter medication. This documentation must be made on the medication log sheet in the service recipient's chart.

0940-5-17-.12 RECREATIONAL ACTIVITIES

- (1) The program must ensure that opportunities are provided for recreational activities which are appropriate to and adapted to the needs, interests, and ages of the service recipients being served.

0940-5-17-.13 HEALTH, HYGIENE, AND GROOMING

- (1) The program must assist service recipients in the independent exercise of health, hygiene, and grooming practices.
- (2) The program must assist each service recipient in securing an adequate allowance of personally-owned, individualized, clean, and seasonal clothes that are the correct size.
- (3) The program must assist and encourage service recipients in the use of dental, physical prosthetic appliances and visual aids.

Authority: T. C. A. §§4-4-103 and 33-1-305

The Tennessee Department of Mental Health and Developmental Disabilities proposes to amend Rule 0940-5-29 by deleting it in its entirety and substituting the following:

CHAPTER 0940-5-29 MENTAL HEALTH PSYCHOSOCIAL REHABILITATION PROGRAM

TABLE OF CONTENTS

0940-5-29-.01 Definition	0940-5-29-.03 Policies and Procedures
0940-5-29-.02 Application of Rules for Mental Health Psychosocial Rehabilitation Program	0940-5-29-.04 Program Service Requirements

0940-5-29-.01 DEFINITION

- (1) “Psychosocial rehabilitation” means a consumer-centered program of services for adult service recipients to enhance and support the process of recovery. Program focus is based on a strengths model of mental health, working with the whole service recipient to improve service recipient functioning, rather than treatment for symptoms of a mental illness. Service participants, in partnership with staff, form goals for skill development in the areas of vocational, educational, and interpersonal growth that serve to maximize opportunities for successful community integration. Service participants proceed with goal development at their own pace and may continue in the program with varying intensity for an indefinite period of time.

0940-5-29-.02 APPLICATION OF RULES

- (1) The governing body of a psychosocial program must comply with following rules:
- (a) Rule 0940-5-.02 (2) Life Safety Business Occupancy;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Mental Health Services (new rules to be filed);
 - (d) Chapter 0940-5-29 Minimum Program Requirements for Psychosocial Rehabilitation Program

0940-5-29-.03 POLICIES AND PROCEDURES

- (1) The organization should have a written program plan to guide the operation of its program and the delivery of its services. The plan should include a program description that:
- (a) Reflects the philosophy of the program.
 - (b) Delineates the goals of the program.

0940-5-29-.04 PROGRAM SERVICE REQUIREMENTS

- (1) The program should insure core services are provided in the following areas that are organized around the needs of the service recipients served, their preferences, and their stated goals.
- (a) Enhancement of the understanding of and ability of the service recipients served to manage and cope with their psychiatric disabilities.
 - (b) Entitlement/income budget maintenance.

- (c) Self-care and independent living skills.
 - (d) Socialization and use of leisure time.
 - (e) Vocational development.
- (2) In addition to the core services and dependent on the needs and preferences of the service recipients served, the program should provide or assess need for and make referrals for:
- (a) Advocacy services.
 - (b) Alcoholism and other drug dependency education and/or services.
 - (c) Educational services.
 - (d) Family support and education.
 - (e) Job placement and support.
 - (f) Mental health services.
 - (g) Self-help and peer support.
 - (h) Safe, decent, and affordable housing.
 - (i) Medical services.
- (3) Meetings of the service recipients served and program staff must be held on a regular basis to discuss matters of mutual concern such as program operations, problems, and the use of program resources.
- (4) The program must establish procedures for outreach to link service recipients in the community who are in need of psychosocial rehabilitation with the program.
- (5) The program's follow-up procedures should provide effective means to reach out to service recipients who are not attending, who are becoming isolated in the community, or who have been re-hospitalized.
- (6) When residential services are provided, there must be a written description detailing the array of residential services provided, including the type and level of staffing or other services provided.

Authority: T.C.A. §§4-4-103 and 33-1-305

**CHAPTER 0940-5-33
MENTAL HEALTH PARTIAL HOSPITALIZATION PROGRAMS**

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0940-5-33-.01	Definition	0940-5-33-.04	Individual Assessment Requirements
0940-5-33-.02	Application Of Rules For Mental Health Partial Hospitalization Programs	0940-5-33-.05	Individual Plan Of Care Requirements
0940-5-33-.03	Personnel Requirements	0940-5-33-.06	Recipient Records
		0940-5-33-.07	Environmental Requirements

0940-5-33-.01 DEFINITION

- (1) "Partial hospitalization" means a non residential medically directed treatment program that offers intensive, coordinated, and structured services for adults and/or children within a stable therapeutic milieu. Partial hospitalization embraces day, evening, night, and weekend treatment programs which employ an integrated, comprehensive and complementary schedule of recognized mental health service approaches. Partial hospitalization is designed to provide intensive treatment services for service recipients who are able to be voluntarily diverted from inpatient psychiatric hospitalization or require intensive treatment after discharge from an inpatient stay. Programs are designed to serve service recipients with significant impairment resulting from a psychiatric, emotional or behavioral disorder. Such programs are also intended to have a positive impact on the service recipient's support system.

Partial hospitalization programs may either be free standing or integrated with a broader mental health or medical program. If integrated, partial hospitalization must be a separate, identifiable, organized program representing a significant link within the continuum of comprehensive mental health services.

0940-5-33-.02 APPLICATION OF RULES FOR MENTAL HEALTH PARTIAL HOSPITALIZATION PROGRAMS

- (1) The governing body of a partial hospitalization program must comply with the following rules:
 - (a) Rule 0940-5-4-.03(2) Life Safety Educational or Day Care Occupancy
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Mental Health Services (new rules to be filed); and
 - (d) Chapter 0940-5-15 Minimum Program Requirements for Partial Hospitalization Programs.
 - (e) Chapter 0940-3-6, Use of Isolation and Restraint in Inpatient Facilities

0940-5-33-.03 PERSONNEL REQUIREMENTS

- (1) The program must ensure that all staff providing service have the necessary skills, qualifications, training and supervision to provide the services specified in the individual plan of care.
 - (a) The program must be under the direction of a Tennessee licensed physician. Treatment and/or rehabilitation services must be provided by mental health professionals or by mental health personnel. Treatment services, staff type and ratio must be adequately justified according to level of care provided in program.
 - (b) The program must provide access to medical services either by a written agreement with or employ a licensed physician.
 - (c) If the physician is not a psychiatrist, the program must arrange for the regular, consultative, and emergency services of a psychiatrist;
 - (d) The psychiatrist or physician must be available during program hours. All diagnostic services must be provided by a psychiatrist, a psychologist, or an addictionologist, as applicable.

- (e) The program must have at least one (1) Tennessee licensed nurse or physician assistant, to be on duty, and on-site during operating hours. The program must additionally have at least one (1) staff person who is assigned to provide direct program services, is on duty, on-site for each eight (8) adult service recipients present and one (1) to five (5) children/youth service recipients present. Support staff such as clerical, housekeeping, van and bus driver staff, volunteers and students involved in an on-site practicum for academic credit may not be counted in the staff-to-recipient ratio.
- (f) The program must provide at least one on duty staff certified in CPR and trained in first aid and the Heimlich maneuver.

0940-5-33-.04 INDIVIDUAL ASSESSMENT REQUIREMENTS

- (1) The program must ensure that the following assessments are completed prior to the development of the Plan of Care:
 - (a) Assessment of current functioning according to presenting problem including a history of the presenting problem in the following areas:
 - 1. Community living skills, including independent living skills;
 - 2. Present level of functioning and ability to self manage mental illness, and
 - 3. Educational services.
 - (2) Basic medical history and information, determination of the necessity for a medical evaluation and a copy, where applicable, of the results of the medical evaluation
 - (3) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol and/or other drug use; and
 - (4) History of prior mental health and alcohol and drug treatment episodes.
 - (5) Psychiatric evaluation
 - (6) Assessment of whether service recipient is currently eligible for special education services in accordance with the State Board of Education Rules, Regulations, and Minimum Standards

0940-5-33-.05 INDIVIDUAL PLAN OF CARE (POC) REQUIREMENTS

- (1) A Plan must be developed for each recipient. The plan must be based on initial and on-going assessment of the service recipient's needs and strengths must be completed within twenty-four (24) hours of the first day of services rendered. Documentation of the plan must be made in the individual's record and must include the following:
 - (a) The service recipient's name.
 - (b) The date of plan development.
 - (c) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes and/or ICD-9.

- (d) Needs and strengths of the service recipient which are to be addressed within the particular service/program component.
- (e) Observable and measurable service recipient goals that are related to specified needs identified and which are to be addressed by the particular service/program component.
- (f) Interventions that address specific goals and objectives, identify staff responsible for intervention, and planned frequency of contact.
- (g) Signature(s) of treatment staff who develop the plan, the primary staff responsible for its implementation, including the physician.
- (h) Signature of service recipient (and/or parent/guardian, conservator, or legal custodian). Reasons for refusal to sign and/or inability to participate in POC development must be documented.
- (i) Plan for discharge which includes projected discharge date, and
- (j) Anticipated post discharge needs including documentation of resources needed in the community.
- (k) A review of the POC must occur every seven (7) days of service or completion of the stated goal(s) and objective(s) and must include the following documentation:
 - 1. Dated signature(s) of appropriate treatment staff, including physician; and
 - 2. An assessment of progress toward each treatment goal and/or objective with revisions as indicated; and
 - 3. A statement by the staff psychiatrist or physician of justification for the level of service(s) needed including an assessment of suitability for treatment in a less restrictive environment. Justification for continued services must be documented.

0940-5-33-.06 RECIPIENT RECORDS REQUIREMENTS

- (1) The individual record for each service recipient must also contain the following information:
 - (a) Progress notes which must include written documentation of progress and changes that have occurred within the plan of care and, at a minimum, are documented daily. Progress notes must be dated and minimally include the signature, with title or degree, of the person preparing the note.
 - (b) A discharge summary which includes primary diagnosis, secondary diagnosis (when appropriate), clinical summary, condition at time of discharge or transfer, and aftercare arrangements and recommendations.
 - (c) Results of assessments required by 0940-5-33-.05
 - (d) Individual Plan of Care
 - (e) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) and/or ICD-9.

0940-5-33-.07 ENVIRONMENTAL REQUIREMENTS

- (1) The program must have areas in which different therapeutic and/or educational/training activities can be conducted at the same time.
- (2) Each program area must contain, and have readily available equipment and supplies which are appropriate and necessary to conduct therapeutic and/or skills training activities.

Authority: T. C. A. §§4-4-103 and 33-1-305

**CHAPTER 0940-5-34
MENTAL HEALTH VOCATIONAL PROGRAM**

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0940-5-34-.01	Definitions	0940-5-34 .05	Individual Plan of Care Requirements
0940-5-34-.02	Application of Rules	0940-5-34-.06	Individual Record Requirements
0940-5-34-.03	Personnel Requirements	0940-5-34-.07	Additional Environmental Requirements
0940-5-34-.04	Individual Assessment Requirements		

0940-5-34-01 DEFINITIONS

- (1) “Vocational Program” means a program whose primary purpose is to provide services or activities that facilitate an adult service recipient to work at a job or training site of their choice. These services can be facility based or non facility based and include but are not limited to: supported employment, psychosocial rehabilitation, pre-vocational work units, vocational work assessments, job readiness training, and enclaves.
- (2) “Supported Employment” means a range of services to assist consumers to prepare for, obtain, and maintain employment. This service also includes a variety of support services to the consumer, including side-by-side support on the job. These services may be integrated into a psychosocial rehabilitation center.
- (3) “Enclave” means a work unit provided by a licensed vocational program consisting of two (2) or more service recipients with a severe and/or persistent mental illness working in normal, competitive work setting. The setting focuses on assessment, training and work experience with pay.

0940-5-34-.02 APPLICATION OF RULES FOR MENTAL HEALTH VOCATIONAL PROGRAM

- (1) The governing body of a vocational program must comply with the following rules:
 - (a) Rule 0940-5-4-.02 (2) Life Safety Business or Industrial Occupancy
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Mental Health Services (new rules to be files)
 - (d) Chapter 0940-5-34 Minimum Program Requirements for Mental Health Vocational Program

0940-5-34-.03 PERSONNEL REQUIREMENTS

- (1) The program services must have on staff or have available on a consultative basis both a Tennessee licensed mental health professional and an individual with demonstrated skill in the vocational areas provided by the program.
- (2) A facility based program must have sufficient staff persons on duty to provide adequate supervision of the scheduled activities with a minimum staff-to-service recipient ratio of 1:20. Staff persons counted in the staff-to-service recipient ratio may only be persons who are assigned to provide direct services as described by written job description. Support staff such as clerical, housekeeping, van and bus driver staff; students involved in an on-site practicum for academic credit, and volunteers, may not be counted in the staff-to-recipient ratio.
- (3) The facility must provide at least one on duty staff person trained in first aid and the Heimlich maneuver.
- (4) All staff, within three (3) months of hire, must acquire knowledge and competency appropriate to groups served. Training topics must include but not be limited to the following:
 - (a) Principles of job development, supported employment, and psychological rehabilitation
 - (b) Vocational and work assessment
 - (c) Value to work
 1. Employer support
 2. Assuming and utilizing natural support system at a work site
 3. Work culture
 4. Americans with Disability Act
 5. Rights of service recipients with mental illness regarding work
 6. Community support systems, community based services and systems of care, community resources and linkages with these resources
 7. Cultural diversity
 8. Behavioral characteristics of service recipients with mental illness
 9. Stress management skills for vocational workers
 10. Data management and record keeping
 11. Agency policies and procedures
 12. Psychiatric medications and their side effects
 13. Fire safety

0940-5-34-.04 INDIVIDUAL ASSESSMENT REQUIREMENTS

- (1) The program must ensure that the following assessments are completed prior to the development of the Plan of Care and are maintained in the service recipient's record.
 - (a) Living arrangements
 - (b) Vocational/Educational
 - (c) Social supports
 - (d) Financial
 - (e) Basic medical history and current health information
 - (f) Leisure/Recreational
 - (g) Emotional/Behavioral health
 - (h) Transportation
 - (i) Medications
 - (j) History of prior mental health and alcohol and drug treatment episodes
- (2) Assessments must be completed in face to face session(s) with the service recipient and document how they effect the Plan of Care.

0940-5-34-.05 INDIVIDUAL PLAN OF CARE REQUIREMENTS

- (1) A Plan of Care must be developed for each service recipient. The plan must be based on initial and on-going assessment of needs and strengths and must be completed within fourteen (14) days of admission into the vocational program. Documentation of the plan must be made in the service recipient's record and must include the following:
 - (a) Service recipient's name.
 - (b) Date of plan of care development.
 - (c) Needs and strengths of the service recipient that are to be addressed within the particular service/program component.
 - (d) Observable and measurable service recipient long and short-term goals that are related to specific needs identified and which are to be addressed by the particular service/program component.
 - (e) Interventions that address specific goals and objectives, identify staff responsible for interventions, and planned frequency of contact.
 - (f) Signature(s) of the staff who develop the plan and the primary staff responsible for its implementation.

- (g) Signature of service recipient (and/or conservator, legal guardian, or attorney in-fact). Reasons for refusal to sign and/or inability to participate in the Plan of Care development must be documented.
- (2) The Plan of Care must be reviewed by program staff and the service recipient within three months of the initial development of the Plan of Care. The second review must take place within six months after the development of the Plan of Care, and every six months thereafter. The review must include the following documentation:
 - (a) Dated signature(s) of appropriate staff; and
 - (b) An assessment of progress toward each goal and/or objective with revisions as indicated.

0940-5-34-.06 INDIVIDUAL RECORD REQUIREMENTS

- (1) The service recipient record for each service recipient must contain the following information:
 - (a) Record of attendance at program services;
 - (b) Record of three month plan review addressing goal attainment within thirty (30) days of discharge;
 - (c) Discharge summary which states, if appropriate, service recipient condition at the time of discharge and signature of staff person preparing the summary.
 - (d) Progress notes which must include written documentation of progress and changes which have occurred within the Plan of Care and, at a minimum must be developed on a weekly basis. Progress notes must be dated and minimally include the signature, with title or degree, of the person preparing the note

0940-5-34-.07 ADDITIONAL ENVIRONMENTAL REQUIREMENTS

- (1) If different therapeutic and/or vocational/educational training activities are to be conducted at the same time, the facility must have separate areas for each activity.
- (2) Each skills-training area must contain and have readily available equipment and supplies which are appropriate and necessary to conducting skills-training activities.

The Tennessee Department of Mental Health and Developmental Disabilities proposes to amend the following Rules by deleting them in their entirety:

Rule 0940-5-7, Minimum Program Requirements for Alcohol and Drug Abuse Non-Residential Treatment Facilities

Rule 0940-5-8, Minimum Program Requirements for Alcohol and Drug Abuse Non-Residential Methadone Treatment Facilities

0940-5-9, Minimum Program Requirements for Alcohol and Drug Abuse Residential Detoxification Treatment Facilities

0940-5-10, Minimum Program Requirements for Alcohol and Drug Abuse Residential Rehabilitation Treatment Facilities

0940-5-11, Minimum Program Requirements for Alcohol and Drug Abuse Halfway House Treatment Facilities

0940-5-12, Minimum Program Requirements for Alcohol and Drug Abuse Early Intervention Facilities

0940-5-13, Minimum Program Requirements for Alcohol and Drug Abuse DUI School Facilities

Authority: T.C.A. §§4-4-103 and 33-1-305

This notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-37)

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES - 0940
DIVISION OF MENTAL HEALTH SERVICES

The Tennessee Department of Mental Health and Developmental Disabilities will hold a public hearing to consider an amendment to rules and promulgation of new rules pursuant to Tenn. Code Ann., Section 33-1-305. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code. Ann., Section 4-5-204, and will take place in the Cumberland Room, Cordell Hull Building, 425 Fifth Avenue, North, Nashville, Tennessee, at 1:30 p.m. on the 23rd day of August, 2002.

Written comments will be considered if received by close of business, September 23, 2002, at the DMHDD Office of Legal Counsel, 2600 Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243.

Individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Tennessee Department of Mental Health and Developmental Disabilities, to discuss any auxiliary aids or services needed to facilitate such participation or review. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to the scheduled meeting date or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Mental Health and Developmental Disabilities ADA Coordinator, Joe Swinford, 5th Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37243. Mr. Swinford's telephone number is (615) 532-6700; the department's TDD is (615) 532-6612. Copies of the notice are available from the Tennessee Department of Mental Health and Developmental Disabilities in alternative format upon request.

For a copy of the notice of rulemaking hearing, contact: Anita M. Daniels, Office of Legal Counsel, Tennessee Department of Mental Health and Developmental Disabilities, 2600 Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243; telephone (615) 532-6520

The Tennessee Department of Mental Health and Developmental Disabilities proposes to amend Rule 0940-5-30 by deleting it in its entirety and substituting the following:

SUBSTANCE OF PROPOSED RULES**CHAPTER 0940-5-30
MENTAL HEALTH INTENSIVE DAY TREATMENT PROGRAM FOR CHILDREN AND YOUTH****TABLE OF CONTENTS**

0940-5-30-.01	Definition	0940-5-30-.05	Assessment Requirements
0940-5-30-.02	Application Of Rules For Mental Health Intensive Day Treatment For Children And Youth	0940-5-30-.06	Environmental Requirements
0940-5-30-.03	Record Requirements	0940-5-30-.07	Individual Plan of Care Requirements
0940-5-30-.04	Personnel Requirements	0940-5-30-.08	Medication Administration
		0940-5-30-.09	Health, Hygiene, and Grooming

0940-5-30-.01 DEFINITION: A program equal in length to a school day or after school program, evenings or weekends, of not less than three (3) hours' duration. The program includes a variety of treatment activities including but not limited to individual, family, and/or group therapy, vocational training, social skills training, etc.; and an educational component.

0940-5-30-.02 APPLICATION OF RULES FOR MENTAL HEALTH INTENSIVE DAY TREATMENT FOR CHILDREN AND YOUTH

- (1) The governing body of a mental health intensive day treatment program for children and youth must comply with the following rules:
 - (a) Rule 0940-5-4-.03 (2) Life Safety Educational Occupancies Rule
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Mental Health Services (new rules to be filed)
 - (d) Chapter 0940-5-30 Minimum Program Requirements for Mental Health Intensive Day Treatment for Children and Youth

0940-5-30-.03 RECORD REQUIREMENTS

- (1) The individual record for each service recipient must contain the following information:
 - (a) Documentation of the Individual Plan of Care (IPOC) and the Individualized Education Plan (IEP) (if required) of their implementation;
 - (b) Progress notes which must be developed after each service contact and which must include written documentation of service recipient progress or changes which have occurred within the IPOC;
 - (c) Documentation of all drugs prescribed or administered by the facility which indicates date prescribed, type, dosage, frequency, amount, and reason;
 - (d) Narrative summary review of all medications prescribed at least every six (6) months which includes specific reasons for continuation of each medication;

- (e) Results of assessments required by Rule 0940-5-30-.03; and
- (f) Discharge summary which states, if appropriate, service recipient condition at the time of discharge and signature of person preparing the summary.
- (g) If the program operates during regular school hours, there must be documentation of an education plan developed for each eligible recipient. The plan must conform to the Rules, Regulations and Minimum Standards of the State Board of Education with an Individualized Education Plan (IEP) being developed by an appropriately constituted IEP-Team for all “qualified students with disabilities.”
 - 1. Documentation of the IEP must be contained in the recipient’s record.
 - 2. The IEP may include education services provided either by the program or by the local education agency.

0940-5-30-.04 PERSONNEL REQUIREMENTS

- (1) The program must be under the direction of a licensed mental health professional. Treatment and/or rehabilitation services must be provided by mental health professionals or by mental health personnel. Qualifications of individuals who will provide educational programs shall meet the employment standards outlined in the state Board of Education Rules, Regulations, and Minimum Standards.
- (2) The facility must maintain a written agreement with or employ a licensed physician to serve as medical consultant.
- (3) If the consulting physician is not a psychiatrist, the facility must arrange for the regular, consultative, and emergency services of a licensed psychiatrist.
- (4) The facility must provide at least one (1) staff person on-duty/on-site for each eight (8) service recipients present. Staff persons counted in the staff-to-service recipient ratio may only be persons who are assigned to provide direct day program services as described by written job description. Support staff, such as clerical, housekeeping, vans and bus driver staff, and students involved in an on-site practice for academic credit or volunteers may not be counted in the staff-to-service recipient ratio.
- (5) A training plan for each non-doctoral level staff person must be documented.
- (6) The operator must perform background checks on all employees and volunteers. A person, whether an employee or a volunteer, who is named as a suspect in an “indicated” report of child sexual abuse, or who is currently charged with committing a crime against a child must not work as a caregiver or have any contact with the children.
- (7) Children must not be in the care of or have any direct contact while in the care of the facility with a person who has been convicted of a crime involving children or of violating a law enacted to protect children.

0940-5-30-.05 ASSESSMENT REQUIREMENTS

- (1) Assessment of current functioning according to presenting problem including a history of the presenting problem in the following areas:
 - (a) Community living skills

- (b) Living skills appropriate to age
 - (c) Emotional, psychological health, and
 - (d) Educational level, including educational history.
- (2) Basic medical history and information
 - (3) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol or other drugs.
 - (4) History of prior mental health and alcohol and drug treatment episodes.
 - (5) Assessment of whether service recipient meets eligibility requirements for special education services in accordance with the State Board of Education Rules, Regulations, and Minimum Standards.

0940-5-30-.06 ENVIRONMENTAL REQUIREMENTS

- (1) Each skills training area must contain and have readily available equipment and supplies which are appropriate and necessary to conducting skills training activities.
- (2) All potentially dangerous items, e.g. knives, scissors, paint, and glue, should be properly inventoried and stored for maximum safety precautions.

0940-5-30-.07 INDIVIDUAL PLAN OF CARE REQUIREMENTS

- (1) A plan must be developed for each service recipient. The plan must be based on initial and on-going assessment of need and must be completed within seventy-two (72) hours of admission. The Plan of Care must be documented in the recipient's record and must include the following:
 - (a) The recipient's name
 - (b) The date of plan development
 - (c) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes I-V and/or ICD-9.
 - (d) Problems and strengths of the recipient that are to be addressed within the particular service/program component.
 - (e) Observable and measurable service recipient goals that are related to specific problems identified and which are to be addressed by the particular service/program component.
 - (f) Interventions that address specific goals and objectives, identify staff and/or recipient responsibility for interventions, and planned frequency of contact.
 - (g) Signatures of treatment staff developing plan, including physician.
 - (h) Signature of recipient and/or conservator, parent or legal custodian. Reasons for refusal to sign and/or inability to participate in Plan of Care development must be documented.

- (i) Discharge planning that includes a projected discharge date and anticipated post discharge needs including documentation of resources needed in the community.
- (j) A review of the Plan of Care must occur within thirty (30) calendar days after the development of the Plan of Care and every thirty (30) calendar days thereafter and must include the following documentation:
 - 1. Dated signature(s) of appropriate treatment staff, and
 - 2. An assessment of progress toward each treatment goal and/or objective with revisions as indicated; and
 - 3. A statement of justification for the level of service(s) needed.

0940-5-30-.08 MEDICATION ADMINISTRATION

- (1) The service recipient's ability and training must be taken into consideration when supervising the administration of medication.
- (2) Prescription medications are to be taken only by service recipients for whom they are prescribed, and in accordance with the directions of a physician.
- (3) Drugs must be stored in a locked container, which ensures proper conditions of security, sanitation, temperature and prevents accessibility to any unauthorized person.
- (4) Discontinued and outdated drugs and containers with worn illegible, or missing labels must be discarded.
- (5) All medication errors, drug reactions, or suspected overmedication must be reported to the practitioner who prescribed the drug.
- (6) Documentation or other tangible evidence of the current prescription of each medication taken by a service recipient must be maintained by the facility.
- (7) When a physician prescribes psychotropic or other regularly taken medications, the physician should review these medications at least on a quarterly basis, and more often if medically indicated.

0940-5-30-.09 HEALTH, HYGIENE, AND GROOMING

- (1) Facility staff must be given immediate access to relevant information in the service recipient records in the event of medical or other type of emergency.
- (2) The facility must assist service recipients in the independent exercise of health, hygiene, and grooming practices.
- (3) The facility must encourage the use of dental appliances, eyeglasses, and hearing aids if used by service recipients.
- (4) The facility must encourage each service recipient to maintain a well-groomed and clean appearance that is age and activity appropriate and within reason of current acceptable styles of grooming, dressing and appearance for individuals of like age.

Authority: T.C.A. §§4-4-103, and 33-1-305

**CHAPTER 0940-5-35
RESIDENTIAL TREATMENT PROGRAM FOR CHILDREN AND YOUTH**

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0940-5-35-.03	Personnel Requirements	0940-5-35-.08	Emergency Services
0940-5-35-.04	Assessment Requirements	0940-5-35-.09	Medication Administration
0940-5-35-.05	Individual Plan of Care Requirements	0940-5-35-.10	Recreational Activities
		0940-5-35-.11	Individual Health, Hygiene, and Grooming

0940-5-35-.01 DEFINITION: A Mental Health Residential Treatment Program for Children and Youth - A program which provides twenty-four (24) hour residential treatment and habilitation to persons under 18 years of age, with a mental illness or who are seriously emotionally disturbed (SED). The focus of the program may be on short-term stabilization or longer term treatment and habilitation. The program must provide, or arrange for an education component in compliance with the minimum rules, regulations, and standards of the Tennessee Department of Education.

0940-5-35-.02 APPLICATION OF RULES FOR MENTAL HEALTH RESIDENTIAL TREATMENT FOR CHILDREN AND YOUTH. The governing body of a residential treatment program must comply with the following rules:

- (a) Rule 0940-5-4-.02 (2) Life Safety Board and Care Occupancy;
- (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
- (c) Chapter 0940-5-6 Minimum Program Requirements for Mental Health Services (new rules to be filed);
- (d) Chapter 0940-5-17 Minimum Program Requirements for Residential Treatment Program.
- (e) Departmental Rule on Isolation and Restraint in Residential Treatment Facilities (new rule to be filed)

0940-5-35-.03 PERSONNEL REQUIREMENTS

- (1) The program must be under the direct clinical supervision of a licensed mental health professional with training and/or experience in mental health treatment of children and youth.
- (2) Treatment and/or habilitation services must be provided by mental health professionals or by mental health personnel. Individual staff who will provide educational programs shall meet the employment standards outlined in the state Board of Education Rules, Regulations, and Minimum Standards.
- (3) The program must have a medical consultant either by a written agreement with or employment of a Tennessee licensed physician.
- (4) If the consulting physician is not a psychiatrist, the facility must arrange for the regular, consultative, and emergency services of a licensed psychiatrist.
- (5) During normal waking hours the program must provide at least one (1) staff person on-duty/on-site for each eight (8) service recipients present. Staff persons counted in the staff-to-service recipient ratio may only be persons who

are assigned to provide direct program services as described by written job description. During normal sleeping hours the program must provide one direct care staff person on site in each building, or physically separated unit of a building, in which service recipients are housed. Support staff, such as clerical, housekeeping, van and bus driver staff, and students involved in an on-site practice for academic credit may not be counted in the staff-to-service recipient ratio.

- (6) The program must provide at all times at least one (1) on-duty staff member trained in First Aid, and the Heimlich maneuver and certified in CPR.
- (7) Staff training must include new staff orientation and continuing education for all staff. A training plan must be developed and implemented for all staff. Within three months, all staff must acquire knowledge and competency appropriate to the special needs of the individuals served. Training topics must include, but not be limited to:
 - (a) managing disruptive behavior;
 - (b) physical holding procedures and techniques; and
 - (c) child development.
- (8) The program must perform background checks on all employees and volunteers. A person, whether an employee or a volunteer, who is named as a suspect in an “indicated” report of child sexual abuse, or who is currently charged with committing a crime against a child must not work in this program as a caregiver or have any contact with the children.
- (9) Service recipients must not be in the care of or have any direct contact while in the care of the program with a person who has been convicted of a crime involving children or of violating a law enacted to protect children.

0940-5-35-.04 ASSESSMENT REQUIREMENTS

- (1) Assessment of current functioning, and a history in the following areas:
 - (a) Community living skills;
 - (b) Living skills appropriate to age;
 - (c) Emotional, psychological health, and
 - (d) Educational level (including educational history).
- (2) Basic medical history and information
- (3) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol or other drug use.
- (4) History of prior mental health and alcohol and drug treatment episodes.
- (5) Assessment of whether individual is currently eligible for special education services in accordance with the State Board of Education Rules, Regulations, and Minimum Standards.

0940-5-35-.05 INDIVIDUAL PLAN OF CARE REQUIREMENTS

- (1) An Individual Plan of Care must be developed and implemented for each service recipient. The Individual Plan of Care (POC) must be based on initial history and on-going assessment of the service recipient's needs and must be completed within seventy-two (72) hours of admission.
- (2) Documentation of the POC and of its implementation must be made in the service recipient record and must include the following:
 - (a) The service recipient's name in the POC;
 - (b) The date of development of the POC;
 - (c) Individual problems specified in the POC which are to be addressed within the particular service/program component, including treatment and educational components;
 - (d) Individual objectives which are related to specified problems identified in the POC and which are to be addressed by the particular service/program component;
 - (e) Interventions addressing goals in the POC;
 - (f) Signatures of the staff providing the services;
 - (g) Participation of service recipient and parent/guardian/legal custodian or conservator where appropriate, in the treatment planning process;
 - (h) Standardized diagnostic formulation(s), [including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes I-V and/or ICD-9] where appropriate, and assessment documentation on file which is updated as recommended by POC team;
 - (i) Planned frequency of treatment contacts; and
 - (j) A plan for family involvement in the child's treatment.
- (3) A review of the POC must occur at least every thirty (30) days or upon completion of the stated goals and objectives and must include the following documentation:
 - (a) Dated signatures of appropriate staff, and
 - (b) An assessment of progress toward each treatment goal and / or objective with revisions as indicated, and
 - (c) A statement of justification for the level of service(s) needed.

0940-5-35-.06 RECORD REQUIREMENTS

- (1) The individual record for each service recipient must contain the following information:
 - (a) Documentation of the POC and the Individualized Education Plan (IEP) (if required) and of their implementation;

- (b) Daily progress notes which must include written documentation of service recipient progress and changes, which have occurred within the POC;
- (c) Documentation of all drugs prescribed and/or administered by the facility which indicates date prescribed, type, dosage, frequency, amount, and reason;
- (d) Narrative summary review at least every six (6) months of all medications prescribed which includes specific reasons for continuation of each medication;
- (e) Documentation of significant behavior and actions taken by staff.
- (f) A list of each article of the service recipient's property valued at one hundred dollars (\$100.00) or more, and disposition if no longer in use.
- (g) Report of abuse, medical problems, accidents, seizures, and illnesses and treatment for such abuse, accidents, seizures, and illnesses.
- (h) Results of assessments required by Rule 0940-5-30-.04;
- (i) Discharge summary which states service recipient's condition at the time of discharge and signature of person preparing the summary.
- (j) Documentation of an education plan developed for each service recipient that conforms to the Rules, Regulations, and Minimum Standards of the State Board of Education. Individualized Education Program (IEP) developed by an appropriately constituted IEP-Team for all "qualified students with disabilities."

The education plan may include education services provided either by the facility or by the local education agency.
- (k) Appropriate consents and authorizations for the release and obtaining of information about the service recipient.

0940-5-35-.07 OTHER SERVICES

- (1) The program must arrange access to qualified dental, medical, nursing, and pharmaceutical care for service recipients of the program. The program must arrange for care for emergencies on a twenty-four (24) hours per day and seven (7) days a week. Service recipients or their families may choose a professional for non-emergency services.
- (2) The program must insure that each service recipient has had a physical examination within the twelve (12) months prior to admission or within thirty (30) days after admission. Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work), and immunizations as determined necessary by the physician, and special studies where the index of suspicion is high and thereafter as often as indicated by the individual's physician.
- (3) In consultation with the service recipient/parent/guardian, the program must arrange access for each individual for ongoing mental health services not provided by the program and assist the service recipient in keeping appointments and participating in such treatment programs. Documentation of such referrals must be kept in the service recipient's record.

0940-5-35-.08 EMERGENCY SERVICES

- (1) In case of medical or other type of emergency, the program must provide for immediate access to relevant information in the service recipient's record.
- (2) The program must provide immediate notification to the parent/guardian/legal custody in case of emergency.
- (3) The program must provide direct or telephone access to at least one (1) Tennessee licensed mental health professional twenty-four (24) hours a day, seven (7) days a week. If the professional is not a psychiatrist, the program must also arrange for the regular, consultative, and emergency services of a psychiatrist.
- (4) The program must provide back-up coverage by staff trained to handle acute psychiatric problems on a twenty-four (24) hours per day and seven (7) days per week on-call basis.
- (5) The program must secure emergency services for service recipients who pose an imminent physical danger to themselves or others.

0940-5-35-.09 MEDICATION ADMINISTRATION

- (1) Prescription medications are to be taken only by service recipients for whom they are prescribed, and in accordance with the directions of a physician.
- (2) Medications must be stored in a locked container which ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized person.
- (3) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (4) It must be documented and reported to practitioners who prescribed the medication, all medication errors, drug reactions, or suspected overmedication.
- (5) The program must maintain evidence of the current prescription of each medication taken by an individual service recipient.
- (6) All direct-service staff must be trained about the medications used by service recipients. This training must include information about the purpose and function of the medications, their major side effects and contraindications, and ways to recognize signs that medication is not being taken or is ineffective.
- (7) Staff must have access to medications at all times.
- (8) All medications must be administered by licensed medical or licensed nursing personnel or by other qualified personnel. Qualified personnel under these rules means a certified or registered respiratory therapist, a radiological technologist, a nuclear medicine technologist, or a certified physician assistant practicing pursuant to a protocol approved by the medical staff. Such qualified personnel may only administer medication within the scope of an established protocol.
- (9) Schedule II drugs must be stored within two (2) separately locked compartments at all times and be accessible only to persons in charge of administering medication.
- (10) All medications and other medical preparations intended for internal or external human use must be stored in medicine cabinets or drug rooms. Such cabinets or drug rooms must be kept securely locked when not in use and

the key must be in the possession of the supervising nurse or other authorized person. Locks in doors to medicine cabinets and drug rooms must be such that they require an action on the part of staff to lock and unlock.

- (11) Staff must document each time a service recipient refuses a medication. This documentation must include: date, time, medication name, dosage as well as over the counter medication. This documentation must be made on the medication log sheet in the service recipient's chart.

0940-5-35-.10 RECREATIONAL ACTIVITIES

- (1) The program must ensure that opportunities are provided for recreational activities, which are appropriate to and adapted to the needs, interests, and ages of the service recipients.

0940-5-35-.11 INDIVIDUAL HEALTH, HYGIENE, AND GROOMING

- (1) The program must assist service recipients in the independent exercise of health, hygiene, and grooming practices.
- (2) The program must assist each individual service recipient in securing an adequate allowance of personally owned, individualized, clean, and seasonal clothes that are the correct size.
- (3) The program must assist and encourage individual service recipients in the use of dental, physical, or prosthetic appliances.

Authority: T. C. A. §§4-4-103 and 33-1-305.

This notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2002. (06-36)

BOARD OF NURSING - 1000

There will be a hearing before the Tennessee Board of Nursing to consider the promulgation of new rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-7-207. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 19th day of August, 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

NEW RULES

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1000-1-.17 Interstate Nurse Licensure

1000-2-.16 Interstate Nurse Licensure

1000-1-.17 INTERSTATE NURSE LICENSURE - Pursuant to the Interstate Nurse Licensure Compact, a license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) Alternative program: means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) Board: means party state's regulatory body responsible for issuing nurse licenses.
 - (c) Coordinated licensure information system: means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of state nurse licensing boards.
 - (d) Current significant investigative information means:
 1. investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
- (e) Home state: means the party state which is the nurse's primary state of residence.
 - (f) Information System: means the coordinated licensure information system.
 - (g) Interstate Nurse Licensure Compact: means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) Multistate licensure privilege: means current, official authority from a remote state permitting the practice of nursing as a registered nurse in such party state.
 - (i) Nurse: means a registered nurse as that term is defined by each party's state practice laws.
 - (j) Party state: means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) Primary state of residence: means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
 - (l) Public: means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.
 - (m) Remote state: means a party state, other than the home state,
 1. where the patient is located at the time nursing care is provided; or
 2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of a License by a Compact Party State
- (a) A nurse applying for a license in a home party state shall produce evidence of the nurses' primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:
 1. Driver's license with a home address;
 2. Voter registration card displaying a home address; or
 3. Federal income tax return declaring the primary state of residence.
 - (b) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.
 - (c) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty (30) day period in subparagraph (b) shall be stayed until resolution of the pending investigation.

- (d) The former home state license shall no longer be valid upon the issuance of a new home state license.
 - (e) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.
- (3) Limitations on Multistate Licensure Privilege - Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.
- (4) Information System
- (a) Levels of access
 - 1. The public shall have access to nurse licensure information limited to:
 - (i) the nurse's name,
 - (ii) jurisdiction(s) of licensure,
 - (iii) license expiration date(s),
 - (iv) licensure classification(s) and status(es),
 - (v) public emergency and final disciplinary actions, as defined by contributing state authority; and
 - (vi) the status of multistate licensure privileges.
 - 2. Non-party state boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.
 - 3. Party state boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.
 - (b) The licensee may request in writing to the home state board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System.
 - (c) The Board shall report to the Information System within ten (10) business days:
 - 1. Disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority)
 - 2. Dismissal of complaint, and
 - 3. Changes in status of disciplinary action, or licensure encumbrance.

- (d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.
- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-7-104, 63-7-105, 63-7-115, 63-7-207, and Public Chapter 538 of the Public Acts of 2002.*

1000-2-.16 INTERSTATE NURSE LICENSURE - Pursuant to the Interstate Nurse Licensure Compact, a license to work as a practical nurse issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to work as a practical nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) Alternative program: means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) Board: means party state's regulatory body responsible for issuing nurse licenses.
 - (c) Coordinated licensure information system: means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of state nurse licensing boards.
 - (d) Current significant investigative information means:
 - 1. investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - 2. investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
 - (e) Home state: means the party state which is the nurse's primary state of residence.
 - (f) Information System: means the coordinated licensure information system.
 - (g) Interstate Nurse Licensure Compact: means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) Multistate licensure privilege: means current, official authority from a remote state permitting the practice of nursing as a practical nurse in such party state.
 - (i) Nurse: means a practical nurse as that term is defined by each party's state practice laws.
 - (j) Party state: means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) Primary state of residence: means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.

- (l) Public: means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.
 - (m) Remote state: means a party state, other than the home state,
 - 1. where the patient is located at the time nursing care is provided; or
 - 2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of a License by a Compact Party State
- (a) A nurse applying for a license in a home party state shall produce evidence of the nurses' primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:
 - 1. Driver's license with a home address;
 - 2. Voter registration card displaying a home address; or
 - 3. Federal income tax return declaring the primary state of residence.
 - (b) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.
 - (c) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty (30) day period in subparagraph (b) shall be stayed until resolution of the pending investigation.
 - (d) The former home state license shall no longer be valid upon the issuance of a new home state license.
 - (e) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.
- (3) Limitations on Multistate Licensure Privilege - Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.
- (4) Information System
- (a) Levels of access
 - 1. The public shall have access to nurse licensure information limited to:
 - (i) the nurse's name,

- (ii) jurisdiction(s) of licensure,
 - (iii) license expiration date(s),
 - (iv) licensure classification(s) and status(es),
 - (v) public emergency and final disciplinary actions, as defined by contributing state authority; and
 - (vi) the status of multistate licensure privileges.
2. Non-party state boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.
 3. Party state boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.
- (b) The licensee may request in writing to the home state board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System.
- (c) The Board shall report to the Information System within ten (10) business days:
1. Disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority)
 2. Dismissal of complaint, and
 3. Changes in status of disciplinary action, or licensure encumbrance.
- (d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.
- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-7-109, 63-7-110, 63-7-115, 63-7-207, and Public Chapter 538 of the Public Acts of 2002.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 11th day of June, 2002. (06-12)

BOARD OF DISPENSING OPTICIANS - 0480

There will be a hearing before the Tennessee Board of Dispensing Opticians to consider the promulgation of an amendment to a rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-14-101. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 25th day of September, 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 Flr., Cordell Hull Bldg., 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 RULE**AMENDMENT**

Rule 0480-1-.12, Continuing Education, is amended by deleting paragraph (2), but not its subparagraphs, in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (3) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraph (2) but not its subparagraphs, and the new paragraph (3) shall read:

- (2) Acceptable Continuing Education – Traditional Formats
- (3) Acceptable Continuing Education – Multi-Media Formats
 - (a) The Board will accept no more than two (2) hours of the annual requirement as provided in subparagraph (1) (a) in Multi-Media formats for continuing education (CE) credit if it is in accordance with the following guidelines:
 - 1. Under no circumstances shall Multi-Media format continuing education courses be approved for course providers or awarded CE credit for individual licensees if the materials required by subparagraphs (3) (b) or (3) (c) are not received at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes any licensee's successful completion of the course.
 - 2. The number of CE hours awarded for any course shall be determined by the Board during the course approval procedure as provided in subparagraphs (3) (b) or (3) (c).
 - 3. The licensee must successfully complete a written post-course examination to evaluate material retention.
 - (b) Course approval procedure for course providers - The subject matter, instructor/author and course provider shall have prior approval from the Board. To obtain prior approval the course provider must have delivered to the Board Administrative Office at least thirty (30) days prior to a regularly scheduled

meeting of the Board that precedes any licensee's successful completion of the course, documentation which includes all of the following items which must be resubmitted if changes are made after receipt of approval from the Board:

1. a course content description or outline.
 2. names of all lecturers/authors.
 3. brief resume of all lecturers/authors.
 4. number of hours of educational credit requested.
 5. copies of materials to be utilized in the course.
 6. how verification of successful course completion is to be documented.
 7. how notification to every Tennessee licensed dispensing optician is to be accomplished.
 8. that the course content has approval from either the American Board of Opticianry or the National Contact Lens Examiners. Provided however, copies of applications pending approval by either organization may be accepted by the Board if anticipated approval of either of the organizations is or may not be within the prior approval time frame provided by this rule. In the event that the American Board of Opticianry or the National Contact Lens Examiners fails to give approval to the course content the Board may review the course content at its discretion.
- (c) Course approval procedure for individual licensees - Any licensee may seek approval to receive credit for successfully completing Multi-media format continuing education courses by submitting the documentation required in parts (3) (b) 1. through 5. and part (3) (b) 8.
- (d) Multi-Media courses may include courses utilizing:
1. The Internet
 2. Interactive Teleconferencing
 3. Interactive Videoconferencing

Authority: T.C.A. §§4—5—202, 4—5—204, 63—14—101, and 63—14—106.

The notice of rulemaking set out herein was properly filed in the Department of State on the 21st day of June, 2002. (06-22)

BOARD OF EXAMINERS IN PSYCHOLOGY - 1180

There will be a hearing before the Tennessee Board of Examiners in Psychology to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-11-104. 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 5th Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 8th day of October, 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 Flr., Cordell Hull Building, 425 5th Ave. N., 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 1180-1-.05, Renewal of License or Certification is amended by deleting subparagraph (1) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (b) shall read:

- (1) (b) Methods of Renewal – Licensee and certificate holders may accomplish renewal by one (1) of the following methods:
1. Internet Renewals – Individuals may apply for renewal via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals – Licensee and 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.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201, and 63-11-218.

Rule 1180-2-.03, Procedures for Licensure is amended by deleting subparagraph (10) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (10) (e) shall read:

- (10) (e) Instead of submitting the documentation required in subparagraphs (10) (b) and (10) (c), applicants who have been continuously licensed in good standing for five (5) or more years in another jurisdiction may submit proof of current certification by ABPP or cause to have submitted a Certificate of Professional Qualification sent directly from the ASPPB to the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201, 63-11-203, 63-11-208, and 63-11-211.

The notice of rulemaking set out herein was properly filed in the Department of State on the 11th day of June, 2002. (06-11)

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TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 02-3

**MANNER AND MEANS OF HUNTING, TAKING, AND TRAPPING
STATEWIDE AND ON WILDLIFE MANAGEMENT AREAS AND STATE REFUGES**

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the manner and means of hunting, taking, and trapping, effective August 1, 2002.

NOTE: All sections contained herein apply to statewide and management area hunting. Special restrictions may apply on some wildlife management areas. Legislative Private Acts also apply in some counties.

SECTION I. ILLEGAL WEAPONS

- (1) Shotguns using ammunition loaded with shot larger than Number four (4) are prohibited for hunting all wildlife except beavers, coyotes and waterfowl.
- (2) Shotguns loaded with single ball or rifled slug ammunition are prohibited for hunting all wildlife except deer, bear, boar and feral hogs¹ except as follows: Coyotes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition.
- (3) Rifles or handguns loaded with military or other full metal jacketed type of ammunition are prohibited.
- (4) Rifles or handguns loaded with center-fire ammunition are prohibited for all hunting between 30 minutes after sunset and 30 minutes before sunrise.
- (5) Rifles or handguns loaded with center-fire ammunition are prohibited during all deer, bear or boar seasons for hunting any wildlife except deer, bear, or boar. Coyotes, crows, groundhogs, beaver, feral hogs and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition as provided in the Big Game Season Proclamation.
- (6) Any arrow with poisoned or chemically treated tip or explosive head is illegal for hunting. The crossbow or any bow drawn or held by a mechanical device is prohibited (except as specified in Section III (d) below).
- (7) Weapons capable of fully automatic fire are prohibited for hunting of all wildlife.
- (8) Firearms or archery equipment with any device utilizing an artificial light capable of locating wildlife.

SECTION II. PROHIBITED ACTS

- (1) The use or possession of predator calls while night hunting of any species is prohibited.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, South Cherokee, Cove Mountain, and Foothills WMAs.

SECTION II. PROHIBITED ACTS, cont.

- (2) The use or possession and/or the accompanying of anyone using or possessing raccoon calls, squallers, weapons, ammunition, or climbers while training dogs is prohibited during training season, except raccoon calls may be used during authorized field trials.
- (3) The use of dogs in taking or attempting to take deer is prohibited. Taking or attempting to take deer being pursued by dog, or dogs, is prohibited.
- (4) The use or possession of a pod arrow, any pod-type device for holding drugs or chemicals on an arrow, or any drugs or chemicals used in pod arrows while archery hunting is prohibited.
- (5) Quota hunt permits are not transferable. Anyone found hunting on a borrowed quota permit shall be deemed guilty of hunting in closed season.
- (6) Juveniles under the age of eighteen (18) are prohibited from using handguns for the purpose of hunting.
- (7) Hunting prohibited over a site where bait has been placed to feed or attract wildlife unless the bait has been removed at least ten days prior to hunting.
- (8) Evidence of species or sex of big game animals shall not be destroyed or removed prior to a permanent kill tag being issued at a checking station. (normal field dressing is permitted)
- (9) Possession of firearms prohibited while chasing coyote, fox, and bobcat with dogs from the first Saturday in November through the end of the deer season.
- (10) Use or possession of electronic light amplifying night vision scopes is prohibited when in possession of a firearm or archery tackle between sunset and sunrise.
- (11) The transporting of an uncased hunting firearm or crossbow in or on a wheeled vehicle is prohibited on Wildlife Management Areas (WMAs) and Public Hunting Areas (PHAs). All hunting weapons shall be unloaded and either fully cased or stored in an area of the vehicle that is not accessible to any occupant of the vehicle.

SECTION III. LEGAL WEAPONS

- (1) Turkey Hunting
 - (a) Shotguns 20 gauge or larger using ammunition loaded with number 4 shot or smaller.
 - (b) Longbows and compound bows. Requirement for the use of crossbows to hunt wild turkey by hunters with disabilities are the same as for hunting deer as listed in Section III (2) part (d) below.
 - (c) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (2) Deer, Bear, Boar and Feral Hog Hunting
 - (a) Shotguns using ammunition loaded with single solid ball or rifled slugs.

SECTION III. LEGAL WEAPONS, cont.

- (b) Rifles, except those described in Section I. (3) above, using center- fire ammunition of .24 caliber or larger, in all counties except where regulated by legislative acts.
- (c) Muzzle-loading percussion cap or flintlock rifles, handguns or shotguns of .40 caliber (.40") minimum. These muzzle-loading firearms are legal during any gun season or hunt unless otherwise specified.

Muzzleloading firearms are defined as those firearms which are incapable of being loaded from the breech.

- (d) Longbows and compound bows. Crossbows with hunting bolts and other bows drawn or held by a mechanical device may be used by hunters with disabilities during any season when archery tackle is legal. As used herein a hunter with a disability is defined to include any person who is incapable of pulling a conventional or compound bow as determined by a licensed physician. A current statement from a licensed physician, on a special form obtained from TWRA, must be in the possession of the hunter with a disability while he or she is hunting with a crossbow.
 - (e) Hunting arrows and bolts shall be of a barbless design and shall have sharpened blades.
 - (f) Center-fire handguns .24 caliber or larger having a barrel length of four (4) inches or more, in all counties except where regulated by legislative acts.
 - (g) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (3) Small Game Hunting
- (a) Shotguns and handguns using ammunition loaded with Number Four (4) or smaller shot are legal for all small game hunting.
 - (b) Shotguns using ammunition loaded with BBB (0.19 inch diameter) or smaller shot are legal for hunting coyotes and beaver except during big game seasons.
 - (c) Shotguns loaded with nontoxic shot approved by the U. S. Fish and Wildlife Service are legal for hunting waterfowl.
 - (d) Rifles and handguns using rim-fire ammunition and air rifles are legal for hunting small game except migratory birds.
 - (e) Rifles and handguns using center-fire ammunition are legal for hunting beaver, bobcat, coyotes, feral hogs, groundhogs, and crows, except during deer, bear or boar seasons. Rifles and handguns using center-fire ammunition prohibited for hunting all small game species on wildlife management areas (except as specified in Section I.(2) and (5) above)
 - (f) Muzzle-loading firearms (rifles, handguns and shotguns)
 - (g) Longbows and compound bows. Requirements for the use of crossbows to hunt small game by hunters with disabilities are the same as for hunting deer as listed in Section III (2) part (d).

SECTION III. LEGAL WEAPONS, cont.

- (h) Falcons and Falconry – Subject to Tennessee Code Annotated Section 70-414.
- (i) Gigs and angling equipment are also legal for taking bullfrogs.
- (j) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.

SECTION IV. LEGAL TRAPPING DEVICES AND DEFINITIONS

- (1) Leg-hold traps with a jaw spread of 7 1/2 inches or less are legal for all furbearer species during the legal trapping season.
- (2) Instant-kill traps with jaw measurements no greater than 10 x 10 inches and smaller are legal for all furbearer species during the legal trapping season.
- (3) Live traps are legal for taking any species of wildlife listed as having a trapping season. Live traps are defined as those traps that act as a cage after capture.
- (4) Steel cable snares having a minimum cable diameter of 5/64 inch and a maximum cable diameter of 3/32 inch are legal for all legal furbearer species during the legal trapping season. All snares shall have affixed a tag bearing the name of the owner. Spring activated snares prohibited.
- (5) Cushion-hold traps are legal for all furbearer species during the legal trapping season. The Woodstream Soft-Catch, Duke Rubber Jaw Trap, Butera Cushion Catch traps, Cushion Catch #33 Trap, J. C. Conner Coyote “Jake” Trap and any legal sized offset jawed traps equipped with Humane Hold universal pads by KG Enterprises meet the definition of a “cushion-hold trap” as provided in TCA 70-1-101 which may be used in accordance with TCA 70-4-120.
- (6) The following species specific traps - Egg Traps, Coon Cuffs, Lil’ Grizz Getrz and Duffer’s Raccoon Trap, are legal for furbearers during the legal trapping season.
- (7) For trapping purposes “water set” is defined to mean traps set in water adjacent to and part of streams, ponds, lakes, wetlands or other water courses and includes floating sets.

SECTION V. AMMUNITION

- (1) Possession of ammunition except that as specifically authorized is prohibited on all wildlife management areas, state refuges and public hunting areas.
- (2) Possession or use of buckshot is specifically prohibited while hunting all species, except in those counties where authorized by Private Acts.
- (3) Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear, boar or feral hogs except in those counties where legal by Private Act.

SECTION V. AMMUNITION, cont.

- (4) Possession of shot larger than No. 4 is prohibited when hunting all wildlife except waterfowl, coyotes and beaver.
- (5) Possession of rifled slugs is prohibited except while hunting deer, bear, boar and feral hogs.
- (6) Possession or use of any loose shot other than non-toxic (as approved by U.S Fish and Wildlife Service) or any shotgun shell loaded with shot other than non-toxic is prohibited while hunting waterfowl, coots, gallinules, Virginia rails, and sora rails.

SECTION VI. POSSESSION OF LIVE ANIMALS

Every game animal, wounded or unwounded by hunting and/or trapping and taken into possession by the hunter or trapper, shall be immediately slain and become part of the daily bag limit. No person shall, at any time, or by any means, possess or transport live animals taken under the authority of hunting season proclamations.

SECTION VII. LEGAL HUNTING HOURS

- (1) All big game and small game species (except bullfrogs, raccoons, opossums, migratory birds, and the chasing of foxes) daylight hours only (30 minutes before official sunrise and until 30 minutes after official sunset) except turkey open only until official sunset.
- (2) Hunting of bullfrogs, raccoons, opossums, the chasing of foxes and the trapping of furbearers is permitted day or night unless restricted by Proclamation.
- (3) Migratory birds - To comply with federal regulations for migratory birds, unless restricted by proclamation.

SECTION VIII. MISCELLANEOUS MIGRATORY BIRD REGULATIONS

- (1) Federal regulations relative to baiting, firearms, bag and possession limits, wanton waste, tagging, and methods of hunting are hereby adopted and will be applicable to hunting and/or taking of species listed.
- (2) No person shall hunt migratory game birds with a shotgun of any description capable of holding more than three (3) shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- (3) All persons who hunt migratory game birds are required to have in their possession a valid Tennessee Migratory Bird Permit (TMBP) in addition to other required Tennessee licenses and permits, with the following exceptions:
 - * disabled veterans
 - * landowners hunting on their own land
 - * lifetime license holders
 - * residents of Tennessee under 13 years of age
 - * residents of Tennessee who are 65 or older

Military personnel on leave or furlough will be required to possess the TMBP when hunting migratory game birds even though they are not required to possess a hunting and fishing license.

SECTION VIII. MISCELLANEOUS MIGRATORY BIRD REGULATIONS, cont.

- (4) Refer to federal regulations 50 CFR Ch. 1 (21.41 and 21.43) for conditions and restrictions applicable to the taking of crows in certain depredation or health hazard situations outside of the crow sport hunting season.

SECTION IX. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 01-4 dated May 24, 2001 .

Proclamation No. 02-03 received and recorded the 6th day of June, 2002. (06-02)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 02-4

OPENING

HATCHIE, LOWER HATCHIE, REELFOOT, LAKE ISOM, CROSS CREEKS, CHICKASAW, AND TENNESSEE NATIONAL WILDLIFE REFUGES TO HUNTING

Pursuant to the authority granted by Tennessee code annotated sections, 70-4-107, 70-5-108 and 70-5-111 thereof, the Tennessee Wildlife Resources Commission, after making a survey of Hatchie, Lower Hatchie, Reelfoot, Lake Isom, Cross Creeks, Chickasaw, and Tennessee National Wildlife Refuges and finding that the supply of game is sufficient to allow hunting thereof as hereinafter described without the danger of extinction or depletion hereby proclaims the following regulations for the 2002-2003 season, effective August 1, 2002.

A federal permit required for all hunts. Quota permits are required for quota hunts and special federal regulations apply as specified. A signed refuge brochure serves as the permit for non-quota hunts.

All deer taken count in Unit A Bag Limit, unless otherwise noted as Bonus deer.

SECTION I. HATCHIE NATIONAL WILDLIFE REFUGE

	Seasons	Bag & Possession Limit
Dove, opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel and Woodcock	Same as statewide seasons (except closed during deer hunts and no spring squirrel season)	Same as statewide regulations. (Non-toxic Shot Only)
Deer (Archery) (No Quota)	Sept. 28 – Oct. 13, 2002.	Four Deer-Either Sex (No more than two antlered) Unit A Bag
Deer (Gun-Archery) (Quota)**	Oct. 19 – 20, 2002 (Hunter Quota 225 plus 4 wheel- chair bound hunters & their aides)	Two Deer-Either Sex (Bonus)

* Opossum and raccoon - hunting hours from sunset to one hour before sunrise. Beaver and coyote may be taken on any hunt. Non-toxic shot only.

** Deer taken on quota gun hunts must be checked out at the refuge check station.

SECTION I. HATCHIE NATIONAL WILDLIFE REFUGE, cont.

Deer (Gun-Archery) (Quota)**	Oct. 26-27, 2002 (Hunter Quota 225 plus 4 wheel- chair bound hunters & their aides)	Two Deer-Either Sex (Bonus)
	Seasons	Bag & Possession Limit
Ducks and Coots only *** (Porter Tract Only) **** No geese may be taken	Tues., Thurs. and Sat. of both the early and regular statewide seasons (Hunting until 12:00 noon only).	In accordance with statewide regulations

*** Only portable blinds or blinds of native vegetation may be used. Blinds and decoys must be removed each day.

**** Porter Tract is that portion of the refuge that lies at the extreme east end of the refuge lying east of Richland Creek and the Big Eddy Road.

SECTION II. CHICKASAW AND LOWER HATCHIE NATIONAL WILDLIFE REFUGES AND SUNK LAKE PUBLIC USE MANAGEMENT AREA (NORTHERN UNIT ONLY)

All small game and waterfowl hunting seasons and bag limits in accordance with statewide regulations. Squirrel, rabbit, quail, dove, woodcock, and snipe hunting is closed during all gun deer hunts. All hunting blinds will be portable and nothing of a permanent nature will be constructed. No axes or saws allowed on raccoon hunts. Waterfowl hunting until 12:00 Noon only. Temporary blinds and decoys must be removed at the end of each day's hunt. Non-toxic shot only. No geese may be taken.

Beaver and coyote may be taken during any scheduled hunt with any weapon legal for the hunt.

	Season	Bag & Possession Limit
Deer (Archery)	Sept. 28-Nov 1, 2002	Four deer - either-sex *
Deer (Gun-Archery) (Young Sportsman)	Nov. 2-3, 2002	One deer - either-sex *
Deer (Gun-Archery)	Nov. 23-Dec. 1, 2002	Two deer - buck only *
Deer (Gun-Archery)	Dec. 21- Jan 5, 2003	Two deer - buck only *
Deer (Muzzleloader-Archery)	Nov. 6-10, 2002	One deer - either sex *
Deer (Muzzleloader-Archery)	Dec. 9-15, 2002	Two deer - either sex *

* All deer harvested count against Unit A bag limit.

SECTION III. TENNESSEE NATIONAL WILDLIFE REFUGE - SPECIAL FEDERAL PERMIT REQUIRED

(Except designated closed areas)

<u>Quota Deer Hunts</u>	Hunter Quota for Each Hunt	Bag and Possession Limit
	Big Sandy Peninsula - 75 Duck River Bottoms Unit - 100 Duck River Uplands Unit - 50 Britton Ford Peninsula - 35 Busseltown - 50	All deer taken on quota hunts count as Bonus deer
	Season	Possession and Bag Limit
Deer (Archery)	One 2-day hunt Sept. 21-22, 2002	Two deer- either sex
Deer-Youth (Gun/Archery/Muzzleloader)*	One 2-day hunt Oct.5-6, 2002	Two deer- either sex
Deer (Gun/Archery/Muzzleloader)*	One 2-day hunt Oct. 12-13, 2002	Two deer- antlerless only
Deer (Gun/Archery/Muzzleloader)*	Oct. 26-27, 2002	Two deer-One must be antlerless
<u>Non-quota Deer Hunts</u>		
Deer (Archery)	Sept. 28-Oct. 31, 2002 Closed during quota hunts	Deer counts in Unit A Bag Limit
Squirrel	Aug 24 - Oct. 31, 2002 Closed during quota hunts	In accordance with statewide regulations
Raccoon Hunts	Oct.14-16, Oct.28-30, 2002	In accordance with statewide regulations

**Note - Beaver and coyote may be taken on a scheduled hunt for other species with any weapon legal for the hunt.

SECTION IV. REELFOOT AND LAKE ISOM NATIONAL WILDLIFE REFUGES

	Seasons	Bag & Possession Limit
Squirrel	Aug. 24-Oct 13, 2002	In accordance with statewide regulations
Raccoon *	Oct 5-20, 2001	No limit
* Hunting hours-7:00pm until midnight only. Hunters must check out all raccoons for tagging.		
Deer (Archery)	Sept. 21-Nov.1, 2002	Four deer-no more than two antlered (counts as bonus deer)

SECTION IV. REELFOOT AND LAKE ISOM NATIONAL WILDLIFE REFUGES, cont.

	Seasons	Bag & Possession Limit
Deer (Gun/Archery) (Reelfoot Refuge only)	Nov. 9-10, 2002 Hunter Quota - 150 (75 per hunt unit)	Two deer- no more than one antlered. Deer must be checked out at refuge check station. (counts as bonus deer)
Deer (Muzzleloader)	Nov. 16-17, 2002 Hunter quota - 60 (30 per hunt unit)	Two deer-antlerless only. must be checked out at refuge check station. (counts as bonus deer)

SECTION V. CROSS CREEKS NATIONAL WILDLIFE REFUGE
(North Cross Creeks Section Only)

	Seasons	Bag & Possession Limit
Squirrel	Aug. 24 - Oct. 31, 2002	In accordance with statewide regulations
Deer (Archery)	Sept. 21 - Oct. 31, 2002	Counts in Unit A Bag Limit

SECTION VI. GENERAL REGULATIONS FOR HUNTING REFUGES

- (1) Vehicles must remain on established roads. Roads may be closed due to adverse weather conditions. Park vehicles in a manner that will not interfere with the normal flow of traffic.
- (2) Camping and fires are prohibited except in designated areas.
- (3) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.
- (4) Dogs are prohibited except when used during the small game and migratory bird hunts.
- (5) Designated areas of refuges will be closed to all public entry to provide sanctuaries for waterfowl.
- (6) Small game hunters may only possess and use shotgun shells containing non-toxic shot in areas designated as high waterfowl use areas.
- (7) Hunters must possess a signed refuge brochure/permit.
- (8) All fall turkey hunts on National Wildlife Refuges close Nov. 1st.

SECTION VII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals proclamation No. 01-5 dated May 24, 2001.

Proclamation 02-04 received and recorded this 6th day of June, 2002. (06-03)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 02-5****DOVE, WOODCOCK, SNIPE, CROW, AND SEPTEMBER WATERFOWL REGULATIONS**

Pursuant to the authority granted by, Tennessee Code Annotated, Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the following migratory bird hunting regulations effective August 1, 2002.

Season dates and limits are pending in lieu of federal frameworks.

SECTION I. SEASON AND DAILY BAG LIMITS

Species	Opens	Closes	Daily Bag
Dove 1st segment	1st Sat. in Sept. or Labor Day, continues for 26 consecutive days whichever comes first, and continues for 26 consecutive days		15 ¹
2nd segment	2nd Sat. in Oct.	4th Sun. in Oct.	
3rd segment	3rd Sat. in Dec. and continues for 18 consecutive days		
Woodcock	Maximum days allowed by federal regulations beginning the last Saturday in October		Maximum bag limit allowed by federal regulations
Wilson Snipe	107 consecutive days ending Feb. 28		8

¹ No limit on collared dove. Doves not readily identifiable as collared doves will be considered to be mourning doves and will count towards the mourning dove daily bag limit.

SECTION I. SEASON AND DAILY BAG LIMITS, cont.

Species	Opens	Closes	Daily Bag
Crow	Fridays, Saturdays and Sundays only from June 1 - end of February		No limit
Wood Duck/Teal	2nd Sat. in Sept. and continues for five consecutive days		4 ²
Canada Goose			
West Tennessee Zone ³	Sept. 1	Sept. 15	3
Middle/East Tennessee Zone ⁴	Sept. 1	Sept. 15	5

SECTION II. SHOOTING HOURS

Shooting hours same as federal frameworks.⁵

SECTION III. POSSESSION LIMITS

The possession limit for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

SECTION IV. DOVE SEASON OPENING DATE

For the 2002, 2003, and 2004 seasons, the dove season opening date for the first segment will be the first Saturday in September or Labor Day whichever comes first.

SECTION V. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 01-6, dated May 24, 2001.

Proclamation No. 02-5 received and recorded this 6th day of June, 2002. (06-04)

² In aggregate not to exceed 2 wood ducks. Not to exceed 4 teal.

³ All counties that lie in their entirety west of Hwy. 13 and Houston, Humphreys, Montgomery, Perry, and Wayne counties west of Hwy. 13.

⁴ Includes all areas of the state not included in the West Tennessee Zone.

⁵ Except for dove hunting on opening day when shooting hours will begin at 12:00 noon.

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 02-6****STATEWIDE SMALL GAME HUNTING AND FURBEARER HUNTING
AND TRAPPING SEASONS AND BAG LIMITS
(EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)**

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide small game hunting and furbearer hunting and trapping seasons and bag limits effective August 1, 2002.

SECTION I. SMALL GAME HUNTING

Species	Opens	Closes	Daily Bag
Squirrel	4th Saturday in August 2nd Saturday in May	Last day in February 2nd Sunday in June	10 10
Grouse ¹	2nd Saturday in October	Last day in February	3
Rabbit	2nd Saturday in November	Last day in February	5
Quail	2nd Saturday in November	Last day in February	6
Armadillo	Year-round		No limit

SECTION II. FURBEARERS**A. HUNTING**

Species	Opens	Closes	Daily Bag
Groundhog, Coyote, Nutria, Striped Skunk	Year-round		No Limit
Fox, Mink, Muskrat, Spotted Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit
River Otter ²	That portion of Tennessee south and west of Kentucky Lake and Pickwick Lake.		

¹ Grouse hunting season closed west of Interstate 65.

² All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

SECTION II. A. HUNTING (Cont.)

	Opens Friday before Thanksgiving	Closes Feb. 15	Daily Bag No Limit
Experimental Season in that portion of Tennessee north and east of Kentucky Lake and Pickwick Lake excluding all counties in TWRA Region IV.			
	Opens Friday before Thanksgiving	Closes Feb. 15	Daily Bag No Limit
Restrictive Experimental Season in all TWRA Region IV counties.			
	Opens Friday before Thanksgiving	Closes Dec. 15	Seasonal Bag ³ 4
Bobcat	Opens Friday before Thanksgiving	Closes Feb. 15	Daily Bag 1
Beaver That portion of Tennessee west of and including Scott, Morgan, Roane, Loudon, McMinn, and Polk counties.			
	Opens Year-round	Closes	Daily Bag No Limit
Remainder of the state			
	Opens Friday before Thanksgiving	Closes Feb. 15	Daily Bag No Limit
Hunting: Raccoon, Opossum ⁴			
Western Unit That portion of Tennessee west of and including Scott, Morgan, Roane, Meigs, and Bradley counties.			
Taking Season	Opens Sunset 3 rd Friday in September	Closes Sunrise Feb. 15	Daily Bag 2 per person per night ⁵
Training Season	Year-round except where regulated by Private Act		No Taking Permitted

³ Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

⁴ No limit on opossum

⁵ Night defined as one 24-hour period commencing at sunset.

SECTION II. A. HUNTING (Cont.)

Eastern Unit

That portion of Tennessee east of Scott, Morgan, Roane, Meigs, and Bradley counties.

	Opens	Closes	Daily Bag
Taking Season	Sunset 1 st Friday in November	Sunrise Feb. 15	1 per person per night ³
Training Season	Year-round except where regulated by Private Act		No Taking Permitted

B. TRAPPING

Species	Opens	Closes	Daily Bag
Groundhog, Coyote, Nutria	Year-round		No Limit
Bobcat, Fox, Mink, Muskrat, Opossum, Raccoon, Spotted Skunk, Striped Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit

Beaver

That portion of Tennessee west of and including Scott, Morgan, Roane, Loudon, McMinn, and Polk counties.

	Opens	Closes	Daily Bag
	Year-round		No Limit
Remainder of the state	Friday before Thanksgiving	Feb. 15	No Limit

River Otter⁶

That portion of Tennessee south and west of Kentucky Lake and Pickwick Lake.

	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit

Experimental Season in that portion of Tennessee north and east of Kentucky Lake and Pickwick Lake excluding all counties in TWRA Region IV.

	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit

³ Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

⁶ All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

SECTION II. B. TRAPPING (Cont.)

Restrictive Experimental Season in all TWRA Region IV counties.

Opens Friday before Thanksgiving	Closes Dec. 15	Seasonal Bag ⁷ 4
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The following counties are included in the statewide fox hunting and trapping seasons, after determining a need for the opening thereof:

Blount	Johnson	Overton
Carter	Knox	Pickett
Clay	Loudon	Putnam
Cocke	Macon	Rhea
Fentress	McMinn	Robertson
Hamblen	Meigs	Sevier
Haywood	Monroe	White
Jefferson		

SECTION III. CONTROLLED AND COMMERCIAL SHOOTING PRESERVES

(by special Commission Permit only)

	Opens	Closes	Daily Bag
Upland Game Birds and Waterfowl	Year-round		No Limit
Big Game - (Feral Hogs and Exotic Species only, excluding Exotic Cats and all species of Bear)	Year-round		No Limit
Small Game Mammals (fenced enclosures only) Bobcat specifically prohibited	Year-round		No Limit

SECTION IV. UNPROTECTED ANIMALS

	Opens	Closes	Daily Bag
English Sparrow, Starling	Year-round		No Limit

⁷ Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

SECTION V. BULLFROG HUNTING

	Opens	Closes	Daily Bag
Bullfrog	Year-round		20 per person per night ⁸

Only domestically raised or legally imported bullfrogs or parts thereof may be sold.

Waters Open: All waters of the state are open except:

- (1) Waters within state and federal wildlife refuges.
- (2) Special Season applies on TWRA lakes (June 1-June 30).

NOTE: The use of firearms for the taking of bullfrogs in wildlife management areas and TWRA lakes is prohibited. Also, the taking of bullfrogs is defined as hunting. Permit not required on wildlife management areas.

SECTION VI. POSSESSION LIMITS

The possession limit for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

SECTION VII. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamations No. 01-7, dated May 24, 2001.

Proclamation No. 02-6, received and recorded this 6th day of June, 2002. (06-05)

⁸ Night defined as one 24-hour period commencing at sunset.

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 02-7****STATEWIDE BIG GAME HUNTING SEASONS AND BAG LIMIT
(EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)**

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide big game seasons and bag limits, effective August 1, 2002.

SECTION I. WHITE-TAILED DEER**A. White-tailed Deer Hunting Seasons**

For the purpose of these hunting regulations and better wildlife management, the State of Tennessee is hereby divided into two (2) deer units, as follows:

Unit

- A. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McMinn, McNairy, Macon, Madison, Marion, Marshall, Maury, Meigs, Montgomery, Moore, Obion, Overton, Perry, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, Wilson.
- B. Anderson, Blount (that area west of Hwy. 411 and east of Hwy. 129 is archery/muzzleloader equipment only), Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Morgan, Pickett, Scott, Sevier, Sullivan, Unicoi, Union, Washington.

Deer Unit A ¹	Season Opens	Season Closes
Deer (Archery)	Sept. 28, 2002 Nov. 11, 2002 Dec. 16, 2002	Nov. 1, 2002 Nov. 22, 2002 Dec. 20, 2002
Deer (Muzzleloader-Archery)	Nov. 4, 2002	Nov. 10, 2002
Deer (Gun-Muzzleloader-Archery)	Nov. 23, 2002 Dec. 21, 2002	Dec. 8, 2002 Jan. 10, 2003
Deer (Muzzleloader-Archery)	Dec. 9, 2002	Dec. 15, 2002
Deer Unit B ¹	Season Opens	Season Closes
Deer (Archery)	Sept. 28, 2002 Nov. 11, 2002	Nov. 1, 2002 Nov. 22, 2002

¹ Dates inclusive.

SECTION I. WHITE-TAILED DEER, cont.

Deer (Muzzleloader-Archery)	Nov. 4, 2002	Nov. 10, 2002
Deer (Gun-Muzzleloader-Archery)	Nov. 23, 2002 Dec. 21, 2002	Dec. 1, 2002 Jan. 8, 2003
Deer (Muzzleloader-Archery)	Dec. 13, 2002	Dec. 15, 2002

B. White-tailed Deer Unit Bag Limits

The total number of antlered deer taken may not exceed 3 per year. No more than 1 antlered deer may be taken per day.

Unit	Archery Season Bag
A	4 Deer - No more than 2 antlered
B	2 Deer - Either Sex except antlered only after Nov. 1
Unit	Gun-Muzzleloader-Archery Season Bag
A	2 Deer - Antlered Only
B	2 Deer - Antlered Only
Unit	Muzzleloader-Archery Season Bag
A	1 st segment - 2 Deer -- no more than 1 antlered except 1 Deer either sex in Polk Co. 2 nd segment - 2 Deer -- no more than 1 antlered except 1 antlered deer in Polk Co.
B	1 st segment—1 Deer - Antlered Only, except either sex during the last 3 days 2 nd segment —1 Deer - Antlered Only

Note: Deer taken at Fort Campbell and on the special antlerless hunts are not considered in the regular season bag and possession limit unless otherwise specified.

Antlered deer must have antlers a minimum of three inches (3") in length on buck only or antlered only hunts.

Antlerless deer are defined as deer with no antlers or deer with antlers less than three inches (3") in length.

C. Special Hunts

The following deer units are open for two 2-day (Young Sportsman) deer hunts on November 2-3, 2002 and January 11-12, 2003. Young sportsmen 10-16 years of age may participate. Each young sportsman must be accompanied by a non-hunting, adult. 18 years of age or older, who must also comply with fluorescent orange regulations, as specified for legal hunters. No more than one deer may be taken on each hunt. (See bag limit restrictions in Section B)

Unit	Hunt Dates
A,B	November 2-3, 2002 One deer—either sex

SECTION I. WHITE-TAILED DEER, cont.

A,B January 11-12, 2003
One deer—either sex

D. Antlerless White-tailed Deer Special Hunts

The following counties and portions of counties are open to antlerless only deer hunting during the regular gun season as specified.

Quota Hunts Special quota permit required. Bag limit-one deer per permit except where otherwise specified.

Non-quota Hunts — No hunter quota but a Type 94 permit or Sportsman License is required. Bag limit for each county for each non-quota hunt is 2 deer per hunt with the following exceptions. A hunter may harvest 3 antlerless deer during each non-quota hunt in Fayette, Giles, Hardeman, Henry, Marshall, Maury, Montgomery, Moore, Rutherford, and Williamson counties. A hunter may harvest 4 antlerless deer during each non-quota hunt in Lincoln county.

COUNTY	Quota Hunts				Non-quota Hunts		
	Nov 23- Nov 24	Nov 25- Nov 28	Nov 29- Dec 3	Dec 4- Dec 8	Dec 21- Dec 27	Dec 28- Jan 3	Jan 4- Jan 10
Anderson ²							
Bedford**	525	525	525	525	X	X	X
Benton						X	X
Cannon		300	300	300	X	X	X
Carroll	1000		1000		X	X	X
Cheatham	250		350	350	X	X	X
Chester					X	X	X
Claiborne ³							
Clay			200	200			X
Coffee	700	700	700	700	X	X	X
Davidson*	350	350	350	350	X	X	X
Decatur						X	X

² Anderson County (east of Interstate 75 only) quota hunt on Dec. 28-29. 50 Hunter Quota

³ Claiborne County quota hunt on Dec. 28-29. 100 Hunter Quota

* - Indicates bag limit of 2 deer per permit for quota hunts

** - Indicates bag limit of 3 deer per permit for quota hunts

SECTION I. WHITE-TAILED DEER, cont.

COUNTY	Quota Hunts				Non-quota Hunts		
	Nov 23- Nov 24	Nov 25- Nov 28	Nov 29- Dec 3	Dec 4- Dec 8	Dec 21- Dec 27	Dec 28- Jan 3	Jan 4- Jan 10
Dickson	200		600	600	X	X	X
Fayette**	1000	1000	1000	1000	X	X	X
Franklin*	400	400	400	400	X	X	X
Gibson							X
Giles**	1250	1250	1250	1250	X	X	X
Hancock ⁴							
Hardeman**	1350	1350	1350	1350	X	X	X
Hardin			400	400	X	X	X
Hawkins ⁵							
Hawkins (Holston Army Plant Only) ⁶							
Haywood					X	X	X
Henderson					X	X	X
Henry*	1100	1050	1050	1050	X	X	X
Hickman*	1100	1100	1100	1100	X	X	X
Houston					X	X	
Humphreys	575	575	575	575	X	X	X
Jefferson ⁷							
Lawrence*	600	600	600	600	X	X	X
Lewis	500		500		X	X	X

⁴ Hancock County quota hunt on Dec. 28-29. 100 Hunter Quota

⁵ Hawkins County – 2 quota hunts on Dec. 21-22 and Dec. 28-29. 400 Hunter Quota

⁶ Holston Army Plant - two quota hunts on Nov. 16 and Nov. 17 (Archery equipment only). 70 Hunter quota.
two quota hunts on Nov. 23 and Nov 24. 80 Hunter quota.
two quota hunts on Nov. 30 and Dec. 1. 70 Hunter quota
Bag limit 2 deer per permit on all hunts

⁷ Jefferson County quota hunt on Dec. 28-29. 100 Hunter Quota

* - Indicates bag limit of 2 deer per permit for quota hunts

** - Indicates bag limit of 3 deer per permit for quota hunts

SECTION I. WHITE-TAILED DEER, cont.

COUNTY	Quota Hunts				Non-quota Hunts		
	Nov 23- Nov 24	Nov 25- Nov 28	Nov 29- Dec 3	Dec 4- Dec 8	Dec 21- Dec 27	Dec 28- Jan 3	Jan 4- Jan 10
Lincoln***	900	900	900	900	X	X	X
McNairy					X	X	X
Macon	550	550	550	550	X	X	X
Madison	750	750	750	750	X	X	X
Marshall**	400	400	400	400	X	X	X
Maury**	1200	1200	1200	1200	X	X	X
Montgomery**	550	550	550	550	X	X	X
Moore**	200	200	200	200	X	X	X
Obion						X	X
Overton				200			X
Perry						X	X
Robertson	400	400	400	400	X	X	X
Rutherford**	600	600	600	600	X	X	X
Shelby							X
Smith			500	500	X	X	X
Stewart						X	X
Sumner	400	400	400	400	X	X	X
Trousdale	200		200	200	X	X	X
Warren				300			
Wayne			500		X	X	X
Weakley	500	500	500	500	X	X	X
Williamson**	750	750	750	750	X	X	X
Wilson**	750	750	750	750	X	X	X

** - Indicates bag limit of 3 deer per permit for quota hunts

*** - Indicates bag limit of 4 deer per permit for quota hunts

SECTION I. WHITE-TAILED DEER, cont.

E. Special Regulations

1. Big Game Tagging - Upon harvesting the first big game animal of the day, except for feral hogs, the hunter must punch the date of harvest on the temporary kill tag and attach it to the animal immediately. The hunter may continue to big game hunt until he reaches the big game bag limit for that season, to the conclusion of the hunt or until the end of legal hunting time for that day, whichever comes first. All animals harvested must be accompanied by one tagged animal and must be taken together to the nearest big game checking station by the most reasonably direct route where one new temporary kill tag will be issued. The permanent harvest tag is a legal document and must be signed by the hunter. By signing the permanent harvest tag, the hunter is affirming that the information, as it appears on the permanent tag, is correct and valid. The permanent game tag must remain with each carcass until final processing. Persons legally hunting without a license are also required to take any big game animal harvested to a check station. After receiving a temporary harvest tag from checking in their first kill, these persons must comply with all tagging regulations. All big game taken to a taxidermist to be mounted must be accompanied by documentation showing the permanent game tag number, checking station number, and date of kill.

SECTION II. FERAL HOG SEASONS(No hunting with dogs allowed except where indicated.)

Feral hogs are defined as any wild hog found in Tennessee except on Catoosa, South Cherokee Cove Mtn, and Foothills WMA's. Feral hogs are considered big game but are not required to be tagged or checked in at big game checking stations.

Private lands (Public Hunting Areas are considered private land)

Year round season, except inholdings on Catoosa WMA and South Cherokee where season is open with statewide deer seasons with no dogs.	No limit -either sex
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Publicly owned lands

Open during scheduled white-tailed deer hunts unless otherwise specified.	No limit -either sex
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Big South Fork National River and Recreation Area is also open from the close of the Unit B deer season until Feb 28.	No limit -either sex
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In the following counties dogs may be used for feral hog hunting on the dates indicated⁸:

Monroe

Gun-Muzzleloader-Archery (Dogs Permitted)	Oct. 7-16, 2002 No limit-Either Sex
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Blount and Sevier

Gun-Muzzleloader-Archery (Dogs Permitted)	Sept. 21-27, 2002 No limit-Either Sex
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⁸ Dates inclusive

SECTION II. FERAL HOG SEASONS, cont.

Cocke (South of I-40)

Gun-Muzzleloader-Archery (Dogs Permitted)	Sept. 21-27, 2002 No limit-Either Sex
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Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 18-19, 2002 No limit-Either Sex
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Blount, Cocke, Monroe, Sevier

Gun-Muzzleloader-Archery (Dogs Permitted)	Dec. 5-18, 2002 No limit-Either Sex
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SECTION III. BEAR.

The Following Counties Are Open For Bear Hunting⁹:

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 18-19, 2002 1 per year-Either Sex
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Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery (No Dogs)	Nov. 30-Dec. 1, 2002 1 per year-Either Sex
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Blount, Cocke, Greene, Monroe, Polk (that portion north of Hwy 64), Sevier, Unicoi, and Washington.

Gun-Muzzleloader-Archery (Dogs Permitted) 1 per year-Either Sex.	Dec. 5-18, 2002
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Carter, Johnson, and Sullivan (that portion east of I-81)

Gun-Muzzleloader-Archery Dogs Permitted)	Dec. 5-9, 2002 1 per year-Either Sex.
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Blount, Cocke (South of I-40), and Sevier

Gun-Muzzleloader-Archery (Dogs Permitted)	Sept. 21-27, 2002 1 per year-Either Sex.
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Blount and Sevier

Archery Only (No Dogs)	Oct. 12-20, 2002 1 per year-Either Sex.
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⁹ Dates inclusive

SECTION III. BEAR., cont.

The Following Counties Are Open For A Bear Dog Training Season:

Cocke, Greene, and Sevier Counties.

Sept. 3-18, 2002. No bears may be taken. No weapons may be possessed. Daylight hours only.

Special Bear Hunting Regulations:

1. The limit of bears for any person participating in the statewide or managed hunts or both shall not exceed one (1) bear per calendar year.
2. Cubs or female bears with cubs at side may not be taken at any time. A cub is defined as any bear weighing seventy-five (75) pounds or less.
3. All bears must be checked out at an official bear checking station designated by TWRA.

SECTION IV. FALL TURKEY (Shotgun/Archery)

The following counties are open for archery only fall turkey hunting during fall archery only deer seasons. Bag limit for this season is one turkey either-sex. These same counties are open for a quota gun fall turkey hunt on Oct. 25-30 with a bag limit of one turkey either sex per permit with the exception that those counties indicated by an asterisk (*) have a bag limit of 2 either sex turkeys per permit.

Bedford* 800 Hunter Quota

Cannon*	400 Hunter Quota	Jefferson	100 Hunter Quota
Cheatham*	300 Hunter Quota	Lawrence*	400 Hunter Quota
Claiborne	100 Hunter Quota	Lewis	100 Hunter Quota
Cocke	100 Hunter Quota	Lincoln*	1200 Hunter Quota
Coffee*	400 Hunter Quota	McNairy	50 Hunter Quota
DeKalb*	300 Hunter Quota	Macon*	400 Hunter Quota
Dickson*	750 Hunter Quota	Marshall*	500 Hunter Quota
Franklin*	600 Hunter Quota	Maury*	300 Hunter Quota
Giles*	1000 Hunter Quota	Montgomery*	600 Hunter Quota
Grainger	100 Hunter Quota	Moore*	300 Hunter Quota
Greene	100 Hunter Quota	Robertson	200 Hunter Quota
Hancock	100 Hunter Quota	Rutherford*	800 Hunter Quota
Hardeman	50 Hunter Quota	Sevier	100 Hunter Quota
Hardin	50 Hunter Quota	Smith*	500 Hunter Quota
Hawkins	100 Hunter Quota	Stewart	100 Hunter Quota
Hickman*	500 Hunter Quota	Sumner*	400 Hunter Quota
Henry	100 Hunter Quota	Trousdale*	150 Hunter Quota
Houston	50 Hunter Quota	Warren	100 Hunter Quota
Humphreys	100 Hunter Quota	Wayne*	300 Hunter Quota
		Williamson*	300 Hunter Quota
		Wilson*	400 Hunter Quota

SECTION V. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 01-8, dated May 24, 2001.

Proclamation No. 02-7 received and recorded this 6th day of June, 2002. (06-06)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 02-8****WILDLIFE MANAGEMENT AREAS HUNTING SEASONS, LIMITS AND MISCELLANEOUS REGULATIONS**

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the wildlife management areas hunting seasons, limits and miscellaneous regulations, effective August 1, 2002.

Note: Migratory Bird Season Dates and Limits are Pending in Lieu of Federal Frameworks.

SECTION 1. GENERAL**A. Hunting Season**

1. Management areas open on dates shown and as otherwise indicated.
2. Small game hunting and dog training closed at sunset on the day before and during scheduled big game hunts on the following Wildlife Management Areas, unless special exception indicated: A.E.D.C., Bridgestone/Firestone Centennial Wilderness, Buffalo Springs, Catoosa, Chuck Swan, Cove Creek, Cumberland Springs, Eagle Creek, Foothills, Laurel Hill, Prentice Cooper, Reelfoot, the Thief Neck Island Unit of Watts Bar, and Williamsport.
3. Coyote may be taken on any hunt.
4. Season open on groundhog, fox and skunk on all wildlife management areas during any scheduled small game hunt unless special exception is indicated. Crow may be taken on small game hunt days that coincide with statewide crow season.
5. Raccoon and opossum hunting is from sunset of the date shown to sunrise of the next day.
6. Bobcat may be taken on any big game or small game hunt that coincides with the statewide bobcat season, except Oak Ridge WMA.

7. Falconry open with statewide falconry seasons.
 8. Small game (except raccoon) and retriever field trials permitted year-round with approval of the Area Manager unless otherwise specified.
 9. Raccoon hound field trials permitted Sept. 1-Apr. 30 unless prohibited.
 10. Dog training for small game Sept. 1-Mar. 15 unless otherwise indicated. Dog training prohibited on Cove Mountain, Doe Mountain, Eagle Lake Refuge, Fall Creek Falls State Park, Foothills, Ft. Loudoun, Gallatin Steam Plant, Joachim Bible Refuge Unit of Lick Creek Bottoms, Nathan Bedford Forrest State Park, Oak Ridge, Niles Ferry Unit of Tellico Lake, and South Fork Refuge.
 11. Spring squirrel season May 10 – June 8, 2003, except closed on the following areas: Cherokee, Edgar Evins, Fall Creek Falls, Foothills, Forks of the River, Gallatin Steam Plant, Haley-Jaqueth, Henderson Island, Kingston Refuge, Kyker Bottoms Refuge, Lick Creek Bottoms, Nathan Bedford Forrest, Oak Ridge, Paint Rock Refuge, Rankin, Shelby Forest, and Tellico Lake (McGhee-Carson and Niles Ferry Units only), and Yuchi Refuge at Smith Bend. Daily bag limit is 10 squirrels and the possession limit is 20. Hunting with dogs is not allowed, unless exception is noted.
 12. Waterfowl hunting from temporary blinds-no blinds or decoys left overnight unless otherwise specified by rule or proclamation.
 13. Feral hogs¹ may be taken during any big game hunt on wildlife management areas or refuges, unless otherwise specified. Wild boar seasons are open as indicated.
 14. All game killed or crippled shall be retrieved if possible and retained in the custody of the hunter in the field. No game may be discarded on the premises of the management area.
- B. Bag and Possession Limits
1. One deer may be taken on each managed hunt where a permit is required except as otherwise indicated. Deer taken on buck-only hunts must have antlers a minimum of three inches (3”) in length.
 2. Statewide bag and possession limits shall apply unless special exception is indicated.
- C. Miscellaneous Regulations
1. Muzzleloading weapons legal on all Gun-Archery hunts except where indicated.
 2. Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear or boar.
 3. Dogs allowed for small game hunting. Special regulations apply where indicated.
 4. On all “Young Sportsman Hunts”, youths must be 10-16 years of age and be accompanied by an adult. Adults must comply with fluorescent orange regulations, as specified for legal hunters when accompanying young sportsmen on “Young Sportsman Hunt”, except as indicated.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, Soutyh Cherokee, Cove mountain, and Foothills WMA’s.

5. If WMAs are designated as being open with the statewide season, then deer harvested count towards the statewide bag limit. If a specific hunt date and bag limit are listed, the deer are considered bonus deer and are not counted against the statewide bag limit unless otherwise noted. WMA bag limits listed are per hunt.
6. The placement or depositing of any type of food to feed or attract wildlife on WMAs is prohibited.
7. Where persons are required to wear fluorescent orange, they must wear on their upper body and head a minimum of 500 square inches of daylight fluorescent orange visible front and back.
8. Wheelchair bound hunts, zones, or blinds are open to hunters who are totally and permanently confined to a wheelchair as certified by a physician.
9. On wheelchair bound deer hunts, each wheelchair bound hunter must be accompanied by a non-hunting assistant (age 16 years or older). On wheelchair bound waterfowl hunts, each wheelchair bound hunter must be accompanied by at least one, but not more than three assistants (at least one of whom must be age 16 years of age or older), who may also participate in hunting.
10. Persons already holding a blind permit may not participate in wheelchair blind permit drawings. If a wheelchair bound blind is not occupied by legal shooting hours, it may be occupied by another wheelchair bound hunter for that day. Applications for wheelchair bound waterfowl blind permits must be received by the appropriate regional office by noon on the 4th Friday in October.

SECTION II. WILDLIFE MANAGEMENT AREAS AND REFUGES – SEASON AND BAG LIMITS

The following areas or units are open to hunting as set out in the statewide seasons:

Alpine Mountain	Jarrell Switch Refuge (10)(11)(17)
Anderson Tully (17)	Keyes-Harrison
Bark Camp Barrens (17)(21)	Lick Creek (17)(22)
Barkley Unit I (5)(6)(17)(22)(28)	M.T.S.U. (17)
Barkley Unit II (17)(22)	Mt. Roosevelt
Bean Switch Refuge (10)(11)(17)(18)	New Hope (17)(22)
Big Sandy (5)(6)(17)(22)	Normandy (17)
Camden Unit I (1)(6)(9)(17)(22)(28)	Obion River (17)(22)
Camden Unit II (9)(17)(22)	Pickett
Cedar Hill Swamp (8)(17)	Standing Stone (2)(15)
Chickasaw (17)(22)(26)(30)	South Fork Refuge (10)(17)(18)
Cold Creek (17)	Tigrett (1)(17)(22)
Cove Creek (3)	Tumbleweed (17)
Cove Mountain (3)(23)(24)	Watts Bar (7)(16)
Cypress Pond Refuge (10)(11)(17)	West Sandy (1)(6)(9)(12)(17)(20)
Doe Mountain (3)(14)(25)	(22)(29)
Harmon Creek (9)(17)(22)	White Lake Refuge (10)(11)(17)(18)
Hop-In Refuge (10)(11)(17)(18)	White Oak (4)(13)(17)(19)(22)(27)(30)
Horns Bluff Refuge (10)(17)	

1. Waterfowl hunting shall close at 3:00 P.M. (CST) each day of the regular statewide waterfowl seasons, except the last day of duck seasons and remaining goose seasons when hunting shall close at sunset.
2. No fox taking.
3. Season closed March 1 – August 23, except during turkey and spring squirrel season(s) where applicable. Dog training Sept. 1-Mar. 1.
4. Retriever field trials permitted year-round.
5. Hunting of waterfowl during the late duck and goose seasons permitted only on Wednesday, Thursday, Saturday, Sunday, Monday, and the first and last day of each segment of the late duck and goose seasons. During the late duck season, all activities are prohibited in the subimpoundments when waterfowl hunting is closed.
6. All activities are prohibited in the subimpoundments six days prior to the opening day(s) of the statewide duck season.
7. Thief Neck Island Unit – Same as statewide deer season (Archery tackle only). Young Sportsman deer (Gun-Archery) hunt on Oct. 12-13. No hunter quota. One deer, either sex. Statewide archery season closed on these areas during this hunt. Young Sportsmans hunts on Nov. 2-3 and Jan. 11-12 are Gun-Archery hunts, with the deer counting towards the statewide bag limit. Shotguns only for small game.
8. Firearms prohibited for deer hunting.
9. Dove hunting open with statewide seasons, except for restrictions on opening day as follows: Dove hunting allowed on designated fields only from staked positions only. No more than two adults or one adult and two youths (under 16) allowed at any staked position. Staked positions available first-come, first-served.
10. Closed to all hunting and dog training Nov. 1-Mar. 1.
11. Closed to waterfowl hunting.
12. Dog training open Sept. 1-Mar. 15, except closed during the late duck season.
13. Waterfowl hunting closes at 1:00 p.m. (CST) during the late duck season(s) and all types of water traffic prohibited after 2:00 p.m.
14. Coyote hunting with dogs prohibited.
15. Buck only bag limit during the muzzleloader seasons. Closed to county special season antlerless quota hunts and the Dec. 21-Jan. 5 nonquota antlerless deer hunts.
16. Long Island Unit – Archery equipment, muzzleloader and shotguns only.
17. Squirrel hunting with dogs is permitted during the spring squirrel season.
18. No dove hunting.
19. Archery only deer hunting the second segment of Unit A Gun-Archery season.

20. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone.
21. Open with statewide seasons except all deer hunting closed after Dec. 20.
22. Young Sportsman deer (Gun-Archery) hunt on Oct. 12-13. No hunter quota. One deer, either sex. Statewide archery season closed on these areas during this hunt.
23. Wild boar – same as statewide deer seasons. No dogs permitted, except dogs allowed Sept. 28-Oct. 7, Nov. 18-19, Dec. 5-18.
24. Young Sportsman deer-boar (Gun-Archery) hunt Oct. 26-27. No hunter quota. One deer, either sex; one boar, either sex.
25. Young Sportsman deer (Gun-Archery) hunt Oct. 26-27. No hunter quota. One deer, either sex.
26. Closed to county special season antlerless quota hunts.
27. All water traffic prohibited six days prior to the opening day(s) of the statewide duck season.
28. Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season(s).
29. Waterfowl – wheelchair bound blind provided.
30. Not open to fall turkey hunting.

AEDC and Woods Reservoir Refuge

Beaver, Dove, Grouse, Quail, Opossum, Rabbit Raccoon, Snipe, Squirrel, Woodcock	Same as statewide season, except that beaver may be taken only during other small game hunts. Woods Reservoir Refuge – small game hunting closed Dec. 1 – Jan. 31. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	One 3-day hunt. Sept. 27-29. Hunter quota 1500. One deer, either sex.
Deer (Archery)	One 3-day hunt. Oct. 4-6. No hunter quota. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. Hunter quota 850. One deer, either sex.
Deer (Gun-Archery)	One 2-day hunt. Oct. 16-17. Hunter quota 300. One deer, either sex. Hunting allowed in the National Guard Training Area and Rifle Range Safety Zone only. Scouting days: Oct. 14-15.
Deer (Gun-Archery)	Two 2-day hunts. Oct. 26-27, Nov. 30-Dec. 1. Hunter quota 750. One deer, either sex.

Deer (Gun-Archery)	One 2-day hunt. Nov. 2-3. Hunter quota 700. One deer, antlerless only.
Deer (Gun-Archery)	One 2-day hunt. Nov. 9-10. Hunter quota 400. One deer, either sex.
Deer (Archery)	One 3-day hunt. Dec. 6-8. No hunter quota. One deer, either sex. Waterfowl hunting permitted during deer hunt.
Deer (Gun-Archery) (Wheelchair Bound Only)	Two 2-day hunts. Nov. 9-10, Nov. 30-Dec. 1. No hunter quota. One deer, either sex. "Wheelchair Bound Hunter Zone" only.
Wheelchair Bound Hunter Zone	Wheelchair bound hunters only in the old "Camp Forrest" area of A.E.D.C. (north of Wattendorf Hwy., west of Rifle Range Rd., and south of the railroad track) during the following hunts: Nov. 9-10, Nov. 30-Dec. 1.
Dog Training (Daylight hours only)	Sept. 1- Mar.15
Waterfowl	Hunting from registered blind sites only on Woods Reservoir except during the early duck season; also, Canada goose hunting is allowed outside of blinds upstream from Morris Ferry bridge except during the duck season. Same as state-wide seasons except open on Wednesday, Thursday, Saturday and Sunday of the late duck season and the first and last day of each segment of the late duck season. Waterfowl hunting allowed on Woods Reservoir during deer hunts when waterfowl season is open. During the September and October waterfowl seasons, hunting is permitted outside of registered blinds on Woods Reservoir except 150 yards out from the bank beginning at the Pumping Station and going west to Arnold Village slough and beginning at the Famcamp slough and going west to the Rowlands Creek causeway. During the youth waterfowl hunting season, hunting on Woods Reservoir allowed outside blinds upstream from Morris Ferry Bridge. Downstream from Morris Ferry registered blind sites only.
Arms and Ammunition	Shotguns and archery equipment. Muzzleloading rifles on deer gun hunts only.
Closure	Public use of Woods Reservoir Refuge, including all forms of trespass, is prohibited Dec. 1-Jan.31, except as otherwise indicated.

Black Bayou Refuge

Rabbit (Quota Hunt)	Four 1-day hunts. Oct. 12, 13, 19, 20. Six parties per hunt. Six hunters per party. Six dogs per party. Five rabbits per hunter. Nontoxic shot approved by the U.S. Fish & Wildlife Service only. Sign-up for hunt will be at the Reelfoot Lake WMA office parking lot at Reelfoot Lake, Sept. 14, between the hours of 9:00 am and 12:00 noon. A drawing for permits will be held immediately following the sign-up period.
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Same as statewide seasons, except closed to all hunting after Nov. 14. Nontoxic shot approved by the U.S. Fish & Wildlife Service only. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Gun-Archery) (Young Sportsman)	One 2-day hunt. Nov. 2-3. No hunter quota.
Deer (Archery)	Two hunts. Sept. 28- Nov. 1 and Nov. 4-14. No hunter quota. Three deer, either sex.
Dog Training	Sept. 1- Nov. 14.

Bridgestone/Firestone Centennial Wilderness

No ATVs, ORVs, or horseback riding permitted.

Dove (Young Sportsman)	Sept. 2. Each Young Sportsman must be accompanied by a non-hunting adult. Hunting starts at noon.
Dove	Sept. 7, and the remainder of the statewide season.
Grouse, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon	Same as statewide season, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 5.
Deer (Archery)	One 7-day hunt. Oct. 7-13. One deer, either sex. Deer counts toward statewide bag.
Deer (Archery)	Three 3-day hunts. Sept. 28-30, Oct. 1-3, 4-6. No hunter quota. One deer, either sex. Deer counts toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	One two-day hunt. Nov. 2-3. No hunter quota. One deer, either sex. Deer counts toward statewide bag.
Deer (Gun-Archery)	One 7-day hunt. Nov. 23-Dec. 1. No hunter quota. Two deer, buck only. Deer counts toward statewide bag.

Dog Training

Sept. 1-Mar. 15

Buffalo Springs

Waterfall parking area closed one hour after sunset until one hour before sunrise.

Small game hunters (except waterfowl) must wear fluorescent orange during the big game gun hunts.

Dove

Sept. 2, 7, noon until sunset only. Open every day thereafter during the statewide dove season. Hunter quota 55. Staked positions only. A random drawing will be held at 11 a.m. on Sept. 2. Otherwise, first come, first served.

Deer, Grouse, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Turkey, Waterfowl,
Woodcock

Same as statewide seasons.

Catoosa

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel,
Waterfowl, Woodcock

Same as statewide seasons, except
walk-in hunting only from Feb. 1-28.

Opossum, Raccoon

Sunset Nov. 1 to Sunrise Dec. 31

Deer/Boar (Archery)

Three 3-day hunts. Oct. 19-21, 22-24, 25-27. No hunter quota. Area checking stations operated. Entire area open. One deer, either sex. Boar – no limit, either sex.

Deer/Boar (Muzzleloader-Archery)

One 3-day hunt. Nov. 21-23. Station quota: Genesis 1,000; Bicolor 1,000. One deer, buck only. Boar – no limit, either sex.

Deer/Boar (Gun-Archery)

Two 3-day hunts. Nov. 14-16, Dec. 12-14. Station quota: Genesis 1,250; Bicolor 1,250. One deer, buck only. Boar - no limit, either sex.

Deer/Boar (Young Sportsman)(Gun-Archery)

One 2-day hunt. Nov. 2-3. Station quota: Genesis 250; Bicolor 250. One deer, either sex. Boar – no limit, either sex.

Deer/Boar (Gun-Archery)

One 3-day hunt. Dec. 19-21. No hunter quota. Entire area open. One deer, buck only. Boar – no limit, either sex.

Boar (Gun-Archery)(Dogs Permitted)

One 3-day hunt. Jan. 9-11. Station quota: Genesis 200; Bicolor 200. Entire area open. Boar - no limit, either sex.

Bullfrog Apr. 1- Sept. 1.

No hunting during turkey hunts.

Special Regulations:

Buck deer must have a minimum of 4 points on one antler on all hunts. Points must be at least 1 inch or longer. Catoosa WMA will be closed to all users Feb. 1 – last Friday in March, except walk-in hunters will be allowed Feb. 1 – last day of Feb. Guides prohibited on all hunts.

Dog Training (Daylight hours only) Sept. 1 – Jan. 31.

Cheatham

Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Deer Same as statewide seasons, except all deer hunting closed after Dec. 20. Deer counts toward statewide bag.

Opossum, Raccoon Dec. 20 – Jan. 31.

Firing Range Open as posted. Automatic weapons prohibited.

Archery Range Open daily. Field points only.

Dog Training (Daylight Hours Only) Sept. 1 – Mar. 15.

Cheatham Lake

Deer, Opossum, Quail, Rabbit, Raccoon, Snipe Squirrel, Turkey, Waterfowl, Woodcock Same as statewide seasons on Sycamore Creek upstream from railroad trestle, Harpeth River upstream from Highway 49, and on Johnson Creek upstream from Johnson Creek Bridge.

Hunting on remainder of Cheatham Lake WMA same as statewide season except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and the last day of each segment of the late statewide duck season. Waterfowl hunting is permitted only from registered blind sites and from staked temporary blind sites during the late duck season.

Hunting on Harpeth Island, Marks Creek, and Bluff Creek wade-in areas is not restricted to registered or staked temporary sites. Night hunting, trapping, and fishing prohibited in waterfowl impoundments during the waterfowl season. The sub-impoundment units as posted are closed to all types of activity six days prior to the opening of the first segment of the late duck season.

Squirrel hunting with dogs allowed during spring squirrel season.

Waterfowl (Wheelchair-bound only blind site) Applications must be received by TWRA Region II by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible.

Beaver May be taken during any hunt.

Dove	Same as statewide. Hunting allowed from designated fields only.
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Dog Training	Sept. 1-Mar. 15, except closed during duck seasons.
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Cheatham Lake – Pardue Pond Refuge and Dyson Ditch Refuge

Deer (Archery)	Sept. 28- Oct. 13. Bag limit same as statewide.
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Dog Training	Sept. 1- Mar.15, except closed Oct. 15-Feb.14.
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Closure	Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 14, except as otherwise indicated.
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Cherokee²

Horseback riding on properties owned by the U.S. Forest Service shall be the same as U.S. Forest Service regulations. Contact the U.S. Forest Service (423-476-9700). On those properties owned or leased by the TWRA, horseback riding is only allowed upon roads opened for vehicle travel: no riding off roads into openings, fields, trails, or through streams.

North Cherokee	That portion of the Cherokee WMA lying north of the Great Smoky Mountains National Park.
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South Cherokee	That portion of the Cherokee WMA lying south of the Great Smoky Mountains National Park.
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Ocoee Unit	That portion of the South Cherokee lying south of the Hiwassee River.
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Tellico Unit	That portion of the South Cherokee lying north of the Hiwassee River, and south of the Little Tennessee River.
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North Cherokee

On property that is owned or leased by TWRA, ATV and OHV operation is prohibited at all times at any location inside the boundaries of these properties.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel	Same as statewide seasons. ³ Small game hunting (shotguns only) allowed during all big game hunts, but small game hunters (except raccoon and opossum hunters between sunset and sunrise) must wear 500 sq. in. of fluorescent orange during big game hunts.
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² Bobcat hunting with dogs prohibited. Dog training prohibited, except for Bear Dog Training Season in Cocke and Greene counties. The use of and/or possession of any tracking device from March 1 to August 31 is illegal. Hunting of coyotes with dogs prohibited.

Deer, Turkey	Same as statewide seasons.
Opossum, Raccoon	Same as statewide season, except the season is closed Nov. 18-19, Nov. 30-Dec. 1, and Dec. 5-18 in all Bear Reserves.
Bear Dog Training Season (Cocke and Greene Counties only)	Sept. 3-18. No bears may be harvested. No weapons may be possessed. Daylight hours only. No training in bear reserves.
Bear	Same as statewide season. Feral hog hunting closed in bear reserves during bear season.

South Cherokee⁴

Special Weapons Regulations:

1. .22 caliber short, long and long rifle are the only legal weapons on a raccoon hunt.
2. It is illegal to possess firearms with any breed of dog other than pointing breeds during daylight hours, excluding Bear and Boar season, except as provided.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons, except, no season shall open prior to Oct. 12. Small game hunting closed at sunset the day before and during big game hunts. When specified portions of the Cherokee are hunted, this closure applies only to those specific areas and to the Tellico Bear Reserve during bear hunts. Dogs permitted for squirrel hunting west of Hwy. 68 and north of Ocoee River Jan.1-Feb. 28.
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Ocoee Unit

Opossum, Raccoon	Same as statewide season, except closed at sunset the day before and during big game hunts.
Deer/Boar (Archery)	One 9-day hunt. Sept. 21-29. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13, south of Ocoee River only. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 26-27. No hunter quota. One deer, either sex. One boar, either sex.

³ Only pointing breed dogs are allowed in the bear reserve one day before and during bear hunts.

⁴ No feral hog hunting on South Cherokee WMA; boar hunting is allowed as indicated.

Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Nov. 1-3. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)	One 3-day hunt. Nov. 8-10. No hunter quota. One deer, buck only. One boar, either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 23-Dec. 1. No hunter quota. Two deer, buck only. One boar, either sex.
Boar (Gun-Archery)(Dogs Permitted)	One 8-day hunt. Oct. 14-21. No hunter quota. One boar, either sex. Between Ocoee River and Hiwassee River.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Dec. 5-18. No hunter quota. One bear per person per year. One boar either sex. Between Ocoee River and Hiwassee River.
Deer/Boar (Gun-Archery)	One 14-day hunt. Nov. 28-Dec. 11. No hunter quota. Two deer, buck only. One boar, either sex. South of Ocoee River only.

Tellico Unit

Bear reserves are closed to all big game hunting when the bear season is open on the Tellico Unit.

Opossum, Raccoon (Raccoon hunters must wear fluorescent orange during bear season)	Nov. 4-22, Dec. 5-18, Dec. 23-Jan. 12. Tellico bear reserve sunset Dec. 23- Jan. 12 only.
Deer/Boar (Archery)	One 9-day hunt. Sept. 21-29. No hunter quota. Two deer, either sex. One boar either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 23-Dec. 1. No hunter quota. Two deer, buck only. One boar either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Oct. 4-6. No hunter quota. One deer, buck only. One boar either sex.
Deer/Boar/Bear (Muzzleloader-Archery)	One 3-day hunt. Dec. 20-22. No hunter quota. One deer, buck only. One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.
Deer/Boar/Bear (Young Sportsman)(Gun-Archery)	One 2-day hunt. Nov. 2-3. No hunter quota. One deer, either sex. One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.
Boar (Gun-Archery)(Dogs Permitted)	One 8-day hunt. Oct. 14-21. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.

Bear (Gun-Archery)(Dogs Permitted)	One 2-day hunt. Nov. 18-19. One bear, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Dec. 5-18. No hunter quota. One bear per person per season. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Deer/Boar (Gun-Archery)(Party Still Hunts) (No Dogs Allowed)	One 3-day hunt. Oct. 25-27. One party permitted in each of the following areas: Jake Best, Double Camp, North Fork Citico and South Fork Citico. One deer, buck only. One boar, either sex.
Boar (Gun-Archery) (Party Dog Hunts)	One 3-day hunt. Oct. 25-27. One boar either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.
Bear/Boar (Gun-Archery) (Party Dog Hunts)	Two 2-day hunts. Oct. 10-11, Dec. 3-4. One bear per person per season. One boar, either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.

Chickamauga

(Soddy Creek, Sale Creek, Mud Creek, New Bethal, Moon Island, Cottonport, Washington Ferry, Goodfield Creek, Gillespie Bend, Agency Creek, Sugar Creek, South Mouse Creek Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe Squirrel, Waterfowl, Woodcock	Same as statewide hunting and trapping seasons. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s).
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(Candies Creek, Rogers Creek, Yellow Creek, Johnson Bottoms Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe Squirrel, Waterfowl, Woodcock	Same as statewide hunting and trapping except closed to non-waterfowl species during the late duck season. Waterfowl hunting permitted only on Tuesday, Thursday, Saturday and Sunday and the opening and closing day of the duck season. No trapping during the duck season. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s).
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Dog Training	Sept. 1- Mar. 15, except closed during late duck season.
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Chuck Swan

Guides, deer driving, loud noises, and harassment on all deer hunts, and entering the wildlife management area from Norris Lake during the deer and turkey hunts prohibited.

Dove, Grouse, Rabbit, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Raccoon	Six 1-day hunts. Nov. 5, 7, 9, 11, 13, 15. Hunters must check out by 2:00 A.M. All raccoons must be checked out.
Deer (Archery)	One 3-day hunt. Oct. 11-13. No hunter quota. One deer, buck only.
Deer (Archery)	Two 2-day hunts. Oct. 18-19, 25-26. Hunter quota 800. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 2-3. Hunter quota 200. One deer, either sex. Deer counts towards statewide bag limit.
Deer (Gun-Archery)	Two 2-day hunts. Nov. 29-30, Dec. 6-7. Hunter quota 750. One deer, buck only.
Deer (Archery)	One 2-day hunt. Dec. 13-14. Hunter quota 1000. One deer, either sex.
Deer (Muzzleloader-Archery)	One 2-day hunt. Nov. 15-16. Hunter quota 750. One deer, buck only.
Turkey (Shotgun-Archery)	Two 2-day hunts. Oct. 4-5, Dec. 20-21. Hunter quota 125. One turkey, either sex.
Dog Training (Daylight hours only)	Sept. 1-Mar. 15.

Cordell Hull

Includes all property posted and painted with Corps of Engineers and/or TWRA WMA signs.

Deer, Small Game, Waterfowl	Same as statewide seasons except deer hunting ends Dec. 20. Wheelchair bound hunter zone open to wheelchair bound hunters only. Deer bag limit is either-sex in the wheelchair bound zone on November 23-24.
Wheelchair-Bound Hunter Zone	That area in the old "Corps of Engineers Roaring River Campground" area of Cordell Hull WMA (north of Hwy. 135, north of Roaring River, south and east of Hwy. 85, and west of old Roaring River Iron Bridge Road.

Cordell Hull Refuge

Squirrel	Aug. 24-Nov. 13. Spring squirrel season same as statewide, dogs prohibited.
Dove	Sept. 2-13, noon until sunset
Canada Goose	Sept. 1-15.
Wood duck/teal	Same as statewide season.
Deer (Archery)	Sept. 30-Nov. 1. Bag limit same as Unit A archery season.
Deer (Archery) Wheelchair Bound Only	Sept. 28-29. No quota. One deer, either sex.
Deer (Gun-Archery)(Wheelchair Bound Only)	Nov. 9-10. No hunter quota. One deer, either sex.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 15-Mar. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.
Dog Training	Sept. 1-Nov. 14, daylight hours only.

Cumberland Springs

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock, Waterfowl	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	One 14-day hunt. Sept. 28-Oct. 11. No hunter quota. Two deer, either sex.
Deer (Gun-Archery)	One 2-day hunt. Oct. 12-13. Hunter quota 500. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Oct. 19-20. Hunter quota 500. One deer, either sex.
Deer (Gun-Archery)	One 2-day hunt. Oct. 26-27. Hunter quota 250. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 2-3. No hunter quota. One deer, either sex.
Deer (Gun-Archery)	One 2-day hunt. Nov. 30-Dec.1. Hunter quota 250. One deer, either sex.

Eagle Creek

Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	One 14-day hunt. Sept. 28-Oct. 11. No hunter quota. Two deer, either sex. No area checking station operated.
Turkey (Archery)	Open during all archery only seasons. No hunter quota. One turkey, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex.
Deer (Gun-Archery) (Wheelchair Bound only)	One 1-day hunt. Oct. 26. No hunter quota. One deer, either sex. "Wheelchair Bound Hunt Zone" only.
Wheelchair Bound Hunter Zone	Wheelchair bound hunters only on roads #2 through #10 on Oct. 26.
Deer (Gun-Archery)	Three 4-day hunts. Oct. 17-20, Oct. 31-Nov. 3, Nov. 28- Dec. 1. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Dec. 7-8. Hunter quota 600. One deer, either sex.
Fall Turkey	One 3-day hunt. Dec. 13-15. Hunter quota 100. One turkey, either sex.

Eagle Lake Refuge

Dove Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Open Mondays, Wednesdays and Saturdays within statewide seasons. Small game hunting allowed during deer seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Closure	Eagle Lake Refuge is closed to all hunting Nov. 1- Mar. 1. Waterfowl hunting prohibited. Non-toxic shot approved by the U.S. Fish & Wildlife Service required for small game hunting. Access to the south end of Shelby Forest WMA through Eagle Lake Refuge will be allowed during hunting seasons.

Edgar Evins State Park

Deer, Opossum, Quail, Rabbit, Raccoon	Same as statewide seasons.
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Ernest Rice, Sr.

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Deer (Archery)	Sept. 28- Nov. 1. No hunter quota. Same as statewide bag.
Deer (Archery)	One 18-day hunt. Dec. 14-31. No hunter quota. One deer, either sex.
Deer (Gun-Archery)	Two 3-day hunts. Nov. 23-25, Nov. 29-Dec. 1. No hunter quota. One deer, buck only.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 2-3. No hunter quota.

Fall Creek Falls State Park

Vehicle parking restricted to designated parking areas only during the hunting season. No parking allowed at all on roadside grass.

Grouse, Squirrel	Dec. 1-Jan. 31. Pointing breed dogs only. Shotguns only.
Deer (Archery)	One 3-day hunt. Nov. 2-4. Hunter quota 300. One deer, either sex. One 6-day hunt. Nov. 5-10. No hunter quota. One deer, either sex. All deer hunters must sign register at horse stables before hunting.

Flintville Hatchery

Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as Unit A deer season. Archery equipment only.
Deer (Young Sportsman)(Shotgun-Muzzleloader-Archery)	One 2-day hunt. Nov. 2-3. No hunter quota. One deer, either sex. Deer counts toward statewide bag.
Dog Training (Daylight hours only)	Sept. 1- Mar. 15.

Foothills

Motorized vehicles and horseback riding prohibited. All small game hunters must wear 500 square inches of blaze orange during big game seasons. Small game hunters must use shotguns only during big game seasons.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon (Raccoon hunters must wear fluorescent orange during bear season)	Nov. 1-22, Dec. 19-Jan. 19.
Deer/Boar (No dogs permitted)	Same as statewide deer seasons, except closed during Oct. 26-27 Young Sportsman hunt.
Bear/Boar (Gun-Archery)(No dogs permitted)	One 2-day hunt. Nov. 30-Dec. 1. No hunter quota. Bag limit same as statewide.
Bear/Boar (Gun-Archery)(Dogs permitted)	Sept. 28-Oct. 7, Nov. 18-19, Dec. 5-18. No hunter quota. Bag limit same as statewide.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 26-27. No hunter quota. One deer, either sex. One boar, either sex.

Forks of the River

Area closed one hour after sunset to one hour before sunrise except for raccoon and opossum hunters and scheduled events. Bicycles are restricted to greenway trail from Sept. 1- Feb. 28. Paintball guns and accessories prohibited. All animals accompanied by a non-hunting person are required to be leashed.

Dove	Sept. 2, 7, and every day thereafter during the statewide dove season. Hunting from noon to sunset only on Sept. 2, 7.
Deer, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon	Nov. 1-13.
Crow	Sept. 7- Feb. 28 (Fridays, Saturdays and Sundays only).
Arms and Ammunition	Shotguns and Archery equipment only.

Fort Loudoun

Waterfowl	Same as statewide seasons, except open only on Monday, Wednesday, and Friday, one half hour before sunrise until noon. Nontoxic shot, size BBB or smaller required.
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Fourth Fractional Township

ATVs and motorcycles prohibited.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Small game hunting with shotguns only with No. 6 shot or smaller. Beagles and pointing breeds only.
Deer	Same as statewide seasons, archery tackle only.
Deer/Bear (Archery)	Nov. 28-Dec. 11. No hunter quota. One deer, either sex. One bear, either sex.
Dog training	Year-round, beagles and pointing breeds only.
 Gallatin Steam Plant	
Deer/Turkey (Archery Only)	Four 2-day hunts. Sept. 28-29, Oct. 5-6, 19-20, Dec. 7-8. Hunter quota 50. Two deer, either sex. One turkey, either sex.
 C.M. Gooch	
Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock	Same as statewide seasons, except Units "A" and "E" are closed during the waterfowl seasons and are closed to all activities six days prior to the first opening of the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.
Waterfowl	Same as statewide season except Gooch waterfowl hunting closes at 3:00 p.m. on Units "A" and "E". Waterfowl hunting on the last day of each segment of the duck and remaining goose seasons shall close at sunset. Fishing and trapping is prohibited in Units "A" and "E" during the waterfowl season.
Deer	Same as statewide season, except closed six (6) days prior to and during statewide waterfowl seasons on Gooch Unit A and Gooch Unit E. and closed to statewide archery hunt during the Young Sportsman deer hunt on Oct. 12-13.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex.
 Haley-Jaqueth	
Dog Training (daylight hours only)	Sept. 1- Mar. 15.

Haynes Bottom

Opossum, Quail, Rabbit, Raccoon, Snipe
Squirrel, Turkey, Waterfowl, Woodcock

Same as statewide seasons except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and last day of each segment of the late statewide duck season. Waterfowl hunting permitted only from registered blind sites beginning with the first day of the late duck season. Night hunting, trapping, dog training, and fishing prohibited in the waterfowl impoundments during waterfowl season. Participating waterfowl hunters only in the bottoms during waterfowl seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Dove

Same as statewide season, on designated fields only.

Deer

Same as statewide (Unit A) seasons, except all deer hunting is closed after Dec. 20.

Henderson Island Refuge

Horses prohibited.

Dove

Sept. 2, 7, 11. Hunting from noon to sunset only.

Squirrel

Sept. 2, 7, Oct. 13-30, Feb. 1-28. Shotguns only.

Quail, Rabbit

Feb. 1-28. Shotguns only.

Deer (Muzzleloader-Shotgun)(Young Sportsman)

Three 1-day hunts. Sept. 14, 21, Nov. 9. Hunter quota 20. One deer, either sex. Sign up for drawing will be held at the Jefferson County courthouse in Dandridge between 9:00 a.m. and 11:00 a.m. on Aug. 10. Youth must be present at sign up and drawing.

Turkey (Young Sportsman)

One 1-day hunt. Oct. 12. Hunter quota 10. One turkey, either sex. Sign up and drawing same as for deer.

Deer (Archery)

Sept. 28-Oct. 6. Bag limit same as statewide. Deer counts toward statewide bag.

Canada Goose

Sept. 3-6, 8-13. Bag limit 5 geese per day.

Raccoon

Nov. 1-9.

Dog Training

Feb. 1-Mar. 15.

Closure

Public use, including all forms of trespass, is prohibited from Nov. 16 through Feb. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.

Hermitage

Dove Sept. 2-15. Shooting allowed only from staked positions. For the first two days of the season, staked positions will be assigned each day by a drawing held on the site at 11:00 A.M. Shooting hours begin at noon. After the first two days, stakes may be taken on a first-come, first-served basis for the remainder of the season.

Hiwassee Refuge

Nontoxic shot required for small game hunting.

Dove Sept. 2, 7. Noon to sunset only. No access permitted by boat.

Squirrel To include all of the Hiwassee Refuge except Hiwassee Island. Aug. 17-Sept. 14. Spring squirrel season same as statewide, dogs prohibited.

Canada Goose Sept. 1-15. No goose hunters allowed on refuge from two hours after shooting hours have ended until 4:00 a.m. the following day.

Wood duck/teal Same as statewide season. No duck hunters allowed on the refuge from two hours after shooting hours have ended until 4:00 a.m. the following day

Deer (Archery) One 3-day hunt. Sept. 28-30. Hunter quota 250. Two deer, either sex.

Deer (Archery) One 3-day hunt. Oct. 11-13. No hunter quota. Two deer, either sex.

Deer (Muzzleloader) One 3-day hunt. Oct. 25-27. Hunter quota 200. Two deer, either sex.

Deer (Shotgun-Muzzleloader)(Young Sportsman) One 2-day hunt. Sept. 21-22. Hunter quota 100. Two deer, either sex.

Retriever (Field Trials) Pre-approved by area manager at least 30 days in advance of trial dates.

Arms and Ammunition Nontoxic shot approved by the U.S. Fish & Wildlife Service required for small game hunting.

Closure Refuge is closed to all forms of public use, including all forms of trespass, from Nov. 1 through last day of February. Public entry and fishing is permitted while on the main river channel passing through the refuge.

Dog Training (Daylight hours only) Sept. 1-Oct. 14, Mar. 1-15.

Jackson Swamp

Deer, Dove, Opossum, Rabbit, Raccoon
Squirrel, Waterfowl, Woodcock Same as statewide seasons.

Kingston Refuge

Nontoxic shot required for small game hunting. Access by boat only.

Dove Sept. 2, 7. Noon to sunset only. No dove hunters allowed on refuge prior to 60 minutes before legal shooting time.

Deer (Archery) One 2-day hunt. Sept. 28-29. Hunter quota 100. One deer, either sex.

Canada Goose Sept. 1-13.

Closure Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 1.

Dog Training (Daylight hours only) Sept. 1-Oct. 14, Feb. 2-Mar. 15.

Deer (Shotgun-Muzzleloader)
(Young Sportsman) Two 2-day hunts. Oct. 5-6, 12-13.
Hunter quota 50. One deer, either sex.

Kyker Bottoms Refuge

Shotguns, Muzzleloaders, and Archery only. Non-toxic shot required for small game hunting. Closed to all use Nov. 1-Feb. 14, except in designated observation areas.

Deer, Dove, Grouse, Quail, Rabbit, Snipe
Squirrel, Waterfowl, Woodcock Same as statewide seasons, except closed Nov. 1- Feb. 14. Bag limit for quail and rabbit – 3 each per day. On Saturdays and Sundays between Feb. 15-28, all small game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who may also hunt.

Dog Training Sept. 1-Oct. 31, Feb. 15-Mar. 15. Daylight hours only.

Land Between the Lakes

Squirrel The third Saturday in August through the fourth Friday in September and December 1 through the last day of February. Spring squirrel season same as statewide, dogs allowed.

Dove, Snipe, Woodcock	According to state and federal regulations, open on small game hunt dates that coincide with state seasons.
Fox, Quail, Rabbit	Dec. 1 through the last day of February.
Coyote	May be taken during daylight hours only by legally licensed hunters during any open season with weapons specified for that season.
Opossum, Raccoon	Dec. 1-Jan. 31. Sunset to sunrise. One raccoon per person per night. Some hunt areas may be closed to hunting as posted at designated hunter check stations.
Crow	Open during any LBL small game season that coincides with the statewide season.
Fox Chasing	From sunset to sunrise, third Saturday in Aug. through the third Saturday in Sept. LBL Hunter Use Permit required.
Geese	Same as the statewide goose season, except closed on deer gun hunt dates.
Ducks	Early duck season same as statewide season.

Waterfowl hunting will be allowed during the statewide season throughout the Tennessee portion of LBL except on designated, signed, refuge areas and public use areas, and on deer gun hunt dates. Permanent blinds will not be permitted.

Dog Training (Quail, Rabbit and Raccoon chasing only)	Aug. 1-Sept. 27. LBL Hunter Use Permit required. Training allowed only in designated areas.
Bullfrog	May 15-31. Gigs only. Bag limit 15.
Small Game (Archery Only)	Squirrel, groundhog, and fox may be taken during deer archery season only by legally licensed and equipped deer archery hunters. Statewide limits apply. Arrows must be equipped with broadheads according to deer regulations.
Deer/Turkey (Archery)	Sept. 28 through Jan. 20, except closed during Quota hunts and one day immediately before each Quota hunt. One turkey, either sex. Two white-tailed deer, no more than one antlered.
Deer (Gun)(Young Sportsman)	One 2-day hunt. Oct. 26-27. Hunter quota 800. One white-tailed deer, either sex. Young sportsman 10-15 years of age. Each youth must be accompanied by an adult.
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 8-9. Hunter quota 1,000. One white-tailed deer, including 750 buck-only and 250 either-sex permits.
Deer (Gun/Muzzleloader)	One 2-day. hunt. Nov. 16-17. Hunter quota 1,000. One white-tailed deer, including 650 buck-only and 350 either-sex permits.

Areas open to hunting:

All areas lying in Tennessee portion are open to hunting except:

1. Designated, signed, refuge areas and public use areas.
2. The back half of Rushing Bay is closed to all activity Nov. 1-Mar. 15

Field Trials:

Raccoon Field Trials, Bird Dogs, Beagles
And Retriever Field Trials

July 1-Mar. 31. Forest Service Special
Use permit required.

Laurel Hill

Dove

Same as statewide during the first segment of the statewide dove season. All fields open. Dove hunting permitted during the second and third segments of the statewide dove season on days open to quail hunting.

Quail

Nov. 10 and each Tuesday, Thursday, and Sunday through Jan. 12.

Woodcock

Oct. 26 – Nov. 10 and each Tuesday, Thursday, and Sunday thereafter through the statewide season.

Squirrel

Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.

Rabbit

Nov. 9 and each Monday, Wednesday and Saturday through Feb. 28.

Beaver

May be taken on any hunt day.

Opossum, Raccoon

Nov. 22-Feb. 8. One raccoon per party, per night.

No Fox Chasing Allowed

Dog Training (Daylight hours only)

Sept. 1-Mar. 15.

Deer (Archery)

Four 2-day hunts. Sept. 28-29, Sept. 30-Oct. 1, Oct. 3-4, 5-6. No hunter quota. One deer, either sex.

Deer (Archery)

One 3-day hunt. Dec. 13-15. No hunter quota. One deer, either sex.

Turkey (Archery)

Open during all archery only seasons. No hunter quota. One turkey, either sex.

Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex.
Deer (Gun-Archery)	Two 3-day hunts. Oct. 18-20, 25-27. Hunter quota 500. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Nov. 16-17. Hunter quota 350. One deer, either sex.
Fall Turkey	One 3-day hunt. Dec. 6-8. Hunter quota 100. One turkey, either sex.

Shields Farm Unit

Centerfire rifles and handguns prohibited.	Same as statewide seasons.
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Lick Creek Bottoms

Nontoxic shot is required for small game hunting as posted. No blinds or decoys left Overnight. Dove fields open as posted. Small game hunters must wear fluorescent orange during the deer gun hunts.

Deer, Opossum, Quail, Rabbit, Raccoon, Squirrel, Turkey Waterfowl, Woodcock	Same as statewide seasons.
Dove	Sept. 2, 7, and the remainder of the dove season. Hunting from noon to sunset only on Sept. 2, 7.

Joachim Bible Refuge Unit (that portion Of Lick Creek WMA between Murray Bridge Road and Bibles Chapel Road.

Dove	Sept. 2, 7-24. Hunting from noon to sunset only on Sept. 2, 7.
Squirrel	Sept. 15-Oct. 31, Feb. 15-28.
Quail, Rabbit	Feb. 15-28. On Saturdays and Sundays between Feb. 15-28, all small game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who may also hunt.

Maness Swamp Refuge

Coyote, Opossum, Quail, Rabbit, Raccoon Squirrel, Woodcock, Waterfowl	Same as statewide seasons, except all seasons closed Nov. 1-Feb. 14. Squirrel hunting with dogs allowed during spring squirrel season.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 1 through Feb. 14, except as otherwise indicated.

Dog Training	Sept. 1-Oct. 31, Feb. 15-28.
Deer	Same as statewide seasons, except closed to statewide archery during Young Sportsman deer hunt on Oct. 12-13 and during Nov. 1-Feb. 14.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex.

Moss Island

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	Sept. 28-Oct. 29. No hunter quota.
Deer (Archery)	One 18-day hunt. Dec. 14-31. No hunter quota. One deer either sex.
Deer (Gun-Archery)	Two 3-day hunts. Nov. 23-25, Nov. 29-Dec. 1. No hunter quota.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 2-3. No hunter quota.

Natchez Trace

Bobcat, Crow, Dove, Opossum, Quail, Rabbit Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
North of I-40	
Deer (Archery)	Sept. 28-Oct. 10, Oct. 14-Nov. 1, Nov. 11-22, Dec. 16-20. No hunter quota. Same bag limit as statewide.
Deer (Muzzleloader-Archery)	Nov. 4-7, Dec. 9-15. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)(Young Sportsman)	Two 2-day hunts. Oct. 12-13, Nov. 2-3. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)	Nov. 27-Dec. 1, Dec. 23-Jan.5. No hunter quota. Same as statewide.
South of I-40	
Deer (Archery)	Sept. 28-Oct. 10, Oct. 14-Nov. 1, Nov. 11-22, Dec. 16-20. No hunter quota. Same bag limit as statewide.

Deer (Muzzleloader-Archery)	Nov. 8-10. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 2-3. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)	Dec. 2-8, Dec. 22-24, Dec. 26-Jan. 5. No hunter quota. Same bag limit as statewide.

Nathan Bedford Forrest State Park

Deer (Muzzleloader)	One 3-day hunt. Oct. 18-20. Hunter quota 100. One deer, either sex.
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Nolichucky

Area closed to all hunting and access from Byrds Bridge Access Area to the Nolichucky Dam one week before and during the late statewide duck season.

Dove	Sept. 2, 7, 14. Hunting from noon to sunset only.
Deer, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons, except closed one week before and during the late duck season.
Waterfowl	Same as statewide season except closed one week before and during late duck season.
Dog Training	Sept. 1-Mar. 15.

North Chickamauga Creek

No motorized vehicles outside parking areas. Area closed after sunset except opossum and raccoon hunters. Hunting allowed on Tuesdays, Thursdays, and Saturdays only. All hunting ends on January 31. Shotguns loaded with #4 shot or smaller only (except waterfowl).

Snipe, Squirrel, Woodcock	Same as statewide seasons, except hunting allowed only on Tuesdays, Thursdays, and Saturdays.
Rabbit	Same as statewide seasons, except hunting allowed only on Tuesdays, Thursdays, and Saturdays. Bag limit is 3 per person per day.
Dove	Sept. 2-3 and on each Tuesdays, Thursdays, and Saturdays during the statewide season from noon till sunset only.

Deer (Archery)	Same as statewide seasons, except hunting only allowed on Tuesdays, Thursdays, and Saturdays. Archers must comply with the big game hunter orange requirements during the statewide deer gun or muzzleloader hunts.
Opossum, Raccoon	Same as statewide season, except hunting allowed on Tuesdays, Thursdays, and Saturday nights only. Bag limit – 1 raccoon per party per night.
Waterfowl	Open each Tuesday, Thursday, Saturday, and the first and last day of the statewide season. Hunting ends at noon each day. Hunting from temporary blinds only. Decoys to be removed each day.
Trapping	Nov. 16-Jan. 30. Traps must be checked each day.
Dog Training (all breeds)	Sept. 15-Jan. 31.

Oak Ridge

Due to the cancellation of hunts in 2001, permits issued in 2001 will be valid for the corresponding hunts in 2002. No new permits will be issued in 2002 for these hunts.

Deer (Shotgun-Muzzleloader)(Gun zones only)	One 2-day hunt. Oct. 19-20. Hunter quota 650. One deer, either sex.
Deer (Archery)(Archery zones only, excluding Tower Shielding)	One 2-day hunt. Oct. 19-20. Hunter quota 300. One deer, either sex.
Deer (Shotgun-Muzzleloader)(Gun zones Only)	One 2-day hunt. Nov. 9-10. Hunter quota 650. One deer, either sex.
Deer(Archery)(Archery zones only, including Tower Shielding)	One 2-day hunt. Nov. 9-10. Hunter quota 400. One deer, either sex.
Deer (Shotgun-Muzzleloader)(Gun Zones only)	One 2-day hunt. Dec. 7-8. Hunter quota 750. One deer, either sex.
Deer (Archery)(Archery zones only, excluding Tower Shielding)	One 2-day hunt. Dec. 7-8. Hunter quota 300. One deer, either sex.

Special Regulations: Scouting dates—6:00 a.m. to 4:00 p.m. Oct. 12 for the Oct. 19-20 permit holders only. Nov. 2 for the Nov. 9-10 permit holders only. Nov. 30 for the Dec. 7-8 permit holders only. No access by boat, except for the Haw Ridge Park Unit. Dog training prohibited. All hunters must wear fluorescent orange during all hunts, including archery hunters in the Archery Only zones. Hunters must carry, at all times, hunting license and permit, valid picture identification, and signed current hunt map.

Old Hickory

Beaver may be taken on any hunt.

Unit I (Hwy 109 upstream to River Mile 267)

The sub-impoundment units as posted are closed to all types of activity six days prior to the opening of the first segment of the late duck season.

Opossum, Quail, Rabbit, Raccoon,
Snipe, Squirrel, Turkey, Woodcock

Same as statewide seasons except closed after 3:00 p.m. (CST) during the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Dove

Hunting during the first statewide segment only. Use of nontoxic shot required.

Dog Training

Sept. 1-Mar. 15, except closed during duck seasons.

Waterfowl

Hunting is permitted only from registered blind sites and staked temporary blind sites during the late duck season. Same as statewide season except waterfowl hunting shall cease at 3:00 p.m. (CST) during the late duck season except hours same as statewide on the last day of each segment of the late duck season. Raccoon and opossum hunting, trapping, and fishing are prohibited in sub-impoundments during the waterfowl season. From Hwy. 231 bridge downstream to River Mile 258.5 (Headquarters Slough), the area south of the river channel is closed to waterfowl hunting during the first segment of the dove season.

Waterfowl
(Wheelchair-bound only blind site)

Applications must be received by TWRA Region II by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible.

Deer

Same as statewide.

Unit II – (Hwy 109 downstream to Old Hickory Dam)

Dove, Deer, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Turkey,
Woodcock

Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Waterfowl

Same as statewide seasons. Hunting from a registered blind sites only except during the early duck season. All goose hunting is from registered blinds only.

Unit III – (River Mile 267 upstream to River Mile 281)

Deer, Dove, Opossum, Quail, Rabbit
Raccoon, Snipe, Squirrel, Turkey,
Woodcock

Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.

Waterfowl	Same as statewide seasons. Hunting from temporary blinds only. Decoys must be picked up each day.
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Old Hickory Lock 5 Refuge

Deer (Archery)	Sept. 28- Oct. 30. Bag limit same as statewide.
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Closure	Public use, including all forms of trespass, is prohibited from Nov. 1 through Jan 31, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.
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Spring squirrel	Same as statewide, dogs allowed.
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Dog Training	Sept. 1- Oct. 14, Feb.1-Mar. 15.
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Paint Rock Refuge

Closed to all forms of public use, including all forms of trespass, from Oct. 15 through Feb. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel through the refuge.

Canada goose	Sept. 1-13.
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Dog Training (Daylight hours only)	Sept. 1-Oct. 14, Feb. 2-Mar. 15.
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Pea Ridge

Dove, Opossum, Rabbit, Raccoon, Squirrel Waterfowl, Woodcock	Same as statewide seasons.
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Deer	Same as statewide season, except buck only during the muzzleloader seasons.
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Quail	Dog training only. Sept. 1- Mar. 15.
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Percy Priest

Beaver	May be taken only during small game hunts.
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Unit I

All activities except dove hunts on designated fields and scheduled field trials prohibited on Fridays, Saturdays, and Sundays from Sept. 20-Apr. 27.

Dove	Sept. 2, and each Saturday and Sunday thereafter during the statewide season. Shooting from staked and designated positions on a first-come, first-served basis.
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Squirrel	Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.
Deer, Turkey (Archery Only)	Same as statewide seasons.
Quail, Rabbit (Young Sportsman)	Oct. 5-Dec. 30. Shotguns only. Each adult must possess a valid hunting license and an area permit.
Dog Training	Sept. 1-April 15. Small game permit required. Training from horseback prohibited prior to Oct. 1. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game permit. Blank ammunition only.

Retriever Dog Training and Trials. Year-round in designated areas only. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game hunt permit.

Bird and Rabbit Dog Trials	Oct. 1-April 15. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Field trial gallery must be kept out of standing or planted crops by marshals provided by sponsoring club.
Horseback Riding	Horses permitted on all areas except freshly planted and standing crops, and special areas as posted.

Unit II

No Permit Required. Muzzleloader, archery, and shotguns with rifled slugs only for deer.

Deer, Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Waterfowl	Same as statewide seasons. Temporary blinds only. Blinds and decoys must be removed each day. No waterfowl hunting in the Poole Knobs Rest Area.
Dog Training	Sept. 1-Mar 15. No hunting or training from horseback.
Archery Practice	Open year-round designated range site (Poole Knobs) only. Target arrows only.

Prentice Cooper

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons
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Opossum, Raccoon	First Friday in Nov. – Jan. 30, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 30. Bag limit is 1 per person per night.
Deer (Archery)	One 3-day hunt. Sept. 21-23. Hunter quota 500. One deer, either sex.
Deer (Archery)	Two 3-day hunts. Sept. 24-26, 27-29. No hunter quota. One deer, either sex. No area checking station opened.
Deer (Muzzleloader)	One 3-day hunt. Oct. 24-26. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Nov. 8-9. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 6-day hunt. Nov. 30-Dec. 5. No hunter quota. Two deer, buck only.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Dec. 14-15. No hunter quota. One deer, either sex.

Presidents Island

Deer (Archery Only)	Two 3-day hunts. Oct. 18-20, 25-27. Hunter quota 100 each hunt. Bag limit two deer, which may be antlerless or spike bucks. Scouting dates - Oct. 17 for the Oct. 18-20 permit holders only; Oct. 24 for the Oct. 25-27 permit holders only.
	One 3-day hunt. Dec. 6-8. Hunter quota 50. One deer, either sex. Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Dec. 5 for the Dec. 6-8 permit holders only.
	Hunters must check in at hunter check station before hunting and check out at completion of each day's hunt. Permit will be held while hunters hunt.
	Access permitted from Farm Road only. No access permitted from Mississippi River, McKellar Lake, or from the Causeway.

Rankin

No blinds or decoys left overnight. Shotguns only for small game hunting.

Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel Turkey, Waterfowl, Woodcock	Same as statewide seasons. Waterfowl hunting allowed during deer season. Small game hunters (except waterfowl) must wear fluorescent hunter orange during big game hunts.
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Reelfoot

Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Opossum, Raccoon	Sept. 15-Dec. 31. No bag limit.
Deer (Archery)	Three hunts. Sept. 28-Nov. 1, Nov. 4-19, Nov. 27-Jan. 5. No hunter quota. Three deer, either sex. Small game hunting open during archery hunts.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 2-3.
Deer (Gun-Archery)	One 4-day hunt. Nov. 23-26. No hunter quota. One deer, buck only.
Waterfowl	Same as waterfowl zone seasons. Waterfowl hunting closed at 3:00 p.m. (CST) except for last day of each segment of the late duck and the remaining Reelfoot goose seasons when hunting shall cease at sunset.
Waterfowl (Wheelchair-bound only blind sites)	Application must be received by the TWRA Region I Office by noon on the fourth Friday in October. Persons holding a permit for another blind are not eligible to compete in the wheelchair-bound blind drawing. If blind is not occupied by shooting time, another wheelchair-bound hunter and 1 to 3 assistants (at least one assistant must be age 16 or older) may occupy the blind for that day. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone.

Royal Blue

All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.

No person shall remove minerals, including coal, trees, plants (including vines), or building stone from the area without specific authorization.

Camping is allowed on the entire area.

ORV, horseback riding, bicycles, and all other vehicles are restricted to roads marked "open to vehicular traffic".

Ginseng season – Same as statewide.

Night time use by the general public and raccoon hunters is permitted area-wide.

Organized competition events for motorized/non-motorized vehicles prohibited.

Maximum noise limit of 86 dBA for all motorized vehicles, as measured 50 feet from the exhaust.

Reckless operation of motorized and non-motorized vehicles prohibited-reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property or developments. Speed limit is 25 mph.

Hunting Seasons:

Grouse, Opossum, Rabbit, Raccoon,
Snipe, Squirrel, Waterfowl, Woodcock

Same as statewide except hunting season closed March 1 to Aug. 23, except for turkey hunts and spring squirrel season.

Deer

Same as statewide seasons.

Dog Training

Sept. 1- Mar. 1.

Shelby Forest

Special Squirrel Hunt (Young Sportsman)

Aug. 17.

Dove, Opossum, Quail, Rabbit, Raccoon,
Snipe, Squirrel, Woodcock

Open Mondays, Wednesdays, and Saturdays within statewide seasons, except no spring squirrel season. Small game hunting allowed during deer seasons. Small game hunters must wear legal hunter orange during deer gun hunts. Raccoon and opossum open Mondays, Wednesdays and Saturdays sunset to sunrise.

Dog Training

Open Monday, Wednesday, and Saturday, Sept. 1- Mar. 15.

Field Trials

Sept. 1- Apr. 30.

Deer

Open Monday, Wednesday and Saturday during statewide seasons. Successful hunters must check out at nearest county checking station. Statewide bag limits apply. Counts towards Unit A bag limit. Closed to special season antlerless hunts.

Waterfowl

Open Monday, Wednesday and Saturday within the statewide duck season and the last seven days of the statewide duck season, except Sunday. Waterfowl hunting allowed during all deer hunts. No permanent blinds. No decoys left overnight.

Beaver

Open during any hunt date.

Arms and Ammunition

Shotgun, muzzleloader, and archery equipment only.

Tellico Lake

Field Trial Permit Required.

Deer, Dove, Grouse, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Waterfowl,
Woodcock

All areas except Chota,
Niles Ferry, and McGhee-Carson Units
are the same as statewide seasons. No blinds or decoys left
overnight.

McGhee-Carson Unit - (that peninsula of Ft. Loudoun Historic Park at LTRM 21.0)

Rabbit, Squirrel (Young Sportsman/Adult)
(Shotguns and Archery only)

Each Saturday and Sunday during the
statewide season, except closed during scheduled field trials,
and big game hunts. Adults who accompany a young sports-
man may hunt.

Field Trials- Retriever

Year-round in designated areas only. Trials must be sched-
uled with Area Manager and special field trial permit must be
obtained from the Region IV Office at least 30 days prior to
trial dates.

Dog Training

Year-round, except closed during field trials and big game
hunts.

Horses

Horses permitted, except in freshly planted and standing
crops and special areas as posted.

Deer (Shotgun only)(Young Sportsman)

One 1-day hunt. Nov. 9. Hunter quota 35. One deer, either
sex.

Deer (Shotgun-Archery)
(Wheelchair-bound Only)

One 2-day hunt. Nov. 23-24. One deer,
either sex.

Chota Refuge Unit –(that portion from LTRM 26.0 upstream to the Hiwassee – Alcoa
Powerline at LTRM 29.7)

Deer, Dove, Grouse, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Waterfowl,
Woodcock

Same as statewide except all seasons
closed Nov. 1- Feb. 14. Dove hunting
allowed in fields as posted; non-toxic shot required.

Dog Training

Sept. 1- Mar. 15, except closed Nov. 1-Feb. 14.

Field Trials

Feb. 15-Oct. 31. Trials must be scheduled with Area Manager
and special field trial permit must be obtained from the Region
IV Office at least 30 days prior to trial dates.

Niles Ferry Unit (that portion of the Niles Ferry Industrial Park at LTRM 18.0 as posted).

Dove

In fields as posted.

Deer (Shotgun-Muzzleloader) (Young Sportsman)	Four 1-day hunts. Nov. 9, 10, 16, 17. Hunter quota 35. One deer, either sex. Access by Industrial Rd. only. Sign up for drawing will be held at the Tellico Lake WMA Office between 9:00 a.m. and 11:00 a.m. on Oct. 5. Youth must be present at sign up and drawing.
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Small game (Falconry Only)	Jan. 1-Feb. 28.
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Wears Bend Unit (That portion of Tellico Reservoir Development Agency Industrial Park at LTRM 18.)

Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
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Horses	Horses permitted, except in freshly planted and standing crops and special areas as posted.
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Whites Mill Refuge

Closed to all forms of public use, including all forms of trespass, from Nov. 1-Feb. 15, except as otherwise indicated. Horseback riding prohibited.

Dog Training	Feb. 15-28.
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Bullfrog	July 1-Aug. 31, gigs only.
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Williamsport

Open 1 hour before sunrise until 1 hour after sunset on hunt days.

Quail, Rabbit, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
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Dove	Same as statewide season, except during the first segment which is open the first day and Saturday only. Designated fields only.
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Deer (Archery)	Two 3-day hunts. Sept. 28-30, Oct. 4-6. No hunter quota. One deer, either sex. Deer counts toward statewide bag.
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Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex.
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Deer (Gun-Archery)	One 2-day hunt. Oct. 19-20. Hunter quota 100. One deer, either sex.
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Deer (Muzzleloader-Archery)	One 3-day hunt. Nov. 8-10. Hunter quota 100. One deer, either sex.
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Deer (Gun-Archery) One 3-day hunt. Oct. 25-27. Hunter quota 100. One deer, buck only.

Dog Training (Daylight hours only) Sept. 1-Mar. 15.

Wolf River

Crow, Dove, Furbearers, Squirrel, Waterfowl Same as statewide seasons, except waterfowl hunting will close at 3:00 p.m. each day of the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Quail Opens Nov. 10 and each Tuesday, Thursday, and Sunday through the last day of December.

Woodcock Oct. 26-Nov. 8, and each Tuesday, Thursday, and Sunday thereafter during the statewide season, except closed during deer gun hunts.

Rabbit Opens Nov. 9 and each Monday, Wednesday, Friday, and Saturday thereafter through the last day of January.

Deer Same as statewide seasons except closed Nov. 9-10. Archery only during the first segment of Unit A gun-archery season. Fluorescent orange must be worn during this segment by archers. All deer hunting closes at the conclusion of the first segment of the Unit A gun-archery deer season.

Deer (Gun-Archery)(Young Sportsman) One 2-day hunt. Oct. 12-13. No hunter quota. One deer, either sex. Archery season closed during this hunt.

Dog Training Sept. 1- Mar. 15, except closed during deer gun hunts.

Field Trials By permit from Area Manager.

Yanahli

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock, Waterfowl Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Deer Same as statewide seasons, except all deer hunting closes after Dec. 20.

Dog Training Sept. 1- Mar. 15.

Yuchi Refuge at Smith Bend

Nontoxic shot only in wetland zones. No boat access. No ATV, ORV, or horse-back riding permitted. Small game hunting closes at sunset the day before and during scheduled big game hunts.

Dove	Sept. 2. Young Sportsman only. Bag limit 10 per day. Noon till sunset only. Sept. 7-25. Noon till sunset only. Bag limit 10 per day.
Squirrel	Aug. 24-Dec. 31. Upland Zone only after Nov. 14. Bag limit 5 per day.
Opossum, Raccoon	Wednesdays and Thursdays only from Sept. 18-Nov. 13, sunset to sunrise. All dogs need to be removed from the area prior to sunrise on Friday. Bag limit on raccoons, one per party per night. No limit on opossums.
Rabbit	Nov. 9-Jan. 31. Upland Zone only after Nov. 14. Bag limit 3 per day.
Dog Training	Sept. 1-Mar. 15 in Upland Zone. Sept. 1-Nov. 14 and Mar. 1-15 in Wetland Zone. Daylight hours only. No fox or coyote chasing.
Retriever Field Trials	Pre-approved by area manager at least 30 days in advance of trial dates.
Waterfowl	Same as statewide early duck season.
Deer (Gun-archery)(Young Sportsman)	Two 2-day hunts. Sept. 28-29, Nov. 2-3. Hunter quota 75 each hunt. Two deer, only one antlered.
Deer (Archery)	Two 2-day hunts. Oct. 5-6, 19-20. Hunter quota 100 each hunt. One deer, either sex.
Deer (Muzzleloader)	One 2-day hunt. Oct. 26-27. Hunter quota 50. One deer, buck only.
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 9-10. Hunter quota 50. One deer, buck only.
Deer (Wheelchair Bound Only)	One 2-day hunt. Nov. 16-17. No hunter quota. One deer, either sex. Upland Zone only.
Arms and Ammunition	Nontoxic shot only in Wetland Zone.
Closure	Wetland Zone closed to all forms of public use, including all forms of trespass from Nov. 15 through the last day of Feb.

The following wildlife management areas are open to trapping as set out in the statewide Season, unless otherwise indicated: (Small Game WMA permit is required to trap on all areas that require a small game hunt permit.)

Note: Red Fox may be taken during Statewide Trapping Season

AEDC	C.M. Gooch (3)	Obion River
Alpine Mountain	Cold Creek	Old Hickory
Anderson Tully	Cordell Hull	Pea Ridge
Bark Camp Barrens	Cove Creek	Percy Priest (Unit II)
Barkley Unit I	Doe Mountain	Pickett
Barkley Unit II	Duck River	Prentice Cooper (7)
Big Sandy	Ernest Rice, Sr.	Rankin
Bridgestone/Firestone (7)	Foothills	Reelfoot (15)
Buffalo Springs	Harmon Creek	Royal Blue (11)
Camden Unit I (1)	Haynes Bottom (1)	Shelby Forest (10)
Camden Unit II	Laurel Hill (5)	Standing Stone (4)
Catoosa (6)	LBL	Tigrett
Cedar Hill Swamp	Lick Creek	Tumbleweed
Cheatham (5)	Lick Creek Bottoms	Watts Bar (9)
Cheatham Lake	Moss Island	West Sandy
Cherokee-North Unit	Mt. Roosevelt	White Oak
Cherokee-South Unit (12)	MTSU	Wolf River
Chickamauga (8)	Natchez Trace (2)	
Chickasaw	New Hope	
Chuck Swan (13)	Normandy	

1. No trapping during duck season.
2. Dec. 7-Feb. 6. All areas open except Pin Oak Lake.
3. No trapping during the duck season in Units "A" and "E".
4. No Fox Trapping.
5. Jan. 7- Feb. 7.
6. Dec. 10- Dec. 25.
7. Dec. 19-31.
8. No trapping during the duck season on Candies Creek, Johnson Bottoms, Rogers Creek, and Yellow Creek Units.
9. No trapping during the duck season on the Long Island Unit.
10. Beaver trapping by special permit only. Trapping of all other species prohibited.
11. Beaver trapping prohibited.
12. Jan. 1-Feb. 15.
13. No raccoons. Jan. 11- Feb. 3. Quota 1 party per compartment. Trappers must apply at WMA office. No snares or conibear traps. Trappers must report catch annually.
14. Trapping season is fourteen consecutive days beginning the second Monday in January. LBL Hunt Areas 12 and 14 and designated problem areas as assigned. All species to conform with statewide regulations. Trappers must report their harvest in accordance to LBL instructions. Beaver trapping in Feb. 1-28. All areas open except areas shaded in gray on LBL legal Road Map or posted as no hunting. Legal Traps: According to statewide regulation.
15. A Reelfoot Preservation Permit is required instead of a Small Game WMA permit.

SECTION III. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 01-9, dated May 24, 2001.

Proclamation No. 02-8 received and recorded this 6th day of June, 2002. (06-07)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 02-9
ESTABLISHING YANAHLI WILDLIFE MANAGEMENT AREA**

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, and Section 70-5-101 thereof, the Tennessee Wildlife Resources Commission hereby proclaims the following area to be known as Yanahli Wildlife Management Area.


Those lands and waters in Maury County owned by the State of Tennessee as registered in Book R1558 pages 237-322 of record in the Register's Office of Maury County, Tennessee. A more complete description of said property may be found on file in the Tennessee Wildlife Resources Agency office, Nashville, Tennessee.

Proclamation No. 02-9 received and recorded this 11th day of June, 2002. (02-9)



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 June 3, 2002 and ending June 28, 2002.



RILEY C. DARNELL
Secretary of State

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