

TAAAR



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RILEY C. DARNELL
Secretary of State

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PREFACE

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

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

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

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

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

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

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

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

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pg. iv

TABLE OF CONTENTS

ANNOUNCEMENTS

Financial Institutions, Department of
Announcement of Formula Rate of Interest 1
Announcement of Maximum Effective Rate of Interest 1
Government Operations Committees
Announcement of Public Hearings 1
Health Services and Development Agency
Notice of Beginning of Review Cycle 4

EMERGENCY RULES

Emergency Rules Now in Effect 9

PROPOSED RULES

Education, Board of 11
University of Tennessee 17

PUBLIC NECESSITY RULES

Public Necessity Rules Now in Effect 19

RULEMAKING HEARINGS

Commerce and Insurance, Department of 21
Finance and Administration, Department of 24
Health, Department of 26
Human Services, Department of 28
Opticians, Dispensing, Board of 41
Wildlife Resources Commission 42

WILDLIFE PROCLAMATIONS

04-01 49
04-02 50

CERTIFICATION 51

CHANGE OF ADDRESS FORM 53

blank

pg. vi

ANNOUNCEMENTS

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 8.00%.

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.

Kevin P. Lavender

THE DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180

ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of March 2004 is 9.03 percent 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 calculated rate is 5.03 percent.

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.

Kevin P. Lavender

GOVERNMENT OPERATIONS COMMITTEES

ANNOUNCEMENT OF PUBLIC HEARINGS

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the month of January 2004. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-01	Jan 5, 2004	1180 Psychology	Rulemaking Hearing Rules	Amendment	Chapter 1180-3 Rules Governing Psychological Examiners and Senior Psychological Examiners 1180-3-.01 Scope of Practice	Nicole Armstrong Health OGC 26th Fl TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	March 20, 2004
01-02	Jan 5, 2004	0800 Medical Examiners	Rulemaking Hearing Rules	Amendment	Chapter 0880-12 General Rules and Regulations Governing the Practice of Acupuncturists 0880-12-.06 Fees	Robert J. Kraemer, Jr Health OGC 26th Fl TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	March 20, 2004
01-03	Jan 6, 2004	1730 Veterinary Medical Examiners	Rulemaking Hearing Rules	Amendment	Chapter 1730-2 General Rules Governing Veterinary Facilities 1730-2-.06 Fees	Nicole Armstrong Health OGC 26th Fl TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	March 21, 2004
01-04	Jan 9, 2004	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	New Rules	Chapter 1660-1-16 Rules And Regulations Governing Wildlife Capture, Transport And Release Permit 1660-1-16-.01 Purpose 1660-1-16-.04 Restrictions 1660-1-16-.02 Definitions 1660-1-16-.05 Suspension or Revocation 1660-1-16-.03 Permit	Sheryl Holtam TWRA P.O. Box 40747 Nashville TN 37204 (615) 781-6606	March 24, 2004
01-05	Jan 21, 2004	1720 University of Tennessee at Martin	Proposed Rules	Amendments	Chapter 1720-5-6 Traffic and Parking Regulations 1720-5-6-.01 Registration Of Vehicles 1720-5-6-.05 (No Title)	Ronald C. Leadbetter University of Tennessee General Counsel 719 Andy Holt Twr Knoxville, TN 37996-0170 865-974-3247	May 28, 2004
01-12	Jan 26, 2004	0520 Education	Proposed Rule	Amendment	Chapter 0520-2-4 Licensure 0520-2-4-.01 General Information and Regulations	Bill Wilson Board of Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville TN 37243-1050 (615) 253-5707	May 28, 2004

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
01-13	Jan 26, 2004	0520 Education	Proposed Rule	Amendment	Chapter 0520-2-4 Licensure 0520-2-4-.05 The Praxis Series: Professional Assessments for Beginning Teachers	Bill Wilson Board of Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville TN 37243-1050 (615) 253-5707	May 28, 2004
01-14	Jan 26, 2004	0520 Education	Proposed Rule	Amendment	Chapter 0520-2-4 Licensure 0520-2-4-.14 Renewal of Teacher Licenses	Bill Wilson Board of Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville TN 37243-1050 (615) 253-5707	May 28, 2004

HEALTH SERVICES AND DEVELOPMENT AGENCY - 0720**NOTICE OF BEGINNING OF REVIEW CYCLE**

Applications will be heard at the **March 24, 2004** Health Services and Development Agency Meeting (except as otherwise noted)

*Denotes applications being placed on the Consent Calendar.

+Denotes applications under simultaneous review.

This is to provide official notification that the Certificate of Need applications listed below have begun the review cycle effective January 1, 2004. The review cycle includes a 60 day period of review by the Tennessee Department of Health or the Department of Mental Health and Developmental Disabilities. Upon written request by interested parties the staff of The Health Services and Development Agency shall conduct a public hearing. *Certain unopposed applications may be placed on a "consent calendar." Such applications are subject to a review less than 60 days including a 30-day period of review by the Department of Health or Department of Mental Health and Developmental Disabilities. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk.*

Pursuant to T.C.A., Section 68-11-1609(g)(1) effective May 2002, any health care institution wishing to oppose a Certificate of Need must file a written objection with the Health Services and Development Agency and serve a copy on the contact person no later than fifteen (15) days before the agency meeting at which the application is originally scheduled.

For more information concerning each application you may contact the Health Services and Development Agency (615/741-2364).

*The following application has been placed on the CONSENT CALENDAR to be heard at the February 25, 2004 HSDA Meeting

NAME AND ADDRESSDESCRIPTION

*Fentress Health Systems, LLC
220 West Central Avenue
Jamestown (Fentress), TN 38556
CN0312-122
Contact Person: Jerry W. Taylor, Esq.
Phone No.: 615-726-1200

The relocation of an outpatient diagnostic center (ODC), previously approved by Certificate of Need No. CN0112-092A, from 220 West Central Avenue to 208 West Central Avenue, Jamestown, Tennessee. No health services will be initiated, discontinued or changed other than those diagnostic services, including MRI services, that were approved in CN0112-092A. No licensure is required for this facility.
\$ 875,000.00

NAME AND ADDRESSDESCRIPTION

Appalachian Orthopaedic Associates, P.C.
3 Professional Park, Suite 21
Johnson City (Washington), TN 37604
CN0307-056
Contact Person: Mike Clang, Practice Admtr.
Phone No.: 423-239-1530

The acquisition of an extremity magnetic resonance imaging (MRI) unit and of initiation of MRI services limited to the Appalachian Orthopaedic Associates' practice. The MRI will be a leased unit providing full-time services at a fixed site.
\$ 601,820.00

NAME AND ADDRESSDESCRIPTION

Appalachian Orthopaedic Associates, P.C.
 120 W. Ravine
 Kingsport (Sullivan), TN 37660
 CN0308-067
 Contact Person: Mike Clang, Practice Admtr.
 Phone No.: 423-239-1530

The acquisition of an extremity magnetic resonance imaging (MRI) unit and of initiation of MRI services limited to the Appalachian Orthopaedic Associates' practice. The MRI will be a leased unit providing full-time services at a fixed site.
 \$ 597,388.00

Appalachian Orthopaedic Associates, P.C.
 1 Medical Park Blvd., Suite 300E
 Bristol (Sullivan), TN 37620
 CN0308-068
 Contact Person: Mike Clang, Practice Admtr.
 Phone No.: 423-239-1530

The acquisition of an extremity magnetic resonance imaging (MRI) unit and of initiation of MRI services limited to the Appalachian Orthopaedic Associates' practice. The MRI will be a leased unit providing full-time services at a fixed site.
 \$ 597,388.00

Cardiac Diagnostic Center
 481 Interstate Drive
 Manchester (Coffee), TN 37355
 CN0312-106
 Contact Person: E. Graham Baker, Jr., Esq.
 Phone No.: 615-383-3332

The establishment of a free-standing outpatient diagnostic center limited to cardiac catheterization procedures and the initiation of outpatient diagnostic cardiac and peripheral catheterization services on the campus of the Medical Center of Manchester.
 \$ 2,790,048.00

St. Mary's Health System, Inc.
 3916 Boyd's Bridge Pike,
 Knoxville, TN Knoxville (Knox), TN 37914
 CN0312-108
 Contact Person: David Lewis, Legal Counsel
 Phone No.: 865-545-7547

The addition of nine (9) residential hospice beds to the existing licensed eighteen (18) bed St. Mary's Health System, Inc. hospice facility. The existing eighteen (18) bed facility is located at 7447 Andersonville Pike, Knoxville, Tennessee. This application proposes to add nine (9) beds off-site to be located on a designated wing of St. Mary's Holston Health and Rehabilitation Center at 3916 Body's Bridge Pike, Knoxville, Tennessee 37914. The existing service area will not change and consists of the following counties,: Anderson, Blount, Campbell, Claiborne, Grainger, Hamblen, Jefferson, Knox, Loudon, Morgan, Roane, Scott, Sevier and Union.
 \$ 41,020.00

Vanderbilt University Hospital
 1121 22nd Avenue South,
 Nashville, TN
 Nashville (Davidson), TN 37232
 CN0312-109
 Contact Person: Ronald W. Hill
 Phone No.: 615-936-6012

The acquisition of a magnetic resonance imaging (MRI) 1.5 Tesla unit and the initiation of MRI services. The Cardiac MRI will be located in 3,139 square feet of renovated first floor space at the Vanderbilt Clinic.
 \$ 3,812,229.00

NAME AND ADDRESSDESCRIPTION

The Center for Day Surgery
 1821 North Washington Street
 Tullahoma (Coffee), TN 37388
 CN0312-110
 Contact Person: John Wellborn, Consultant
 Phone No.: 615-665-2022

The change of an existing one (1) operating room ambulatory surgical treatment center (ASTC) to an unrestricted multi-specialty license. The ASTC currently is licensed and restricted to the following three surgical specialties: ophthalmology, plastic surgery, and ENT. The surgical capacity will remain the same.
 \$ 70,000.00

Hamilton Eye Institute Surgery Center L.P.
 930 Madison Avenue, Third Floor
 Memphis (Shelby), TN 38103
 CN0312-111
 Contact Person: Jane Lucchesi, Director, Service Line and Business Development
 Phone No.: 901-516-0679

The establishment of an ambulatory surgical treatment center (ASTC) to be limited to specialized outpatient eye surgery procedures. The ASTC will be located in leased space that will require renovations and modifications. The project does not involve hospital beds or major medical equipment.
 \$ 3,651,004.00

Methodist Healthcare – North Hospital
 3960 New Covington Pike
 Memphis (Shelby), TN 38128
 CN0312-112
 Contact Person: Jane Lucchesi, Director, Service Line and Business Development
 Phone No.: 901-516-0679

The addition of 26 acute care beds which will increase the bed complement from 234 beds to 260 beds. To support the increase in beds, approximately 20,000 square feet will be constructed and renovated (16,000 new/4,000 existing). Methodist Healthcare operates UT Bowld Hospital and will delicense 162 beds and close the facility upon completion of this project and Methodist Healthcare-University Hospital, CN0312-114. This will result in the subsequent reduction of 136 beds in the Memphis area. Methodist Healthcare has 1,526 beds located on 5 separate sites. There is no major medical equipment involved and no new services will be initiated or existing services discontinued.
 \$ 2,960,662.00

Methodist Healthcare – Germantown Hospital
 7945 Wolf River Boulevard
 Germantown (Shelby), TN
 CN0312-113
 Contact Person: Jane Lucchesi, Director, Service Line and Business Development
 Phone No.: 901-516-0679

The establishment of a satellite breast outpatient diagnostic center (ODC), the acquisition of dedicated breast magnetic resonance imaging (MRI) equipment and the initiation of breast MRI services to include screening and diagnostic mammograms, breast ultrasounds, stereotactic breast biopsies and various other diagnostic procedures. The project does not involve hospital beds.
 \$ 8,294,273.00

NAME AND ADDRESSDESCRIPTION

Methodist Healthcare – University Hospital
 1265 Union Avenue
 Memphis (Shelby), TN 38104
 CN0312-114
 Contact Person: Jane Lucchesi, Director, Service Line
 and Business Development
 Phone No.: 901-516-0679

The discontinuance of OB services. The twenty-four (24) OB beds and forty (40) NICU beds will be converted to sixty-four (64) medical-surgical beds. Renovation of the existing facility is planned to prepare the facility to provide solid organ transplant services currently being performed at UT Bowld Hospital. Methodist Healthcare operates UT Bowld Hospital and will delicense 162 beds and close the facility upon completion of this project and Methodist Healthcare-North Hospital, CN0312-112. Methodist Healthcare has 1,526 beds located on five (5) separate sites. There is no major medical equipment involved, no other new services will be initiated or existing services discontinued and the total licensed bed capacity at this site will not be affected.
 \$ 13,951,391.00

Le Bonheur Children's Medical Center
 50 North Dunlap Street
 Memphis (Shelby), TN 38104
 CN0312-115
 Contact Person: Jane Lucchesi, Director, Service Line
 and Business Development
 Phone No.: 901-516-0679

The establishment of a fifteen (15)-bed special Neonatal Intensive Care Unit (NICU) to treat neonates with cardiovascular, surgical, and complex multi-disciplinary needs. The proposed project will convert fifteen (15) pediatric acute care beds to special NICU beds. The project will include renovation of existing space within the hospital. The total licensed bed complement of the hospital will remain the same. LeBonheur Children's Medical Center is operated under the license of Methodist Healthcare. The 225 beds at this site are included in Methodist Healthcare's 1,526 beds.
 \$ 2,926,769.00

Jackson-Madison County General Hospital
 708 West Forest Avenue
 Jackson (Madison), TN 38301
 CN0312-117
 Contact Person: Victoria Lake, Director of Business Development
 Phone No.: 731-660-8735

The acquisition of a magnetic resonance imaging 3.0 Tesla unit in Jackson-Madison County General Hospital located at 708 West Forest Avenue, Jackson (Madison County), TN. The MRI will be located in 1,300 square feet of renovated space on the first floor of the hospital. The project does not involve any changes to the hospital bed complement.
 \$ 3,679,993.00

Amedisys Tennessee, LLC d/b/a
 Amedisys Home Health (Winchester)
 107 North Porter Street, Suites 3 & 4
 Winchester (Franklin), TN 37398
 CN0312-119
 Contact Person: Newell D. Yarborough
 Phone No.: 912-925-5896

The addition of DeKalb County to the applicant's licensed service area of the following counties: Bedford, Marion, Cannon, Marshall, Coffee, Moore, Franklin, Rutherford, Giles, Sequatchie, Grundy, Van Buren, Hamilton, Warren & Lincoln. The applicant intends to serve DeKalb County from its McMinnville branch office.
 \$ 28,000.00

NAME AND ADDRESSDESCRIPTION

StoneCrest Medical Center
 300 StoneCrest Boulevard, Suite 170
 Smyrna (Rutherford), TN 37167
 CN0312-120
 Contact Person: John Wellborn, Consultant
 Phone No.: 615-665-2022

The acquisition of a linear accelerator and the initiation of radiation therapy (linear accelerator) services. The proposed radiation therapy services will be located in 8,938 square feet of leased space in a medical office building currently under construction on the hospital campus. The radiation therapy services will be operated as a hospital service, under the hospital's license.
 \$ 5,535,664.00

Cleveland Open MRI, LLC
 201 Keith Street, S.W.
 Cleveland (Bradley), TN 37311
 CN0312-121
 Contact Person: Jerry W. Taylor, Esq.
 Phone No.: 615-726-1200

The establishment of an outpatient diagnostic center (ODC), and the initiation of magnetic resonance imaging (MRI) services. Major medical equipment to be acquired is an open MRI unit. No inpatient beds are involved in this project and licensure is not required for this facility.
 \$ 1,721,985.00

Regional Hospital of Jackson
 367 Hospital Boulevard
 Jackson (Madison), TN 38305
 CN0312-123
 Contact Person: William H. West, Esq.
 Phone No.: 615-726-5600

The initiation of open heart surgery services.
 \$ 1,486,000

UT Cancer Institute (UTCI)
 2996 Kate Bond Boulevard, Suite 100,
 Bartlett, TN Bartlett (Shelby), TN 38133
 CN0312-124
 Contact Person: Claire F. Miley, Esq.
 Phone No.: 615-742-7847

The establishment of an ambulatory surgical treatment center (ASTC) limited to radiation therapy services and the acquisition of a linear accelerator. The ASTC will be located in leased space within a medical office building currently under construction on the campus of St. Frances-Bartlett Hospital in Bartlett, Tennessee. No other health care services will be initiated or discontinued as a result of this project. No inpatient beds are involved in this project.
 \$ 8,991,469.00

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

- 0940 - Department of Mental Health and Health Developmental Disabilities - Office of Licensure - Emergency licensure rules covering personal support services agencies, chapter 0940-5-36 Personal Support Services, 1 T.A.R. (January 2004) - Filed December 9, 2003; effective through May 22, 2004. (12-12)
- 1660 - Wildlife Resources Commission - Emergency rules regarding waterway zoning on Ft. Loudoun Lake, chapter 1660-2-7 Rules and Regulations Governing Operations of Vessels, 10 T.A.R. (October 2003) - Filed September 4, 2003; effective through February 16, 2003. (09-07)

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pg. 10

PROPOSED RULES

THE STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-2-4 LICENSURE

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

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

The text of the proposed amendment is as follows:

AMENDMENT

Paragraph (11) of Rule 0520-2-4-.01 General Information and Regulations is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (11) Licensure for Exchange Teachers.
 - (a) Purpose. The international exchange teacher license is a professional, time-limited license designed to allow eligible teachers from other nations to teach in Tennessee schools for up to three consecutive years. The license is not renewable after the third year. The intent of this license is to provide a three-year cultural exchange opportunity for Tennessee students and international teachers. If the teacher wishes to remain beyond the third year, the teacher must satisfy all requirements for regular teacher license.
 - (b) International Teacher Exchange License
 - 1. To qualify for the international teacher exchange license, an applicant shall meet the following requirements:
 - (i) Hold primary citizenship outside the United States;

- (ii) Hold the U.S. equivalent of a bachelor's degree or higher;
 - (iii) Hold a foreign teacher credential in a field comparable to that recognized in Tennessee;
 - (iv) Demonstrate proficiency in English;
 - (v) Provide verification from a Tennessee director of schools of intent to employ; and
 - (vi) Provide a recommendation by the government of a country with whom the Department of Education has signed a memorandum of agreement or by a recognized international exchange program.
2. **Mentoring Requirements.** The employing school shall establish a mentoring system providing international exchange teachers with: an orientation to the school; guidance in the basic principles of curriculum, instruction, and classroom management; appropriate resources; and on-going induction support as the teacher adjusts to professional expectations and the school situation.
3. **Local Evaluation.** The employing school shall annually evaluate the teacher using a method approved by the state board of education. Continued employment under the license shall be contingent on the teacher's successful evaluation.
4. **Validity Period.** The international teacher exchange license is valid for three years and is non-renewable. The validity period begins on the date all application requirements for the license are met or July 1, whichever is more recent, and expires on June 30, three years later. If the applicant is employed between January 1 and June 30, the validity period begins on the first day of the month of employment and expires June 30, three years later.

Authority: T.C.A. §49-1-302.

(01-12)

AMENDMENT

Paragraph (5) of Rule 0520-2-4-.05 The Praxis Series: Professional Assessments for Beginning Teachers is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (5) The examinations and corresponding required scores are as follows:

Tennessee Educator Licensure Examinations

Test Code	Endorsement Area	Test Title	Minimum Qualifying Score	Effective Date Sept. 1
0522	All Areas (See Note)	Principles of Learning and Teaching, K-6 or	155	1998
0523		Principles of Learning and Teaching, 5-9 or	154	1999
0524		Principles of Learning and Teaching, 7-12	159	1998
1010	Administrator	School Leader Licensure Assessment	156	2001
0700	Agricultural Education	Agriculture	530	1998
0133	Art	Art: Content Knowledge	150	1998
0132	Art	Choice of Art: Content, Traditions, Criticism & Aesthetics or	140	2001
0131	Art	Art: Art Making	155	2001
0235	Biology	Biology: Content Knowledge	148	2002
0233	Biology	Choice of Biology Content Essays or	146	1999
0433	Biology	General Science Content Essays	130	1999
0100	Business/Accounting	Business Education	570	1996
0245	Chemistry	Chemistry: Content Knowledge	152	2002
0431	Chemistry	General Science: Content Knowledge, Part 1	138	1995
0020	Early Childhood Education	Early Childhood Education	570	1996
0014		Elementary Education: Content Knowledge	140	2003
0201		Reading Across the Curriculum: Elementary	153	2004
0571	Earth Science	Earth Science: Content Knowledge	146	2002
0431	Earth Science	General Science: Content Knowledge, Part 1	138	1998
0910	Economics	Economics	530	2002
0011	Elementary Education K-8	Elementary Education: Curriculum, Instruction, and Assessment	159	1998
0014	Elementary Education K-8	Elementary Education: Content Knowledge or	140	2003
0146	Elementary Education K-8	Middle School: Content Knowledge	150	2001
0201		Reading Across the Curriculum: Elementary	153	2004
0041	English	Language, Literature, Composition: Content Knowledge	157	1995
0043	English	Language, Literature, Comp.: Pedagogy	145	1999
0360	English as a Second Language	Teaching English as a Second Language	530	1999
0120	Family & Consumer Science	Family and Consumer Science	580	1996
0920	Geography	Geography	520	1996
0930	Government	Government/Political Science	560	1996
0550	Health	Health Education	570	1997
0940	History	World and U.S. History	490	2002
	Languages:			
0173	French	French: Content Knowledge	160	1998
0171	French	French: Productive Language Skills	165	2001
0181	German	German: Content Knowledge	139	1998
0600	Latin	Latin	540	1996
0191	Spanish	Spanish: Content Knowledge	152	1995
0192	Spanish	Spanish: Productive Language Skills	154	1999
0310	Librarian	Library Media Specialist	600	2000
0560	Marketing	Marketing Education	640	1999

Tennessee Educator Licensure Examinations

Test Code	Endorsement Area	Test Title	Minimum Qualifying Score	Effective Date Sept. 1
0522	All Areas (See Note)	Principles of Learning and Teaching, K-6 or	155	1998
0523		Principles of Learning and Teaching, 5-9 or	154	1999
0524		Principles of Learning and Teaching, 7-12	159	1998
1010	Administrator	School Leader Licensure Assessment	156	2001
0061	Mathematics	Mathematics: Content Knowledge	136	1995
0065	Mathematics	Mathematics: Pedagogy	125	1999
0146	Middle Grades 5-8	Middle School: Content Knowledge	150	2000
0201	Middle Grades 5-8	Reading Across the Curriculum Elementary	153	2004
0113	Music	Music: Content Knowledge	150	1998
0111	Music	Music: Concepts and Processes	145	2001
0091	Physical Education	Physical Education: Content Knowledge	152	1995
0092	Physical Education	Physical Education: Movement Forms - Analysis & Design	148	1999
0265	Physics	Physics: Content Knowledge	144	2002
0262	Physics	Choice of Physics: Content Essays or	135	1999
0433	Physics	General Science Content Essays	130	1999
0390	Psychology	Psychology	560	1997
0420	School Counselor	School Guidance and Counseling	580	1996
0400	School Psychologist	School Psychologist	590	1998
0950	Sociology	Sociology	540	1996
0353	Special Education: All Special Education Areas (See Note)	Education of Exceptional Children: Core Content Knowledge	NM	2003
0201	All Special Education Areas (See Note)	Reading Across the Curriculum Elementary	149	2005
0542	Modified	Education of Exceptional Students: Mild to Moderate Disabilities	NM	2004
0271	Hearing	Special Education: Education of Deaf and Hard of Hearing Students	163	2001
0690	Preschool/Early Childhood	Special Education: Preschool/Early Childhood	560	2004
0330	Speech/Language	Speech-Language Pathology	600	2000
0280	Vision	Special Education: Teaching Students with Visual Impairments	700	2001
0220	Speech	Speech Communications	570	1998
0050	Technology Education	Technology Education	580	1996
0640	Theatre	Theatre	610	1997

- Note: "NM" means score submission required without minimum score established.
- Note: Candidates seeking licensure in early childhood education, PreK-3, or early childhood special education PreK-1 will take Principles of Learning and Teaching (PLT) K-6. Candidates seeking licensure in elementary education, K-8, may choose either PLT K-6 or PLT 5-9. Candidates seeking licensure in middle grades 5-8 will take PLT 5-9. Candidates seeking licensure in secondary education areas will take PLT 7-12. Candidates seeking licensure in K-12, or preK-12 areas may choose PLT K-6, PLT 5-9, or PLT 7-12.
- Note: Two tests, (1) The Education of Exceptional Students: Core Content Knowledge, and (2) Reading Across Curriculum: Elementary, apply to the following special education areas: modified program, comprehensive program, hearing, vision and preschool/early childhood.
- Note: Candidates in elementary education, K-8, may choose either Elementary School Content Knowledge or Middle School Content Knowledge.
- Note: Candidates in biology and physics may choose either the general science content essay or the subject area (biology or physics) content essays. Candidates seeking an additional endorsement in biology, chemistry, earth science, or physics will be required to take only the content knowledge exam for endorsement in the additional science area.
- Note: Some of these tests may be used for purposes of meeting the "highly qualified" status required by federal legislation. Applicable tests are included in the state plan.

Authority: T.C.A. §§49-1-302 and 49-5-5605.

AMENDMENTS

Paragraph (1) of Rule 0520-2-4-.14 Renewal of Teacher Licenses is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (1) Professional License.
 - (a) A professional license issued on a bachelor's degree is renewable upon verification of completion of 90 renewal points within the ten-year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.
 - (b) A professional license issued on a master's degree or above is renewable upon the presentation of evidence of five years experience within the ten-year period prior to the date of renewal of the license. In the absence of five years of experience, the license is renewal upon verification of completion of 90 renewal points within the ten-year period prior to the date of the renewal of the license.

Paragraph (2) of Rule 0520-2-4-.14 Renewal of Teacher Licenses is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (2) Apprentice License.
 - (a) The holder of an apprentice teacher license who has three years acceptable experience in a Tennessee public school during the period of license validity but who lacks the required positive evaluation to move to the professional teacher license shall be reissued the apprentice teacher license.
 - (b) An apprentice teacher license issued on a bachelor's degree is renewable upon verification of completion of 45 renewal points within the five-year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.

- (c) An apprentice teacher license issued on a master's degree or above is renewable upon the presentation of evidence of three years experience within the five-year period prior to the date of renewal of the license. In the absence of three years of experience, the license is renewable upon verification of completion of 45 renewal points within the five-year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide

Paragraph (3) of Rule 0520-2-4-.14 Renewal of Teacher Licenses is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

(3) Out-of-State Teacher License.

- (a) The holder of the out-of-state teacher license who was not employed for one or more years in a Tennessee public school during the five-year period of license validity may renew the out-of-state teacher license.
- (b) An out-of-state teacher license issued on a bachelor's degree is renewable upon verification of completion of 45 renewal points within the five-year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.
- (c) An out-of-state teacher license issued on a master's degree or above is renewable upon the presentation of evidence of three years experience within the five-year period prior to the date of renewal of the license. In the absence of three years of experience, the license is renewable upon verification of completion of 45 renewal points within the five-year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.

Authority: T.C.A. §§49-1-302 and 49-5-108.

The proposed amendments set out herein were properly filed in the Department of State on the 26th day of January, 2004, 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 May, 2004. (01-12, 13, 14)

THE UNIVERSITY OF TENNESSEE - 1720
THE UNIVERSITY OF TENNESSEE AT MARTIN

CHAPTER 1720-5-6
TRAFFIC AND PARKING REGULATIONS

Presented herein are proposed amendments of The University of Tennessee submitted pursuant to Tennessee Code Annotated, Section 4-5-202, in lieu of a rulemaking hearing. It is the intent of The University of Tennessee to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Room 719, Andy Holt Tower, The University of Tennessee, Knoxville, Tennessee 37996-0170, and in the Department of State, 8th Floor, William R. Snodgrass Tennessee Tower, 312 8th Avenue North, Nashville, Tennessee 37243, 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 a copy of the proposed amendments, contact Ronald C. Leadbetter, Associate General Counsel, The University of Tennessee, Office of General Counsel, 719 Andy Holt Tower, Knoxville, TN 37996-0170, telephone number (865) 974-3247.

The text of the proposed amendments is as follows:

AMENDMENTS

Rule 1720-5-6-.01 is amended by adding a new paragraph and renumbering existing paragraphs, so that, as amended, the rule shall read:

1720-5-6-.01 REGISTRATION OF VEHICLES.

- (1) All motor vehicles operated by faculty, staff and student in connection with their employment or attendance at UTM must be registered at the Safety and Security Office.
- (2) All persons employed by other agencies who regularly use University facilities must annually register their vehicles with the University. "Vendor" decals will be used for this purpose. "Honorary" decals will be issued to all retired University personnel and special guests who do not fit the vendor classification.
- (3) Vehicle registration decals are issued at the time of student registration and must be properly displayed.
- (4) Faculty and staff vehicle registration will be conducted at the beginning of each Fall Semester and will be valid for the entire academic year. A fee of fifteen dollars (\$15.00) per vehicle will be collected for faculty and staff registration. Vehicle registration will not be completed until the previous years' citations have been cleared. New employees will be required to pay the registration fee at the time of their employment.
- (5) Student vehicle registration must be renewed at the beginning of each fall quarter and will be valid for the entire academic year.
- (6) Student vehicles will be registered at a fee of fifteen dollars (\$15.00) per vehicle.
- (7) Student vehicle registrations must be completed prior to the first day of classes, or within 24 hours for those who enroll at a subsequent date or acquire a vehicle.

- (8) Students who meet certain requirements may register vehicles as staff. To register as a staff member the student must teach eight (8) semester hours or have a 40 hour work week specified on appointment papers. The registration of student vehicles as staff members will be by agreement between the appropriate department chairman or dean and the Department of Public Safety.
- (9) The annual vehicle registration decal will be provided at no cost to anyone qualifying for a permanent handicap sticker.
- (10) The person to whom a vehicle is registered is responsible for that vehicle and all violation citations issued thereto. If the person operating the vehicle is other than the registrant when a violation is committed, both he and the registrant may be cited.
- (11) Expired campus registration decals must be removed or covered so that only the current registration decals are displayed.
- (12) Staff parking privileges are intended for the convenience of Staff and Faculty members only. Students whose parents are staff members at UTM must purchase student decals if their cars are their own, but if the cars are owned by the staff parent then staff decals are permissible, provided the students drivers park in student lots. Anyone displaying staff decals in order to park in a staff parking lot must also possess a valid Faculty or Staff I.D. card. Violators will be subject to a \$10.00 fine.

Authority: T.C.A. §49-9-209(e).

Rule 1720-5-6-.05(1)(a) is amended by deleting A\$10.00" and substituting A\$15.00" so that, as amended, the subparagraph reads:

- (a) Parking violations - \$15.00 each except handicap parking violations are \$100.00 each. If citation is not paid within 14 days from date of issuance a \$5.00 late charge will be added. If the citation is not paid prior to the beginning of the next semester an additional \$5.00 late charge will be assessed.

Authority: T.C.A. §49-9-209(e).

The proposed rules set out herein were properly filed in the Department of State on the 21st day of January, 2004, 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 May, 2004. (01-05)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT (SEE T.A.R. CITED)

- 1200 - Department of Health - Bureau of Health services - Public necessity rules relating to Conrad J-1 Visa Waiver physicians, chapter 1200-20-11 Rules and Regulations Governing the State Conrad J-1 Visa Waiver Program, 9 T.A.R. (September 2003) - Filed August 13, 2003; effective through January 25, 2004. (08-10)
- 1640 - TN Student Assistance Corporation - Public necessity rules to ensure the timely and orderly implementation of the lottery scholarship program for the Fall 2004 semester, chapter 1640-1-19, Tennessee Educational Lottery Scholarship Program, 1 T.A.R. (February 2004) - Filed December 29, 2003; effective though June 11, 2004. (12-23)

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RULEMAKING HEARINGS

THE DEPARTMENT OF COMMERCE AND INSURANCE - 0780 THE DIVISION OF FIRE PREVENTION

There will be a hearing before the Commissioner of Commerce and Insurance to consider the promulgation rules pursuant to T.C.A. § 68-102-302. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in room 640 of the Davy Crockett Tower located at 500 James Robertson Parkway in Nashville, Tennessee 37243 at 10:00 a.m. (Central Standard Time) on the 18th day of March, 2004.

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

For a copy of this notice of rulemaking hearing, contact: Kay Searcy, Administrative Director, Division of Fire Prevention, 500 James Robertson Parkway, 3rd Floor, Nashville, Tennessee 37243, telephone (615) 741-2981.

SUBSTANCE OF PROPOSED RULES

CHAPTER 0780-2-20 FIRE DEPARTMENT RECOGNITION NEW RULES

TABLE OF CONTENTS

0780-2-20-.01 Definitions.	0780-2-20-.04 Standards and Qualifications.
0780-2-20-.02 General Requirements.	0780-2-20-.05 Recognized Fire Departments.
0780-2-20-.03 Registration.	0780-2-20-.06 Renewal of Registration.

0780-2-20-.01 DEFINITIONS.

- (1) Career fire department shall mean a fire department consisting of only paid firefighters.
- (2) Combination fire department shall mean a fire department consisting of any mixture of career and volunteer firefighters.
- (3) Division shall mean the Division of Fire Prevention, also known as the State Fire Marshal's Office.
- (4) New Fire Department shall mean any fire department formed after July 1, 2003.

- (5) Recognized fire department shall mean a fire department that has obtained a certificate of recognition from the Department of Commerce and Insurance, State Fire Marshal's Office, which includes a municipality, county or political subdivision operating as a fire department, or an organization, agency, or entity operating as a fire department.
- (6) Recognition shall mean that designation to be conferred on the fire department by the State Fire Marshal's Office after making application and meeting all the requirements.
- (7) Volunteer fire department shall mean a fire department consisting of only un-paid firefighters.

Authority: T.C.A. §§ 68-102-303 and 68-102-304.

0780-2-20-.02 GENERAL REQUIREMENTS.

- (1) Any application or document regarding a certificate of recognition for the State Fire Marshal's Office shall be sent to the State of Tennessee, Department of Commerce and Insurance, Division of Fire Prevention, 500 James Robertson Parkway, Third Floor, Nashville, Tennessee 37243.
- (2) Recognition will be valid for a period of three (3) years, beginning on the calendar date of issuance and expiring at 12:00 p.m. on that calendar date three (3) years later.
- (3) All new fire departments formed after July 1, 2003 shall notify the State Fire Marshal's Office within thirty (30) days of any change in geographical territory to be covered by such fire department. The fire department shall provide proof of the approval of the local elected governing body of any change in territorial boundaries. The fire department shall provide the State Fire Marshal's Office with a written description or geographic description of territorial boundaries.

Authority: T.C.A. §§68-102-303, 68-102-304 and 68-102-108(c).

0780-2-20-.03 REGISTRATION.

- (1) The applicant shall contact the Division in writing to obtain information concerning the application process and to obtain a certificate of recognition as a recognized fire department at the address listed in rule 0780-2-20-.02(1).
- (2) The applicant shall contact the Division's Office in Nashville to obtain the required application form. The applicant shall fill out the application completely and submit it to the Division with a nonrefundable application fee of fifty dollars (\$50.00).

Authority: T.C.A. §68-102-303 and 68-102-304.

0780-2-20-.04 STANDARDS AND QUALIFICATIONS.

- (1) The application must show proof of the following:
 - (a) The application form must be signed by the highest ranking official of the fire department, and the form must be notarized.
 - (b) All new and existing fire departments must be in compliance with T.C.A. § 68-102-108 by obtaining the proper designation as an Assistant to the Commissioner of Commerce and Insurance.

- (c) All new and existing fire departments must be in compliance with requirements of T.C.A. §68-102-111.
- (d) After July 1, 2003 and before a new fire department is established or recognized within Tennessee, the new fire department must obtain approval of the local elected governing body. The approval shall include the geographical territory to be covered by such new fire department.

Authority: T.C.A. §§68-102-303, 68-102-304 and 68-102-306, 68-102-108 and §68-102-111.

0780-2-20-.05 RECOGNIZED FIRE DEPARTMENTS.

- (1) A recognized fire department shall notify the State Fire Marshal's Office within thirty (30) days after a new fire chief is appointed.
 - (a) The fire department shall submit to the State Fire Marshal's Office the new fire chief's name, address and adequate documentation to establish such person's claim of office.
 - (b) The highest appointed authority of the city or county, the city mayor, county mayor, county manager or county executive must place in writing and on letterhead the name of the person who is designated the Assistant to the Commissioner by virtue of his or her office including the fire chief and fire marshal. The name of the Assistant to the Commissioner and the person's current title shall be included. The letter shall include the official name of the fire department and mailing address of the fire department at which the Assistant to the Commissioner will work.
 - (c) Within thirty (30) days after the appointment of a new Assistant to the Commissioner, the highest appointed authority of the city or county shall return the certificate of the former Assistant to the Commissioner to the Department of Commerce and Insurance, Division of Fire Prevention.

Authority: T.C.A. §§68-102-303 and 68-102-304.

0780-2-20-.06 RENEWAL OF REGISTRATION.

- (1) Before the three (3) year period of the certificate of registration has expired, the applicant for renewal must submit a fee of fifty dollars (\$50.00) to the Division along with a renewal application form properly completed to obtain renewal of the certificate of recognition.
- (2) The fire department shall submit the renewal application at least thirty (30) days prior to expiration of the fire department's certificate of recognition.
- (3) The Division will send each applicant for renewal an application form approximately six (6) months prior to expiration of the three (3) year recognition period.

Authority: T.C.A. §§68-102-303 and 68-102-304.

The notice of rulemaking set out herein was properly filed in the Department of State on the 16th day of January, 2004.
(01-08)

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

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated, 71-5-105 and 71-5-109. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Room 31 of the Legislative Plaza, 6th Avenue North, Nashville, Tennessee, at 9:00 a.m. C.S.T. on the 18th day March 2004.

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

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

SUBSTANCE OF PROPOSED RULE

Rules of the Tennessee Department of Finance and Administration are amended by adding Chapter 1200-13-16 Graduate Medical Education which shall read as follows:

**CHAPTER 1200-13-16
GRADUATE MEDICAL EDUCATION**

1200-13-16-.01 Graduate Medical Education Payments. Provision will be made for graduate medical education (GME) payments subject to the availability of funds and the ability of the State to provide adequate matching funds to generate Federal Financial Participation.

- (1) The GME funds will go to the four medical colleges:
 - (a) University of Tennessee Memphis
 - (b) East Tennessee State University
 - (c) Meharry
 - (d) Vanderbilt University Medical Center
- (2) In addition, to the funds allocated to medical colleges, a specified amount of GME funding is to be used to create and oversee new programs. This funding will be allocated to the schools above and shall be used as directed by TennCare. The new programs will initially focus on the following:
 - (a) Recruitment and retention program matching residents and rural communities;
 - (b) Rural experiences and curriculum for primary care residents;

- (c) Rural experiences for specialty residents/fellows together with attending faculty physicians.
- (3) Prior to July 15, of each year, the medical colleges will submit to TennCare a list, by name, of all residents and fellows in their sponsored residency and fellowship programs. This list will specify the specialty or subspecialty training program and the post-graduate year (PGY) in which each resident or fellow is enrolled. From this list the total of filled positions in programs sponsored by each medical college, and in the aggregate, will be determined for the purpose of funds allocation directly for the medical colleges.
- (4) The schools must enter into a contract with the State of Tennessee which makes the following requirements of the medical college:
 - (a) Use the funds directly to support graduate medical education.
 - (b) Provide training placements in a manner consistent with TennCare Program graduate medical education goals:
 - 1. To increase the State's number of primary care physicians; and
 - 2. To insure that communities without access to care and TennCare enrollees are well served.
 - (c) Assure that training placements are with health care providers who provide TennCare services.
 - (d) Maintain accounting records in a manner that will allow for the identification of expenditures made with the funding received for the purpose of GME.
 - (e) Provide annual reports and reports specified which shall include at a minimum the following:
 - 1. Description of how the funds were used in the support of graduate medical education;
 - 2. A list of health care providers participating in the training program;
 - 3. Number of residents by year of training and specialty;
 - 4. Placement sites of physicians graduating from their program.
- (5) The contract will be renewed annually depending on the availability of federal and state funds for graduate medical education.

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 30th day of January, 2004.
(01-15)

**THE DEPARTMENT OF HEALTH - 1200
DIVISION OF HEALTH RELATED BOARDS
TENNESSEE MEDICAL LABORATORY BOARD**

There will be a hearing before the Tennessee Medical Laboratory Board to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 68-29-103, 68-29-104, 68-29-105, 68-29-111, 68-29-120, 68-29-124, and 68-29-125. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 19th day of March, 2004.

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

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

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1200-6-1-.14 Trainee Permits, 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) The Board will issue the trainee a trainee permit that will be valid during the training period provided the facility where the training is being gained is approved for practice training.
- (3) Trainees may use a trainee permit to work and receive remuneration in those specialties for which they have completed their classroom lectures and clinical practicum, provided they are under direct supervision of licensed medical laboratory personnel at the technologist level or higher. Trainees may only work in the facility in which the specific specialty training was obtained and may begin training only if the facility has possession of a copy of the valid trainee permit.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-29-105, and 68-29-120.

Rule 1200-6-1-.20 Qualifications and Duties of the Medical Laboratory Director, is amended by deleting subparts (4) (e) 4. (iii) and (4) (e) (iv) in their entirety and substituting instead the following language, so that as amended, the new subparts (4) (e) 4. (iii) and (4) (e) (iv) shall read:

- (4) (e) 4. (iii) All proficiency testing reports received are reviewed by the appropriate staff to evaluate the laboratory's performance and to identify any problems that require corrective action;
- (4) (e) 4. (iv) An approved corrective action plan is followed when any proficiency testing result is found to be unacceptable or unsatisfactory; and

Authority: T.C.A. §§4-5-202, 4-5-204, 68-29-103, 68-29-105, and 68-29-111.

Rule 1200-6-3-.07 Participation in Proficiency Testing, is amended by deleting part (1) (a) 3. in its entirety and substituting instead the following language, so that as amended, the new part (1) (a) 3. shall read:

- (1) (a) 3. For those tests performed by the laboratory for which proficiency testing is not required by 42 CFR Part 493.901, Subpart H of the CLIA regulations, a laboratory must establish and maintain the accuracy and reliability of its testing procedures, in accordance with Rule 1200-6-3-.10 (5).

Authority: T.C.A. §§4-5-202, 4-5-204, 68-29-104, and 68-29-105.

Rule 1200-6-3-.08 Patient Test Management, is amended by deleting part (1) (d) 10. in its entirety and substituting instead the following language, so that as amended, the new part (1) (d) 10. shall read:

- (1) (d) 10. The laboratory must, upon request, make available to clients a list of test methods employed by the laboratory and, in accordance with Rule 1200-6-3-.09 (4), as applicable, the performance specifications of each method used to test patient specimens. In addition, information that may affect the interpretation of test results, such as test interference must be provided upon request.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-29-103, 68-29-105, and 68-29-124.

Rule 1200-6-3-.09 Quality Control, is amended by deleting subparagraph (3) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3) (a) shall read:

- (3) (a) Test methodologies and equipment must be selected and testing performed in a manner that provides test results within the laboratory's stated performance specifications for each test method as determined under Rule 1200-6-3-.09 (4).

Authority: T.C.A. §§4-5-202, 4-5-204, 68-29-105, and 68-29-125.

The notice of rulemaking set out herein was properly filed in the Department of State on the 15th day of January, 2004.
(01-02)

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

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Monday, March 22, 2004; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Wednesday, March 24, 2004 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Thursday, March 25, 2004.

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 (10) days prior to the scheduled meeting date or the date the party intends to review such filings, 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 Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1240-4-1
STANDARDS FOR GROUP CHILD CARE HOMES**

AMENDMENTS

Part 2 of subparagraph (c) of paragraph (1) of Rule 1240-4-1-.07, Transportation, is amended by deleting part 2 in its entirety and by substituting the following new language so that, as amended, part 2 shall read as follows:

2. Health Examinations and Drug Screenings.

(i) Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

(ii) Drug Screenings.

(I) Any person, in accordance with procedures established by the Department, shall pass a drug screen:

- I. Prior to such person being employed as a full or part-time employee with a licensed or approved child care agency for a position which has any duties involving driving any vehicle utilized by the child care agency to transport children enrolled in that child care agency; or
 - II. Prior to such person being employed, in any position which has any duties involving driving any vehicle utilized to transport children enrolled in any child care agency, as a full-time or part-time employee by a contractor of a licensed or approved child care agency, or by any other persons or entities, any of which transports, for any compensation, children enrolled in the care of the child care agency as part of the agency's transportation program or service for such children offered by such child care agency; or
 - III. Prior to the assumption, at anytime, of any driving duties by an existing full-time or part-time employee of the licensed or approved child care agency, or, of an existing full-time or part-time employee of a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service.
- (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
 - (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result or upon receipt of notification by a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children enrolled in the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.
 - (iv) A contractor, or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service, shall not employ or assign any duties involving driving of any children enrolled in any licensed or approved child care agency to any individual who fails to pass a drug screen as required by this part.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of January, 2004.
(01-21)

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

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Monday, March 22, 2004; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Wednesday, March 24, 2004 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Thursday, March 25, 2004.

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 (10) days prior to the scheduled meeting date or the date the party intends to review such filings, 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 Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1240-4-3

LICENSURE RULES FOR CHILD CARE CENTERS SERVING PRE-SCHOOL CHILDREN

AMENDMENTS

Part 2 of subparagraph (c) of paragraph (1) of Rule 1240-4-3-.10, Transportation, is amended by deleting part 2 in its entirety and by substituting the following new language so that, as amended, part 2 shall read as follows:

2. Health Examinations and Drug Screenings.

(i) Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

(ii) Drug Screenings.

(I) Any person, in accordance with procedures established by the Department, shall pass a drug screen:

- I. Prior to such person being employed as a full or part-time employee with a licensed or approved child care agency for a position which has any duties involving driving any vehicle utilized by the child care agency to transport children enrolled in that child care agency; or
 - II. Prior to such person being employed, in any position which has any duties involving driving any vehicle utilized to transport children enrolled in any child care agency, as a full-time or part-time employee by a contractor of a licensed or approved child care agency, or by any other persons or entities, any of which transports, for any compensation, children enrolled in the care of the child care agency as part of the agency's transportation program or service for such children offered by such child care agency; or
 - III. Prior to the assumption, at anytime, of any driving duties by an existing full-time or part-time employee of the licensed or approved child care agency, or, of an existing full-time or part-time employee of a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service.
- (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
 - (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result or upon receipt of notification by a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children enrolled in the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.
 - (iv) A contractor, or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service, shall not employ or assign any duties involving driving of any children enrolled in any licensed or approved child care agency to any individual who fails to pass a drug screen as required by this part.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of January, 2004.
(01-19)

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

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Monday, March 22, 2004; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Wednesday, March 24, 2004 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Thursday, March 25, 2004.

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 (10) days prior to the scheduled meeting date or the date the party intends to review such filings, 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 Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1240-4-4
STANDARDS FOR FAMILY CHILD CARE HOMES**

AMENDMENTS

Part 2 of subparagraph (c) of paragraph (1) of Rule 1240-4-4-.07, Transportation, is amended by deleting part 2 in its entirety and by substituting the following new language so that, as amended, part 2 shall read as follows:

2. Health Examinations and Drug Screenings.

(i) Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

(ii) Drug Screenings.

(I) Any person, in accordance with procedures established by the Department, shall pass a drug screen:

- I. Prior to such person being employed as a full or part-time employee with a licensed or approved child care agency for a position which has any duties involving driving any vehicle utilized by the child care agency to transport children enrolled in that child care agency; or
 - II. Prior to such person being employed, in any position which has any duties involving driving any vehicle utilized to transport children enrolled in any child care agency, as a full-time or part-time employee by a contractor of a licensed or approved child care agency, or by any other persons or entities, any of which transports, for any compensation, children enrolled in the care of the child care agency as part of the agency's transportation program or service for such children offered by such child care agency; or
 - III. Prior to the assumption, at anytime, of any driving duties by an existing full-time or part-time employee of the licensed or approved child care agency, or, of an existing full-time or part-time employee of a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service.
- (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
 - (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result or upon receipt of notification by a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children enrolled in the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.
 - (iv) A contractor, or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service, shall not employ or assign any duties involving driving of any children enrolled in any licensed or approved child care agency to any individual who fails to pass a drug screen as required by this part.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of January, 2004.
(01-20)

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

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Monday, March 22, 2004; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Wednesday, March 24, 2004 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Thursday, March 25, 2004.

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 (10) days prior to the scheduled meeting date or the date the party intends to review such filings, 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 Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1240-4-6

LICENSURE RULES FOR CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN

AMENDMENTS

Part 2 of subparagraph (c) of paragraph (1) of Rule 1240-4-6-.10, Transportation, is amended by deleting part 2 in its entirety and by substituting the following new language so that, as amended, part 2 shall read as follows:

2. Health Examinations and Drug Screenings.

(i) Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

(ii) Drug Screenings.

(I) Any person, in accordance with procedures established by the Department, shall pass a drug screen:

- I. Prior to such person being employed as a full or part-time employee with a licensed or approved child care agency for a position which has any duties involving driving any vehicle utilized by the child care agency to transport children enrolled in that child care agency; or
 - II. Prior to such person being employed, in any position which has any duties involving driving any vehicle utilized to transport children enrolled in any child care agency, as a full-time or part-time employee by a contractor of a licensed or approved child care agency, or by any other persons or entities, any of which transports, for any compensation, children enrolled in the care of the child care agency as part of the agency's transportation program or service for such children offered by such child care agency; or
 - III. Prior to the assumption, at anytime, of any driving duties by an existing full-time or part-time employee of the licensed or approved child care agency, or, of an existing full-time or part-time employee of a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service.
- (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
- (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result or upon receipt of notification by a contractor or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service for a tested individual, the child care agency shall immediately:
- (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children enrolled in the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.
- (iv) A contractor, or other person or entity providing transportation, for compensation, to the child care agency as part of such child care agency's transportation program or service, shall not employ or assign any duties involving driving of any children enrolled in any licensed or approved child care agency to any individual who fails to pass a drug screen as required by this part.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of January, 2004.
(01-18)

**THE TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240
DIVISION OF REHABILITATION SERVICES**

There will be a hearing before the Tennessee Department of Human Services to consider the promulgation of new rules pursuant to Tennessee Code Annotated §§ 4-5-201 et seq. and 71-1-105(12). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-204 and will take place in the 2nd Floor, Conference Room, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee at 6:30 p.m. CDT on March 23, 2004.

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 (10) days prior to the scheduled meeting date or the date the party intends to review such filings, 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 Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: James L. Allan, 400 Deaderick Street Nashville Tennessee 37243 and (615) 313-4731

SUMMARY OF PROPOSED RULES

**CHAPTER 1240-6-1
GENERAL RULES**

1240-6-1.01 NECESSITY AND FUNCTION - Gives the federal and state statutory authority for the vending facility program.

1240-6-1.02 DEFINITIONS - Defines words that are used prominently throughout the rules.

**CHAPTER 1240-6-2
LICENSE**

1240-6-2.01 ISSUANCE - Sets forth the criteria for the Department issuing a license to a legally blind person to manage and operate a vending facility.

1240-6-2.02 DISPLAYING OF LICENSE - Requires a blind vendor to display his license in the vending facility.

1240-6-2.03 TERMINATION OF LICENSE - Sets forth the conditions under which the Department may terminate the license of a blind person to manage a vending facility.

1240-6-2.04 INSTRUMENT OF FACILITY ASSIGNMENT - Describes the document that is signed by the Department and the licensed blind vendor at the time he/she is assigned to a vending facility.

**CHAPTER 1240-6-3
PROBATIONARY PERIODS**

1240-6-3.01 NEWLY LICENSED MANAGERS - Requires that newly licensed blind vendors successfully complete a six month performance probation before being eligible for another assignment.

1240-6-3-.02 DISCIPLINARY PROBATION - Sets forth the conditions under which a licensed blind vendor can be placed on thirty (30) days probation.

CHAPTER 1240-6-4 CLASSIFICATION AND CERTIFICATION

1240-6-4-.01 FACILITY CLASSIFICATIONS - Lists eight (8) different categories of vending facilities depending upon the type of service.

1240-6-4-.02 MANAGER'S CERTIFICATION REQUIREMENTS - Requires that a blind vendor be certified to manage a certain category of facility and outlines the requirements for maintaining that certification.

CHAPTER 1240-6-5 ASSIGNMENT OF MANAGERS

1240-6-5-.01 PROMOTIONS - Describes the process to be followed by the Agency when promoting blind vendors into vacant facilities. Candidates will be interviewed by a three member panel.

1240-6-5-.02 BID ANNOUNCEMENTS - When there is a vacant vending facility, the Agency will prepare an announcement to be sent to all licensed blind vendors.

1240-6-5-.03 TRANSFER - Describes the conditions under which a blind vendor can transfer laterally from one facility to another without competing with other licensed managers.

1240-6-5-.04 DEMOTIONS - Explains the circumstances and the procedures to be followed if the Agency has to demote a licensed vendor into a smaller facility due to lack of ability.

1240-6-5-.05 PERMANENT ASSIGNMENT NOT REQUIRING BID - A vendor on transfer or demotion status may be assigned to a facility without competing through the promotion or bid process.

1240-6-5-.06 READY FOR EMPLOYMENT LIST - Requires that the Agency maintain a list of licensed blind vendors who are available for assignment to a vending facility.

1240-6-5-.07 TEMPORARY MANAGERS - Allows the Agency to assign managers to vacant vending facilities on a temporary basis before they are announced for bid.

CHAPTER 1240-6-6 REMOVAL OF MANAGER

1240-6-6-.01 VOLUNTARY WITHDRAWAL OF A MANAGER - Allows a blind vendor to resign from his/her vending facility and remain in good standing for future assignments.

1240-6-6-.02 EMERGENCY REMOVAL OF A MANAGER - Describes the circumstances and procedures to be followed if a blind vendor has to be removed as the manager of a vending facility on an emergency basis.

1240-6-6-.03 PROPERTIES NOT COVERED BY STATUTORY PRIORITY - States that property management in private facilities can request that a blind vendor be replaced as manager.

1240-6-6-.04 DUE PROCESS FOR MANAGERS WHO ARE REMOVED - Grants to a blind vendor immediate recourse if he/she is removed as manager of a facility against their will.

CHAPTER 1240-6-7 TRAINING PROGRAM

1240-6-7-.01 ENTRY LEVEL TRAINING - Sets forth the training and other requirements for blind persons entering the program.

1240-6-7-.02 CERTIFICATION TRAINING - Describes the training that must be completed for a blind vendor to gain certification to manage and operate a certain type of facility.

1240-6-7-.03 RETRAINING FOR ESTABLISHED MANAGERS - Licensed blind vendors may be required to complete retraining if deficiencies are noted or the vendor may request additional training.

1240-6-7-.04 UPWARD MOBILITY - Sets forth the requirements that licensed blind vendors must attend ongoing training on an annual basis conducted by the Agency and which will be two days in length.

1240-6-7-.05 STATEWIDE MANAGERS MEETING - The Agency and Committee of Blind Vendors will sponsor an annual meeting of all managers provided that funds are available.

1240-6-7-.06 REIMBURSEMENT - Authorizes the Agency to pay travel expenses for licensed blind vendors who attend mandatory training or statewide meetings.

1240-6-7-.07 POST EMPLOYMENT SERVICES - States that services will be made available to vocational rehabilitation clients after being placed in a vending facility as required by federal law.

1240-6-7-.08 AGENCY ASSURANCES - States that the Agency will maintain an effective vocational rehabilitation program and shall not discriminate on any grounds per the law.

CHAPTER 1240-6-8 VENDING FACILITY EQUIPMENT

1240-6-8-.01 Facility Equipment - Describes the responsibilities of the Agency and the licensed blind vendor with respect to equipment that is furnished by either party for use in a vending facility.

1240-6-8-.02 Maintenance and Repair - Sets forth the requirements for the Agency maintaining vending facility equipment and authorizes that the vendor pay a repair deductible on each repair call.

CHAPTER 1240-6-9 SETTING ASIDE OF FUNDS

1240-6-9-.01 SET ASIDE ASSESSMENT - Authorizes the Agency to charge an administrative fee or set aside fee based upon a percentage of the net profits of a vending facility.

1240-6-9-.02 PURPOSES - This section describes the purposes allowable under federal law for which the Agency can expend set aside fees collected from licensed vendors.

1240-6-9-.03 REQUIREMENT FOR FINANCIAL REPORTING - Establishes that a licensed blind vendor must submit a monthly sales and profit statement to the Agency.

CHAPTER 1240-6-10 FACILITY OPERATIONAL REQUIREMENTS

1240-6-10-.01 DAYS AND HOURS OF OPERATION - Requires that vendors have their facilities open during the hours specified in the permit and requires the vendor to be on-site a minimum of thirty (30) hours per week.

1240-6-10-.02 PERSONAL APPEARANCE, HYGIENE, AND FACILITY CLEANLINESS - Requires that the Agency develop a dress code and standardized sanitation procedures which must be adhered to by all vendors.

1240-6-10-.03 FACILITY MERCHANDISE - Sets forth the requirements of the Agency and the licensed blind vendor with respect to merchandise to be sold in a vending facility.

1240-6-10-.04 STANDARDS OF PERFORMANCE - Requires the Agency and Committee of Blind Vendors to develop standards of performance for the vendors.

1240-6-10-.05 PARTNERING WITH PRIVATE ENTITIES - Authorizes a licensed blind vendor to partner with a private company in providing services in a vending facility.. putting drink machines on full service, subcontracting food service, etc.

1240-6-10-.06 PUBLIC RELATIONS - This section deals with issues of providing high quality customer service.

1240-6-10-.07 DRUG FREE ENVIRONMENT - Vending facilities are to be drug free environments and the licensed managers are subject to mandatory drug screenings.

1240-6-10-.08 NON-DISCRIMINATION - Bars discrimination by a blind vendor in the vending facility.

1240-6-10-.09 INSURANCE COVERAGE - Requires that a blind vendor maintain adequate liability insurance coverages and workers' compensation coverage in accordance with state law.

1240-6-10-.10 TAXES, PERMITS, AND LICENSES - Requires the vendor to obtain licenses and pay taxes like any other business.

1240-6-10-.11 RECORD KEEPING AND REPORTING - Sets forth the requirements of the blind vendor to maintain records and to file appropriate reports with the Agency.

CHAPTER 1240-6-11 ADMINISTRATIVE REVIEW, EVIDENTIARY FAIR HEARING, AND ARBITRATION

1240-6-11-.01 ADMINISTRATIVE REVIEW - Allows a manager who wishes to file a grievance to do so by asking that the Director of Services for the Blind appoint a person to review the decision.

1240-6-11-.02 EVIDENTIARY HEARING - Sets forth procedures for a vendor requesting an evidentiary hearing which shall be conducted by an independent hearing officer.

1240-6-11-.03 ARBITRATION - Allows any vendor who is not satisfied with a decision in an evidentiary hearing may seek federal arbitration in accordance with federal law.

**CHAPTER 1240-6-12
COMMITTEE OF BLIND VENDORS**

1240-6-12-.01 PURPOSE AND FUNCTION - Describes the general functions as well as the federally mandated responsibilities of this elected body.

1240-6-12-.02 AGENCY'S RESPONSIBILITIES TO THE COMMITTEE - Describes the information and reports (including financial reports) that must be provided by the Agency to the Committee.

1240-6-12-.03 ELECTION OF THE COMMITTEE - Outlines the procedure to be followed for the licensed blind vendors to elect their representatives to serve on the Committee.

1240-6-12-.04 COMMITTEE MEETINGS - Mandates that meetings shall be held quarterly with special call meeting provisions if necessary.

**CHAPTER 1240-6-13
PRIORITY FOR THE ESTABLISHMENT OF VENDING FACILITIES**

1240-6-13-.01 PRIORITY FOR THE ESTABLISHMENT OF VENDING FACILITIES ON PUBLIC PROPERTIES IN TENNESSEE - Essentially restates the language in the statute that grants a priority to blind vendors to operate vending facilities located on properties owned or leased by most state, county, or city entities.

1240-6-13-.02 PRIORITY FOR THE ESTABLISHMENT OF VENDING FACILITIES ON FEDERAL PROPERTIES - Outlines the priority that blind vendors have to operate vending facilities on federal properties pursuant to federal law.

1240-6-13-.03 DECISIONS ON OPENING AND CLOSING FACILITIES - Requires the Agency and Committee to jointly develop standards/ procedures to guide decisions on the opening and closing of vending facilities.

**CHAPTER 1240-6-14
VENDING MACHINE INCOME**

1240-6-14-.01 VENDING MACHINE INCOME FROM FEDERAL PROPERTY - Requires that the Agency comply with C.F.R. 395.32 if it receives any income from vending machines located on federal properties.

1240-6-14-.02 VENDING MACHINE INCOME FROM NON-FEDERAL PROPERTY - Outlines the purposes for which the Agency can spend revenue it receives from vending machines on state, county, and municipal properties.

**CHAPTER 1240-6-15
AGENCY'S DUTIES AND RESPONSIBILITIES**

1240-6-15-.01 AGENCY COMPLIANCE WITH LEGAL REQUIREMENTS - Mandates that the Agency administer the vending facility program in accordance with federal and state laws. Requires that the Agency provide advance notice to the Committee of any major administrative decisions to be made.

1240-6-15-.02 AGENCY'S RESPONSIBILITIES TO PROVIDE INFORMATION AND PROGRAM REPORTING FORMS TO ALL MANAGERS - Requires that the Agency provide copies of the rules and policies and procedures to all licensed blind vendors and to make program records available to them upon request.

**CHAPTER 1240-6-16
HEALTH INSURANCE AND RETIREMENT BENEFITS**

1240-6-16-.01 HEALTH INSURANCE ELIGIBILITY - The Agency may establish a health insurance plan for the blind vendors using vending machine income that may be available. Only those licensed blind vendors permanently assigned to a facility are eligible.

1240-6-16-.02 RETIREMENT BENEFITS ELIGIBILITY - Eligibility is the same as for health insurance coverage.

1240-6-16-.03 CONTRIBUTIONS TO RETIREMENT PLAN - Authorizes the Agency to establish a retirement plan and contribute directly to the blind vendors or into an established account.

For a copy of the entire text of these rules, contact James L. Allan, 400 Deaderick Street Nashville Tennessee 37248 , telephone number (615) 313-4731.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of January, 2004. (01-17)

THE 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 13th day of May, 2004.

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 RULE

AMENDMENT

Rule 0480-1-.12, Continuing Education, is amended by deleting subpart (2) (d) 6. (ix) and part (3) (b) 8. in their entirety and substituting instead the following language, so that as amended, the new subpart (2) (d) 6. (ix) and the new part (3) (b) 8. shall read:

- (2) (d) 6. (ix) documentation to the Board's satisfaction that the course content has applied for approval in the last twelve (12) months or has received approval from either the American Board of Opticianry or the National Contact Lens Examiners. 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 and at its discretion, approve or deny the course. Approval or denial from the American Board of Opticianry or the National Contact Lens Examiners does not mean that the course content has automatically been approved or denied by the Board.
- (3) (b) 8. documentation to the Board's satisfaction that the course content has applied for approval in the last twelve (12) months or has received approval from either the American Board of Opticianry or the National Contact Lens Examiners. 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 and at its discretion, approve or deny the course. Approval or denial from the American Board of Opticianry or the National Contact Lens Examiners does not mean that the course content has automatically been approved or denied by the Board.

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 15th day of January, 2004.
(01-06)

THE TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

There will be a hearing before the Tennessee Wildlife Resources Commission to consider the promulgation of rules, amendments of rules, or repeals of rules pursuant to Tennessee Code Annotated, Section 70-1-206. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Region II Conference Room of the Tennessee Wildlife Resources Agency, Region II Building, 5105 Edmondson Pike, Nashville, Tennessee, at 9:00 a.m., local time, on the 25th day of March, 2004.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Wildlife Resources Agency to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Wildlife Resources Agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Wildlife Resources Agency ADA Coordinator, Carolyn Wilson, Room 229, Tennessee Wildlife Resources Agency Building, Ellington Agricultural Center, Nashville, Tennessee 37204 and telephone number (615)781-6594.

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

SUBSTANCE OF PROPOSED RULES**CHAPTER 1660-1-2
RULES AND REGULATIONS FOR BIRDS****AMENDMENT**

Rule 1660-1-2-.02 (1) is hereby amended by removing the words: “Barkley Units I and II”, and replacing them with the words, “Barkley Unit I” so that, as amended, the rule shall read:

- (1) The following regulations apply only to Woods Reservoir of A.E.D.C., Barkley Unit I, Cheatham Lake, Old Hickory-Units I and II, Camden-Units I and II, Big Sandy, Cordell Hull, Gooch - Unit A, Harmon’s Creek, Haynes Bottom, Reelfoot, Tigrett and West Sandy Wildlife Management Areas, except for portions of Barkley and Cheatham Reservoir Wildlife Management Areas as noted in Paragraph (3) of these Rules and Regulations.

Rule 1660-1-2-.02 (1) (b) is amended by adding the words: “Unit I”, after the word Barkley so that, as amended, the rule shall read:

- (b) No waterfowl hunting on Barkley Unit I, Camden B Unit I, Cheatham Lake, Cordell Hull, Gooch-Unit A, Haynes Bottom, Old Hickory - Units I and II, and Woods Reservoir of A.E.D.C. Wildlife Management Areas during the late waterfowl seasons, except from fixed (floating or post type) blinds registered with the Tennessee Wildlife Resources Agency except as provided for in proclamation and as exempted in subparagraphs (h), (i) and (l) below. Permanent draw blinds and temporary blinds must be within five (5) feet of designated stakes. Designated stakes may not be moved without approval of the area manager.

Rule 1660-1-2-.02 (1) (c) is amended by deleting it in its entirety and by substituting instead the following new paragraph:

- (c) All permanent draw blind construction and/or placement on designated blind sites must be complete by the fourth Monday in October. To be considered complete, a structure with minimum dimensions of 4 feet wide, 4 feet high and 8 feet long not to exceed 30 feet in length and not to exceed 300 total square feet with walls consisting of netting, wire or solid material to which camouflage can be attached, which can be hunted from as determined by the area manager, must be in place and remain in place throughout the waterfowl season. All camouflage must be completed by opening day of waterfowl season. Permits for blinds not meeting these requirements will be cancelled. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resources Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the primary draw blind permittee, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, the primary draw blind permittee shall not be denied the opportunity to participate in the drawing the following year. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.

Rule 1660-1-2-.02 (1) (f) is amended by removing the words: “except on Barkley Unit II where all blinds must be removed by February 27” so that, as amended, the rule shall read as follows:

- (f) All blinds must be removed from the reservoir and government property by May 1 of the following year. Any blind not removed will become the property of the Tennessee Wildlife Resources Agency for future use and/or destruction.

Rule 1660-1-2-.02 (1) (n) is amended by adding, “, altered” after the word “sprayed” in the first sentence so that, as amended, the rule shall read:

- (n) No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior written approval of the area manager. Application to the area manager for any cutting, altering, or spraying must be made prior to the last Saturday in August. Blind holders may conduct agricultural plantings in areas adjacent to their permitted blind sites if written approval in advance is obtained from the area manager.

Rule 1660-1-2-.02 (2) (a) is amended by adding the words: “Barkley Unit II” between Anderson Tully and Cottonport, so that, as amended, the rule shall read:

- (a) A.E.D.C. (except Woods Reservoir), Anderson Tully, Barkley Unit II, Cottonport, Yellow Creek, Long Island, Lick Creek, New Hope, Percy Priest - Unit II, Candies Creek, Roger’s Creek, Johnson Bottoms, Mark’s Creek Unit of Cheatham Lake, and areas as specified under proclamation of Cheatham Lake, White Oak, that area of Barkley Reservoir as specified under annual proclamation, that portion of Old Hickory- Unit III, from Mile No. 268 upstream to the abandoned Lock and Dam Site No. 6 at approximately Mile No. 281, Ernest Rice, Sr., Obion River, Moss Island, Gooch-Units B, C and E, Shelby Forest and Wolf River.

Rule 1660-1-2-.02(2)(c)1(i) is amended by adding the words, “which can be hunted from as determined by the area manager,” after the word “attached.” The rule is further amended by adding the sentence, “The permanent draw blind is further restricted in size so as not to exceed 30 feet in length and not to exceed 300 total square feet as provided in Rule 1660-1-2-.02(1)(c).” at the end of the paragraph, so that, as amended, the rule shall read:

- (i) A permanent blind is a framed structure at least 4 feet wide, 4 feet high and 8 feet long with walls consisting of netting wire or solid material to which camouflage is or may be attached, which can be hunted from as determined by the area manager, that is constructed on or moved to either a permanent registered blind site, a permanent draw blind site or a permanent public blind site. The permanent draw blind is further restricted in size so as not to exceed 30 feet in length and not to exceed 300 total square feet as provided in Rule 1660-1-2-.02(1)(c).

Rule 1660-1-2-.02(2)(c)6. is amended by deleting it in its entirety and by substituting instead the following new paragraph:

- 6. Each permanent registered blind site holder must display, and maintain year-round in a conspicuous location, the appropriate permanent number inside the blind or on a stake with painted numbers which are at least two inches in height. When a floating blind is moved to a permanent registered blind site, the number must be immediately transferred from the stake to the floating blind. No permanent blind may be locked or barricaded to deny access to any portion of the blind used for discharging firearms at game when the blind is not in use. No

permanent blind site may be utilized or manipulated in such a manner so as to interfere with the lawful use of the blind or so as to interfere with the lawful taking of wildlife.

Rule 1660-1-2-.02(2)(c) is amended by inserting a new paragraph 7 to read as follows: The existing paragraphs 7 -16 shall be renumbered accordingly.

7. The permittee, who is the person to whom the Agency issued the permit, must occupy his/her blind by the legal daily opening shooting time on days he/she wishes to hunt, and if the blind is unoccupied at that time by the permittee, the first person or party occupying said blind shall be entitled to the privilege of its exclusive and uninterrupted use until the end of shooting hours that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted) only if he/she is at the blind on or before the legal daily opening shooting time, regardless of whether or not the blind is occupied by another person or party, provided the permittee produces identification and his/her blind permit.

Rule 1660-1-2-.02 (2)(c)9. is amended by adding the following after the last sentence: "If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resource Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager." The new rule shall read as follows:

3. Each year, a permanent blind must be present or be constructed and/or placed on each permanent registered blind site and on each permanent draw blind site. Completion of blind construction and/or placement on these sites must occur by the fourth Monday in October. Failure to complete construction and/or placement of a permanent blind by the deadline shall result in the termination of its status as a permanent blind site, permitting its use as a site for a temporary blind for the remainder of that hunting season. Thereafter, it may be designated as a permanent draw blind site, at the discretion of the area manager. Camouflage on permanent blind sites must be completed by opening day of the regular waterfowl season. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resource Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.

Rule 1660-1-2-.02 (2) (c) 10 is amended by changing "ten (10)" to "fifteen (15)" and by adding the words "or metal" after the word "plastic" so that, as amended, the rule shall read:

4. Decoys located at permanent blind sites shall be removed by blind holders within fifteen (15) days after the closing date of the final annual waterfowl hunting season. The use or possession of containers made of plastic or metal that are utilized for waterfowl decoys is prohibited while participating in waterfowl hunting on the waters of Reelfoot Lake.

Rule 1660-1-2-.02 (2) (c) 13 is amended by adding the word “, altered” after the word, “sprayed” so that, as amended, the rule shall read:

13. No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior approval of the area manager.

Rule 1660-1-2-.02 (2) (c) 14 is amended by adding the words, “, including all liter and trash, stakes, weights and lines.” after the word “materials” so that, as amended, the rule shall read:

14. Blind owners may not abandon blinds on Reelfoot Wildlife Management Area and are responsible for removing all related materials, including all liter and trash, stakes, weights and lines. Abandoned blinds and related materials may be removed, destroyed or otherwise disposed of by the area manager or his designee.

Rule 1660-1-2-.02 (2) (d)1.(i) is amended by adding the words, “which can be hunted from as determined by the area manager,” after the word “attached” so that, as amended, the rule shall read:

- (i) A permanent blind is a framed structure of a minimum of 4 feet wide, 4 feet high and 8 feet long not to exceed 30 feet in length and not to exceed 300 total square feet, with walls consisting of netting wire or solid material to which camouflage is or may be attached which can be hunted from as determined by the area manager that is constructed on or moved to either a permanent registered blind site or a permanent draw blind site.

Rule 1660-1-2-.02 (2) (d) 10 is amended by deleting it in its entirety and by substituting instead the following new paragraph:

10. Each year, a permanent blind must be present or be constructed and/or placed on each permanent registered blind site and each permanent draw blind site by the fourth Monday in October and remain in place for the entire waterfowl season. All camouflage must be completed by opening day of waterfowl season. Failure to construct and/or place a permanent blind on a permanent registered blind site by the fourth Monday in October shall result in its termination as a permanent registered blind site, permitting its use as a temporary blind site for the remainder of that hunting season. Thereafter, it may be designated as a permanent draw blind site at the discretion of the area manager. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resources Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind site holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.

Rule 1660-1-2-.02 (2) (d) 13 is amended by adding the word “altered” after the word “sprayed” so that, as amended, the rule shall read as follows:

13. No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior written approval of the area manager. Application to the area manager for any cutting, altering, or spraying must be made prior to the last Saturday in August. Blind holders may conduct agricultural plantings in areas adjacent to their permitted blind sites if written approval in advance is obtained from the area manager.

Rule 1660-1-2-.02 (3) (b) is amended by removing the words, "C. M. Gooch, except unit A" and replacing them with the words, "Decoys must be removed at the end of the day's hunt." so that, as amended, the rule shall read:

(b) Decoys must be removed at the end of the day's hunt.

Authority: T.C.A. §§70-1-206, 70-4-107

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of January, 2004.
(01-16)

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pg. 48

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 04-01 DOVE SEASONS AND 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 dove seasons and regulations effective August 1, 2004.

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

SECTION I. SEASON AND DAILY BAG LIMITS

Species	Opens	Closes	Daily Bag
Dove	Sept. 1 and continues		15 ¹
1st segment	for 26 consecutive days		
2nd segment	2nd Sat. in Oct.	4th Sun. in Oct.	
3rd segment	3rd Sat. in Dec. and continues		
	for 18 consecutive days		

SECTION II. SHOOTING HOURS

Shooting hours same as federal frameworks.²

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.

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.

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

SECTION IV. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Section I of Proclamation No. 03-11 relative to dove seasons and bag limits, and Section IV relative to dove season opening day of Proclamation No. 03-11, dated May 29, 2003.

Proclamation No. 04-01 received and recorded this 22nd day of January, 2004. (01-10)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 04-02
AMENDMENT TO PROCLAMATION 03-18
REGULATING SPRING WILD TURKEY HUNTING SEASONS AND BAG LIMITS**

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 amendment to Proclamation No. 03-18 dealing with spring hunting seasons and bag limits for wild turkey hunting.

On page 2, in Section III, A., under Wildlife Management Areas – Seasons and Miscellaneous Regulations, change the dates for the Natchez Trace 4-day hunt from April 22-25 to “April 29-May 2.”

Proclamation No. 04-02 received and recorded this 21st day of January, 2004. (01-09)



CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning January 2, 2004 and ending January 30, 2004.

A handwritten signature in black ink that reads 'Riley C. Darnell'. The signature is written in a cursive style with a large initial 'R'.

RILEY C. DARNELL
Secretary of State

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pg. 52

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pg. 54