

TAR

TENNESSEE ADMINISTRATIVE REGISTER



April 13, 2006
Volume 32, Number 4

RILEY C. DARNELL
Secretary of State

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

DEPARTMENT OF STATE NONDISCRIMINATION POLICY STATEMENT

Pursuant to its policy of nondiscrimination, the Department of State does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in, its programs, services, or activities.

Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the Department of State, Bard G. Fisher, EEO/AA Coordinator, 7th Floor, Snodgrass/Tennessee Tower, 312 Eighth Avenue North, Nashville, TN, 37243-0311 or call (615) 741-2650, Tennessee Relay Center TDD 1-800-848-0298, Voice 1-800-848-0299. ADA inquiries or complaints should be directed to Mr. Fisher at the above mentioned location.

PUBLIC INSPECTION OF DOCUMENTS

A certified copy of each document filed with the Department of State, Division of Publications is available for public inspection from 8 A.M. to 4:30 P.M., Monday through Friday. Copies of documents may be made at a cost of 25 cents per page and \$2 for the certification page, payable in advance if requested. The Division of Publications is located on the Eighth Floor, Snodgrass/Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37243 - 0310. Telephone inquiries may be made by calling (615) 741-2650, Tennessee Relay Center TDD 1-800-848-0298, Voice 1-800-848-0299. Individuals with disabilities who wish to inspect these filings should contact the Division of Publications to discuss any auxiliary aids or services needed to facilitate such inspection. Such contact may be made in person, by writing, telephonically or otherwise and should be made at least ten (10) days in advance of the date such party intends to make such inspection to allow time for the Division of Publications to provide such aid or service.

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.

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

TABLE OF CONTENTS

ANNOUNCEMENTS

Financial Institutions, Department of Announcement of Formula Rate of Interest	5
Maximum Effective Rate of Interest	5
Government Operations Committee Announcement of Public Hearing.....	6-17
Health Services and Development Agency Notice of Beginning of Review Cycle	18

EMERGENCY RULES

Safety, Department of.....	19-20
----------------------------	-------

PROPOSED RULES

Financial Institutions, Department of	21-28
Safety, Department of.....	29-30

PUBLIC NECESSITY RULES

Public Necessity Rules Now in Effect.....	31-32
Finance and Administration (TennCare), Department of	33-40

RULEMAKING HEARINGS

Children's Services, Department of.....	41-54
Environment and Conservation, Department of	55-65
Finance and Administration (TennCare), Department of	66
Indian Affairs, Commission on	67-73
Wildlife Resources Commission.....	76-80

CERTIFICATE OF APPROVAL	81
--------------------------------------	-----------

ANNOUNCEMENTS

DEPARTMENT OF FINANCIAL INSTITUTIONS – 0180

ANNOUNCEMENT OF FORMULA RATE OF INTEREST

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 11.57%.

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.

Greg Gonzales

DEPARTMENT OF FINANCIAL INSTITUTIONS – 0180

ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of May 2006 is 9.01 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 5.01 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.

Greg Gonzales

ANNOUNCEMENTS

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 previous month. 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) 741-3072.

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
03-01	Mar 3, 2006	0620 Finance and Administration Bureau of TennCare	Public Necessity Rules	Amendments	<i>Chapter 1200-13-13 TennCare Medicaid</i> 1200-13-13-.01 Definitions 1200-13-13-.02 Eligibility	George Woods TennCare 310 Great Circle Road Nashville TN 37243 615-507-6446	March 3, 2006 through August 15, 2006
03-02	Mar 3, 2006	0620 Finance and Administration Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-13 TennCare Medicaid</i> 1200-13-13-.01 Definitions 1200-13-13-.02 Eligibility	George Woods TennCare 310 Great Circle Road Nashville TN 37243 615-507-6446	May 17, 2006
03-04	Mar 7, 2006	0400 Environment and Conservation Bureau of Environment Division of Air Pollution Control	Rulemaking Hearing Rule	Amendments	<i>Chapter 1200-3-18 Volatile Organic Compounds</i> 1200-3-18-.01 Definitions	Ms. Lacey Hardin Air Pollution Control 9th Floor L & C Annex 401 Church Street Nashville, TN 37243-1531 (615) 532-0554	May 21, 2006
03-05	Mar 7, 2006	0400 Environment and Conservation Bureau of Environment Division of Air Pollution Control	Rulemaking Hearing Rule	Amendments	<i>Chapter 1200-3-11 Hazardous Air Contaminants</i> 1200-3-11-.01 General Provisions	Ms. Lacey Hardin Air Pollution Control 9th Floor L & C Annex 401 Church Street Nashville, TN 37243-1531 (615) 532-0554	May 21, 2006
03-06	Mar 9, 2006	1660 Wildlife Resources Agency	Rulemaking Hearing Rule	Amendment	<i>Chapter 1660-2-6 Rules And Regulations Governing Uniform Waterway Marker System</i> 1660-2-6-.01 Navigation Aids and Regulatory Markers	Sheryl Holtam, TWRA P.O. Box 40747 Nashville, TN 37204 (615) 781-6606	May 23, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
03-07	Mar 9, 2006	0800 Labor and Workforce Development Workers' Compensation	Rulemaking Hearing Rule	Repeal and New Rules	<i>Chapter 0800-2-5 Benefit Review Process Rules</i> 0800-2-5-.01 Definitions 0800-2-5-.02 Request for Assistance or Mediation 0800-2-5-.03 Requirements for Request for Assistance 0800-2-5-.04 Requirements for Requests for Benefit Review Conference 0800-2-5-.05 Documents to be Provided upon Request of Workers' Compensation Specialist 0800-2-5-.06 Discovery 0800-2-5-.07 Benefit Review Conferences 0800-2-5-.08 Approval of Settlement by the Commissioner or the Commissioner's Designee 0800-2-5-.09 Exhaustion of the Benefit Review Conference Process 0800-2-5-.10 Penalties	E. Blaine Sprouse Labor & Workforce Development Andrew Johnson Twr 2nd Fl 710 James Robertson Pkwy Nashville TN 37243-0661 (615) 253-0064	May 23, 2006
03-08	Mar 13, 2006	0620 Finance and Administration Bureau of TennCare	Public Necessity Rules	Amendment	<i>Chapter 1200-13-13 TennCare Medicaid</i> 1200-13-13-.04 Covered Services	George Woods Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 (615) 507-6446	March 13, 2006 through Aug 25, 2006
03-09	Mar 13, 2006	0620 Finance and Administration Bureau of TennCare	Public Necessity Rules	Amendment	<i>Chapter 1200-13-14 TennCare Standard</i> 1200-13-14-.04 Covered Services	George Woods Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 (615) 507-6446	March 13, 2006 through Aug 25, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
03-11	Mar 14, 2006	1050 Osteopathic Examination	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1050-2 General Rules and Regulations Governing the Practice of Osteopathy</i></p> <p>1050-2-.03 Licensure Process 1050-2-.04 Training 1050-2-.05 Application Review, Approval, Denial, Interviews and Conditioned, Restricted and Locum Tenens Licensure 1050-2-.17 Telemedicine Licensure</p> <p><i>Chapter 1050-3 General Rules and Regulations Governing the Utilization of X-Ray Operators in Osteopathic Physicians' Offices</i></p> <p>1050-3-.04 Qualifications for Full and Limited Certification 1050-3-.05 Obtaining and Upgrading Full and Limited Certification 1050-3-.10 Supervision</p>	Robert J. Kraemer, Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 28, 2006
03-12	Mar 14, 2006	1150 Occupational and Physical Therapy Examiners Committee of Physical Therapy	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1150-1 General Rules Governing the Practice of Physical Therapy</i></p> <p>1150-1-.05 Procedures for Licensure 1150-1-.12 Continuing Competence</p>	Nicole Armstrong Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 28, 2006
03-13	Mar 14, 2006	1150 Occupational and Physical Therapy Examiners Committee of Physical Therapy	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1150-2 General Rules Governing the Practice of Occupational Therapy</i></p> <p>1150-2-.05 Procedures for Licensure</p>	Nicole Armstrong, Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 28, 2006
03-14	Mar 14, 2006	1365 Social Worker Certification and Licensure	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1365-1 General Rules and Regulations</i></p> <p>1365-1-.05 Procedures for Certification and Licensure 1365-1-.10 Supervision</p>	Nicole Armstrong, Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 28, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
03-18	Mar 14, 2006	0880 Medical Examiners	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 0880-2 General Rules and Regulations Governing the Practice of Medicine</i></p> <p>0880-2-.03 Licensure Process U.S. and Canada Medical School Graduates</p> <p>0880-2-.04 Licensure Process International Medical School Graduates</p> <p>0880-2-.05 Licensure of Out of State and International Applicants</p> <p>0880-2-.06 Training Licenses And Licensure Exemptions</p> <p>0880-2-.07 Application Review, Approval, Denial, Interviews and Conditioned, Restricted and Locum Tenens Licensure</p> <p>0880-2-.16 Telemedicine Licensure</p> <p><i>Chapter 0880-4 General Rules and Regulations Governing the Practice of Athletic Trainers</i></p> <p>0880-4-.05 Licensure Process</p> <p>0880-4-.09 Licensure Renewal and Reinstatement</p> <p>0880-4-.11 Retirement and Reactivation of License</p> <p><i>Chapter 0880-5 General Rules and Regulations Governing the Utilization of X-Ray Operators in Physician's Offices</i></p> <p>0880-5-.04 Qualifications for Full and Limited Certification</p> <p>0880-5-.11 Bone Densitometry</p> <p><i>Chapter 0880-9 General Rules and Regulations Governing Radiologist Assistants</i></p> <p>0880-9-.04 Procedures for Certification</p>	Robert J. Kraemer, Health OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 28, 2006
03-19	Mar 14, 2006	1200 Health Tennessee Medical Laboratory Board Division of Health Related Boards	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1200-6-1 General Rules Governing Medical Laboratory Personnel</i></p> <p>1200-6-1-.05 Procedures for Personnel Licensure</p> <p><i>Chapter 1200-6-3 General Rules Governing Medical Laboratories</i></p> <p>1200-6-3-.01 Definitions</p>	Health OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 28, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
03-20	Mar 17, 2006	0260 Chiropractic Examiners	Rulemaking Hearing Rules	Amendments	Chapter 0260-2 General Rules Governing Chiropractic Examiners 0260-2-.05 Procedures for Licensure Chapter 0260-3 General Rules Governing Chiropractic X-Ray Technologists 0260-3-.05 Procedures for Certification Chapter 0260-5 General Rules Governing Chiropractic Therapy Assistants 0260-5-.05 Procedures for Certification	Robert J. Kraemer, Jr Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 31, 2006
03-21	Mar 17, 2006	1180 Psychology	Rulemaking Hearing Rules	Amendments	Chapter 1180-2 Rules Governing Psychologists 1180-2-.03, Procedures for Licensure 1180-2-.03, Procedures for Licensure 1180-2-.05, Temporary License 1180-2-.06, Provisional License Chapter 1180-3 Rules Governing Psychological Examiners and Senior Psychological Examiners 1180-3-.03, Procedures for Licensure 1180-3-.05, Temporary License Chapter 1180-4 Rules Governing Certified Psychological Assistants 1180-4-.03, Procedures for Certification	Nicole Armstrong Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 31, 2006
03-22	Mar 17, 2006	0880 Medical Examiners Committee on Physician Assistants	Rulemaking Hearing Rules	Amendments	<i>Chapter 0880-3 General Rules and Regulations Governing the Practice of a Physician Assistant</i> 0880-3-.05 Procedures for Licensure <i>Chapter 0880-10 General Rules and Regulations Governing the Practice of an Orthopedic Physician Assistant</i> 0880-10-.05 Procedures for Licensure	Robert J. Kraemer, Jr Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 31, 2006
03-23	Mar 17, 2006	1045 Optometry	Rulemaking Hearing Rules	Amendments	<i>Chapter 1045-2 General Rules Governing the Practice of Optometry</i> 1045-2-.02 Licensure Process	Nicole Armstrong Health OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	May 31, 2006

