

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Commerce and Insurance
DIVISION: Insurance
SUBJECT: Review of Health Insurance Premium Rates
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 56-1-212
EFFECTIVE DATES: August 29, 2011 through February 25, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Proposed Rule Chapter 0780-01-93 seeks to establish new standards for the Tennessee Department of Commerce and Insurance's (TDCI's) review of health insurance premium rates. The purpose is to ensure that TDCI's process for reviewing rates is at least and in all ways sufficient according to the new federal minimum standards established by the federal Patient Protection and Affordable Care Act of 2010 (PPACA) and the related regulations.

The Chapter adopts an 80% medical loss ratio requirement for carriers selling in the individual and small group markets. It requires that premium rate filings be submitted electronically beginning on January 1, 2012, so that TDCI might meet its reporting requirements under the federal law.

The Chapter specifically requires a carrier to provide certain documentation to be filed with requests for rate increases, including any cost sharing, benefit changes, changes in enrollee risk profiles, and administrative costs incurred, to assist TDCI in determining the reasonableness of the requested increase.

The Chapter also requires the carriers to file a preliminary justification with the federal government when they are asking for an increase of ten percent (10%) or more.

Chapter 0780-01-92 is substantially the same in content as the former Rule Chapter 0780-01-20 being repealed by this filing. The language of the former rule Chapter 0780-01-20 (the new Rule Chapter 0780-01-93) must be retained to govern the rate and form filings related to those policies that offer coverage that is outside the scope of PPACA, such as those that constitute "excepted benefits," as defined by 42 U.S.C. § 300gg-91(c). Examples of excepted benefits include disability plans, liability insurance, and credit only insurance. TDCI felt this Chapter should be moved so that both Chapters regulating health insurance premium rate filings were side by side, to provide clarity and readability to the people responsible for making the filings on behalf of the insurance companies.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This Chapter will have no impact on local governments.

Tennesseans. These rules must be promulgated on an emergency basis because they must be effective before September 1, 2011.

Rule(s) Revised:

Chapter Number	Chapter Title
0780-01-20	Filing and Approval of Accident and Sickness Policies, Except Credit Accident and Sickness Policies, Premium Rates, and Claims Forms
Rule Number	Rule Title
0780-01-20-.01	General Filing Requirements
0780-01-20-.02	Actuarial Memorandum
0780-01-20-.03	Previously Approved Forms
0780-01-20-.04	Experience Records
0780-01-20-.05	Evaluating Experience Data
0780-01-20-.06	Reasonableness of Benefits in Relation to Premiums
0780-01-20-.07	Accident and Health Policy Experience Exhibit
0780-01-20-.08	Effective Date
0780-01-20-.09	Claim Forms for Reporting by Health Care Providers

**Repeal
0780-01-20**

Chapter 0780-01-20 "Filing and Approval of Accident and Sickness Policies, Except Credit Accident and Sickness Policies, Premium Rates, and Claims Forms" is repealed.

**New Chapter
0780-01-92**

Rules Related to Form and Rate Filings for Health Insurance Coverage Not Subject to the Authority of The Patient Protection and Affordable Care Act of 2010

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0780-01-92-.09	Claim Forms for Reporting by Health Care Providers

Rule 0780-01-92-.01 Definitions

As used in this Chapter:

- (1) "Accident and health insurance" means insurance against bodily injury, disablement or death, by accident or accidental means, or the expense of bodily injury, disablement or death, against disablement or expense resulting from sickness, and every insurance pertaining thereto; providing for the mental and emotional welfare of an individual and members of the individual's family by defraying the cost of legal services; or providing aggregate or excess stop-loss coverage in connection with employee welfare benefit plans, managed care organizations participating in commercial plans or the TennCare program, or both, health maintenance organizations, long-term care facilities and physician-hospital organizations as defined in T.C.A. § 56-32-102;
- (2) "Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any policy, certificate, or agreement offered by a health insurance issuer; it does not include excepted benefits as described by section 2791(c) of the Public Health Service Act, compiled in 42 U.S.C. § 300gg-91(c).

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-27-112, 56-26-202, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.02 Application of Chapter

This Chapter shall not apply to health insurance coverage provided to any individual or small employer as regulated by Tenn. Comp. R. & Regs. 0780-01-93. This Chapter shall apply to all other types of accident and health insurance. The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.03 General Filing Requirements

- (1) All the provisions of this Chapter, Rule 0780-01-92-.01 through Rule 0780-01-92-.08, apply to individual policy forms except as specifically provided in Rule 0780-01-92-.03(8).
- (2) Each form shall be listed in a cover letter or in an attached list and all covering letters and lists shall be in duplicate. Rates and subsequent rate revisions must be filed with all accident and sickness policy forms as specified in T.C.A. §§ 56-26-102 and 56-26-202, and each policy form filing must be accompanied by a schedule of the proposed premium rates, except revised policy forms previously filed, rider and endorsement forms which do not require a change in rates.
- (3) The marketing method to be used (e.g., individual sales, franchise, blanket, direct mail, group) shall be identified. Submission of mass-marketed policies, excluding individually marketed and underwritten policies and group policies as defined in T.C.A. § 56-26-201, shall include a description of the marketing program and state any fees involved.
- (4) All filings must be submitted by the company concerned. If the filing is submitted through a third party, the filing should be accompanied by a letter of authorization signed by an officer of the insurance company.
- (5) If the form being submitted is intended to replace an approved form already on file, a list of the material changes made in the new form must accompany the transmittal letter.
- (6) All blank spaces in each policy form, except an application, must be filled in and completed with hypothetical data to indicate the purpose and use of the form. If there are numerical variables contained within the policy form, the range of variables must be stated in the policy form.
- (7) When submitting a policy form to which a copy of the application must be attached when issued, a copy of the appropriate application shall be attached to the policy form. If the application has already been approved, the form number and date of approval shall be stated in the transmittal letter.
- (8) The requirements of this paragraph shall apply solely to group accident and sickness policies and forms except for major medical health insurance coverage as referenced in T.C.A. § 56-26-102(d) and to coverage regulated under Tenn. Comp. R. & Regs. 0780-01-93.
 - (a) As to experience-rated group insurance, premium rates and classifications need not be filed; however, form filings must be accompanied by a statement signed by an authorized person on behalf of the company that:
 1. The policy filing is experience-rated group insurance, and
 2. The premium rates and classification of risks are available for review by the Commissioner of Insurance upon request.
 - (b) As to other than experience-rated group insurance, the applicable premium rates and classifications must accompany the form filing, and the filing must be accompanied by a certification by an authorized person on behalf of the company that the premium rates are

not unreasonable in relation to benefits provided, and that actuarial data and experience shall be maintained by the company and available for review by the Commissioner of Insurance upon request.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.04 Actuarial Memorandum

Each rate submission shall include an actuarial memorandum describing the basis on which rates were determined and shall indicate and describe the calculation of the ratio, hereinafter called "anticipated loss ratio", of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. Each rate submission must also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment the rate filing is in compliance with the applicable laws and regulations of this state and that the benefits are reasonable in relation to premiums.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.05 Previously Approved Forms

Filings of rate revisions for a previously approved policy, rider or endorsement form shall also include the following:

- (1) A statement of the scope and reason for the revision, and an estimate of the expected average effect on premiums, including the anticipated loss ratio for the form;
- (2) A statement as to whether the filing applies only to new business, only to in-force business, or both, and the reasons;
- (3) A history of the experience under existing rates, including at least the data indicated in Rule 0780-1- 92-.06. The history may also include, if available and appropriate, the ratios of actual claims to the claims expected according to the assumptions underlying the existing rates. Additional data might include: substitution of actual claim run-offs for claim reserves and liabilities; determination of loss ratios with the increase in policy reserves (other than unearned premium reserves) added to benefits rather than subtracted from premiums; accumulations of experience funds; substitution of net level policy reserves for preliminary term policy reserves; adjustment of premiums to an annual mode basis; or other adjustments or schedules suited to the form and to the records of the company. All additional data must be reconciled, as appropriate, to the required data; and
- (4) The date and magnitude of each previous rate change, if any.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.06 Experience Records

Insurers shall maintain records of earned premiums and incurred benefits for each calendar year for each policy form, including data for rider and endorsement forms which are used with the policy form, on the same basis, including all reserves, as required for the Accident and Health Policy Experience Exhibit. Separate data may be maintained for each rider or endorsement form to the extent appropriate. Experience under forms which provide substantially similar coverage may be combined. The data shall be for all years of issue combined, for each calendar year of experience since the year the form was first issued, except that data for calendar years prior to the most recent five years may be combined.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.07 Evaluating Experience Data

In determining the credibility and appropriateness of experience data, due consideration must be given to all relevant factors, such as:

- (1) Statistical credibility of premiums and benefits, e.g., low exposure, low loss frequency;
- (2) Experienced and projected trends relative to the kind of coverage, e.g. inflation in medical expenses, economic cycles affecting disability income experience;
- (3) The concentration of experience at early policy durations where select morbidity and preliminary term reserves are applicable and where loss ratios are expected to be substantially lower than at later policy durations; and
- (4) The mix of business by risk classification.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.08 Reasonableness of Benefits in Relation to Premiums

- (1) New Forms

With respect to a new form, benefits may be considered reasonable in relation to premiums provided the anticipated loss ratio is at least as great as shown in the following table:

Type of Coverage	Renewal Clause			
	OR	CR	GR	NC
Non-Large Group Medical Expense	60%	55%	55%	50%
Non-Large Group Loss of Income and Other	60%	55%	50%	45%

Definitions of Renewal Clause

OR - Optionally Renewable: renewal is at the option of the insurance company.

CR - Conditionally Renewable: renewal can be declined by the insurance company only for stated reasons other than deterioration of health.

GR - Guaranteed Renewable: renewal cannot be declined by the insurance company for any reason, but the insurance company can revise rates on a class basis.

NC - Non-Cancellable: renewal cannot be declined nor can rates be revised by the insurance company.

If satisfactory justification is submitted to the Department of Insurance for a policy form, including riders and endorsements, under which the expected average annual premium per policy is \$100 or more but less than \$200, the company may be permitted to subtract up to 5 percentage points from the numbers in the table above, or if less than \$100, subtract up to 10 percentage points.

The average annual premium per policy and the average anticipated loss ratio shall be computed by the insurer based on an anticipated distribution of business by all applicable criteria having a price difference, such as age, sex, amount, dependent status, rider frequency, etc., except assuming an annual mode for all policies (i.e., the fractional premium loading shall not affect the average annual premium or anticipated loss ratio calculation).

- (2) Rate Revisions.

With respect to filings of rate revisions for a previously approved form, benefits may be considered reasonable in relation to premiums provided the following standards are met:

- (a) With respect to policies issued on and after the effective date of the revision, the standards are the same as in Paragraph (1) of this Rule, except that the average annual premiums shall be determined based on an actual rather than an anticipated distribution of business.
 - (b) With respect to policies issued prior to the effective date of the revision, both subparagraph (a) above and this subparagraph (b) shall be at least as great as the standards in Paragraph (1) of this Rule:
 1. The anticipated loss ratio over the entire period for which the revised rates are computed to provide coverage;
 2. The ratio of (i) to (ii) where:
 - (i) is the sum of the accumulated benefits, from the original effective date of the form to the effective date of the revision, and the present value of future benefits, and
 - (ii) is the sum of the accumulated premiums, from the original effective date of the form to the effective date of the revision, and the present value of the future premiums, such present values to be taken over the entire period for which the revised rates are computed to provide coverage, and such accumulated benefits and premiums to include an explicit estimate of the actual benefits and premiums from the last date as of which an accounting has been made to the effective date of the revision. Interest shall be used in the calculation of these accumulated benefits and premiums and present values only if it is a significant factor in the calculation of this loss ratio.
 3. Other methods, in addition to those in this Paragraph (2) may be used to calculate rate revisions. However, the minimum anticipated loss ratio thus calculated must be at least as great as the standards in Paragraph (1), with consideration given active life reserves, and such methods must be approved by the Insurance Commissioner.
- (3) Anticipated loss ratios different from those indicated in Paragraphs (1) and (2) above will require justification based on the special circumstances that may be applicable.
- (a) Examples of coverages that may receive special consideration are as follows:
 1. accident only;
 2. short term non-renewable, e.g., airline trip; student accident;
 3. specified peril, e.g., cancer, common carrier; and
 4. other special risks.
 - (b) Examples of other factors that may receive special consideration are as follows:
 1. marketing methods, giving due consideration to acquisition and administration costs and to premium mode;
 2. extraordinary expenses;
 3. high risk of claim fluctuation because of the low loss frequency or the catastrophic or experimental nature of the coverage; and
 4. product features such as long elimination periods, high deductibles and high maximum limits.

- (4) Companies are urged to review their experience periodically and to file rate revisions, as appropriate, in a timely manner to avoid the necessity of later filing of exceptionally large rate increases.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-92-.09 Claim Forms for Reporting by Health Care Providers

- (1) No later than July 1, 1994, all insurance companies offering for sale health care policies in this state shall require all policyholders and third party claimants to utilize the following standardized forms when making a claim against any health care insurance policy in effect in this state:
- (a) Centers for Medicare and Medicaid (CMS) Form 1500 for health care practitioner claims other than dental. Health care practitioners who bill patients directly shall provide a properly completed CMS Form 1500 in addition to any other form used to bill the patient when requested by the patient.
 - (b) Form UB04 for hospital and other institutional care claims. Institutional care practitioners who bill patients directly shall provide a properly completed UB04 in addition to any other form used to bill the patient when requested by the patient.
 - (c) American Dental Association Claim Form for dental health care claims. Dentists who bill patients directly shall provide a properly completed Claim Form in addition to any other form used to bill the patient when requested by the patient.
 - (d) The National Council for Prescription Drug Programs (NCPDP) Universal Claim Form for pharmacy claims. Pharmacists who bill patients directly shall provide a properly completed Universal Claim Form in addition to any other form used to bill the patient when requested by the patient.
 - (e) The ANSI X12N standard format for the health care transaction sets for claims submission (837) and claims payment (835) for all issuers and health care providers who receive claims or sent payment by electronic means.
- (2) All forms required by this Rule shall be updated to meet the requirements of federal law or state laws implementing federal or state health care reimbursement programs.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-1008, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

**New Chapter
0780-01-93**

Rules Related to Form and Rate Filings for Health Insurance Coverage Subject to the Authority of
The Patient Protection and Affordable Care Act of 2010

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0780-01-93-.08	Reasonableness of Benefits in Relation to Premium
0780-01-93-.09	Claim Forms for Reporting by Health Care Providers
0780-01-93-.10	Effective Date

Rule 0780-01-93-.01 Definitions

As used in this Chapter:

- (1) "Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any policy, certificate, or agreement offered by a health insurance issuer; it does not include excepted benefits. For purposes of this Chapter, health insurance coverage shall have the same meaning as that given "major medical health insurance" in T.C.A. § 56-26-102 (d).
- (2) "Health insurance issuer" means an entity, including a small employer carrier, subject to the insurance laws of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide health insurance coverage, including but not limited to an insurance company, a health maintenance organization and a nonprofit hospital and medical service corporation.
- (3) "Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include short-term limited duration insurance.
- (4) "Small employer" has the same meaning given in Title 56, Chapter 7, Section 2203.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2203, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-93-.02 Application of the Rule

- (1) The provisions of this Chapter shall apply to health insurance coverage issued to any individual or small employer. The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application.
- (2) This Chapter does not apply to any policy as described by Section 2791(c) of the Public Health Service Act, compiled in 42 U.S.C. § 300gg-91(c).

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2203, 56-7-2802, 56-7-2802(31), 56-26-102, 56-26-103, 56-26-202, 56-26-114, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-93-.03 General Filing Requirements

- (1) All initial premium rates and forms for new policies and revised premium rates on any previously approved policies must be filed for approval for all health insurance coverage as specified in T.C.A. §56-26-102(a).
- (2) Each form shall be listed in a cover letter or in an attached list or in the general filing information of an electronic filing system.
- (3) The marketing method to be used (e.g., individual sales, franchise, blanket, direct mail, group, exchanges) shall be identified.
- (4) All filings must be submitted by the company concerned. If the filing is submitted through a third party, the filing should be accompanied by a letter of authorization signed by an officer of the insurance company.
- (5) All blank spaces in each policy form, except an application, must be filled in and completed with hypothetical data to indicate the purpose and use of the form. If the form includes a range of numerical variables, these variables must be in the actual form.
- (6) When submitting a policy form to which a copy of the application must be attached when issued, a copy of the appropriate application shall be attached to the policy form. If the application has

already been approved, the form number and date of approval shall be stated in the transmittal letter.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-93-.04 Actuarial Memorandum

Each rate submission shall include an actuarial memorandum describing the basis on which rates were determined and shall indicate and describe the calculation of the ratio hereinafter called "anticipated medical loss ratio", of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. Each rate submission must also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment the rate filing is in compliance with the applicable laws and regulations of this state and that the benefits are reasonable in relation to premiums.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-93-.05 Previously Approved Forms

The filing of revised premium rates on any previously approved policy, endorsement, rider, certificate or application shall also include the following:

- (1) A statement of the scope and reason for the revision, and an estimate of the expected average effect on premiums, including the anticipated medical loss ratio for the form;
- (2) A statement as to whether the filing applies only to new business, only to in-force business, or both, and the reasons it applies only to new or only to in-force business;
- (3) A history of the experience under existing rates, including at least the data indicated in Rule 0780-1-93-.07. The history may also include, if available and appropriate, the ratios of actual claims to the claims expected according to the assumptions underlying the existing rates. Additional data should include: substitution of actual claim run-offs for claim reserves and liabilities; determination of medical loss ratios with the increase in policy reserves (other than unearned premium reserves) added to benefits rather than subtracted from premiums; accumulations of experience funds; substitution of net level policy reserves for preliminary term policy reserves; adjustment of premiums to an annual mode basis; or other adjustments or schedules suited to the form and to the records of the company. All additional data must be reconciled, as appropriate, to the required data;
- (4) The date and magnitude of each previous rate change, if any;
- (5) Data and documentation in connection with the following must be provided to the extent applicable to the filing under review, with an explanation as to how each item has or has not impacted the premium rate. If the item is not applicable to the filing under review, provide an explanation as to why the item has not impacted the premium rate:
 - (a) Medical trend changes by major service categories;
 - (b) Utilization changes by major service categories;
 - (c) Cost-sharing changes by major service categories;
 - (d) Benefit changes;
 - (e) Changes in enrollee risk profile;
 - (f) Any overestimate or underestimate of medical trend for prior year periods related to the rate increase;
 - (g) Changes in reserve needs;

- (h) Changes in administrative costs related to programs that improve health care quality;
 - (i) Changes in other administrative costs;
 - (j) Changes in applicable taxes, licensing, or regulatory fees;
 - (k) Medical loss ratio;
 - (l) Health insurance issuer's capital and surplus; and
 - (m) Other information the Commissioner determines is necessary to review the rates for approval, the requirements will be posted in SERFF;
- (6) Filing of Preliminary Justification – In the case of a rate increase of ten percent (10%) or more, or above the State-specific threshold as defined by the Secretary of the U.S. Department of Health and Human Services ("HHS"), pursuant to the HHS final regulation at 45 C.F.R. part 154, Subpart B, Section 200, a health insurance issuer must file with the Tennessee Department of Commerce and Insurance and HHS a Preliminary Justification. The Preliminary Justification must be prepared in accordance with the standards set forth in HHS final regulations at 45 C.F.R. part 154, Subpart B, Section 215, and must contain the following:
- (a) Rate Increase Summary (Part I), which must be consistent with the requirements set forth in 45 C.F.R. § 154.215(e); and
 - (b) A written description justifying the rate increase (Part II), which must be consistent with the requirements set forth in 45 C.F.R. § 154.215(f); and
- (7) The review process will include an examination of the following:
- (a) The reasonableness of the assumptions used by the health insurance issuer to develop the proposed rate increase and the validity of the historical data underlying the assumptions; and
 - (b) The health insurance issuer's data related to past projections and actual experience.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107, Public Law 111-148 as amended by Public Law 111-152 (2010), and 45 C.F.R. part 154, Subpart B, Section 200.

Rule 0780-01-93-.06 Electronic Filing

Beginning January 1, 2012, all filings submitted pursuant to this Chapter shall be filed electronically. All electronic filings shall be made via the System for Electronic Rate and Form Filing (SERFF).

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, and 56-32-107.

Rule 0780-01-93-.07 Experience Records

Insurers shall maintain records of earned premiums and incurred benefits for each calendar year for each policy form, including data for rider and endorsement forms which are used with the policy form, on the same basis, including all reserves, as required for the Accident and Health Policy Experience Exhibit. Separate data may be maintained for each rider or endorsement form to the extent appropriate. Experience under forms which provide substantially similar coverage may be combined. The data shall be for all years of issue combined, for each calendar year of experience since the year the form was first issued, except that data for calendar years prior to the most recent five years may be combined.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107, and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-93-.08 Reasonableness of Benefits in Relation to Premium

- (1) New Forms and Rate Revisions
 - (a) New forms and filings of new premium rates on a previously approved policy, endorsement rider, or certificate benefits will be presumed to be reasonable in relation to premiums provided the anticipated medical loss ratio is at least 80% in the individual and small group markets for all health insurance; however, failure to meet the anticipated medical loss ratio alone will not constitute an unreasonable rate.
 - (b) The medical loss ratio shall be calculated pursuant to the standards set forth by the U.S. Department of Health and Human Services interim final regulation at 45 C.F.R. part 158 or the corresponding section of any future HHS regulation. For the purposes of this Rule, "small group market" shall mean products sold to employers who employed an average of at least 1 but not more than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of the plan year.
- (2) Companies are urged to review their experience periodically and to file rate revisions, as appropriate, in a timely manner to avoid the necessity of later filing of exceptionally large rate increases.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107, Public Law 111-148 as amended by Public Law 111-152 (2010), and 45 C.F.R. part 158.

Rule 0780-01-93-.09 Claim Forms for Reporting by Health Care Providers

- (1) No later than July 1, 1994, all insurance companies offering for sale health care policies in this state shall require all policyholders and third party claimants to utilize the following standardized forms when making a claim against any health care insurance policy in effect in this state:
 - (a) Centers for Medicare and Medicaid (CMS) Form 1500 for health care practitioner claims other than dental. Health care practitioners who bill patients directly shall provide a properly completed CMS Form 1500 in addition to any other form used to bill the patient when requested by the patient.
 - (b) Form UB04 for hospital and other institutional care claims. Institutional care practitioners who bill patients directly shall provide a properly completed UB04 in addition to any other form used to bill the patient when requested by the patient.
 - (c) American Dental Association Claim Form for dental health care claims. Dentists who bill patients directly shall provide a properly completed Claim Form in addition to any other form used to bill the patient when requested by the patient.
 - (d) The National Council for Prescription Drug Programs (NCPDP) Universal Claim Form for pharmacy claims. Pharmacists who bill patients directly shall provide a properly completed Universal Claim Form in addition to any other form used to bill the patient when requested by the patient.
 - (e) The ANSI X12N standard format for the health care transaction sets for claims submission (837) and claims payment (835) for all issuers and health care providers who receive claims or sent payment by electronic means.
- (2) All forms required by this Rule shall be updated to meet the requirements of federal law or state laws implementing federal or state health care reimbursement programs.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-1008, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107 and Public Law 111-148 as amended by Public Law 111-152 (2010).

Rule 0780-01-93-.10 Effective Date

These rules shall apply only to those filings submitted or required to be submitted on or after September 1, 2011.

Authority: T.C.A. §§ 4-5-208, 56-1-212, 56-2-201, 56-2-301, 56-7-2802, 56-26-102, 56-26-103, 56-26-114, 56-26-202, 56-27-112, 56-28-106, 56-29-116, 56-29-117, 56-32-107, and Public Law 111-148 as amended by Public Law 111-152 (2010).

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 8/25/11

Signature: [Handwritten Signature]

Name of Officer: Larry Knight

Title of Officer: Assistant Commissioner for Insurance



Subscribed and sworn to before me on: August 25, 2011

Notary Public Signature: Kira Burnett

My commission expires on: January 6, 2014

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]
Robert E. Cooper, Jr.
Attorney General and Reporter
8-28-11
Date

Department of State Use Only

Filed with the Department of State on: 8/29/11

Effective for: 180 *days

Effective through: 2/25/12

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

[Handwritten Signature]
Tre Hargett
Secretary of State

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REPLICATIONS

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Safety and Homeland Security

DIVISION: Highway Patrol

SUBJECT: Regulation of Motor Carriers

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 65-15-106 and 65-15-113

EFFECTIVE DATES: August 6, 2011 through February 12, 2012

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: The existing rules require the Department of Safety to license, supervise, regulate, and inspect motor carriers in Tennessee. The rules are being amended primarily to adopt specific changes and revisions recommended by the Federal Motor Carrier Safety Administration.

Department of State
Division of Publications
 312 Rosa L. Parke, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Fax: 615-741-5133
 Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 08-40-11
 Rule ID(s): 5002
 File Date (effective date): 08/16/2011
 End Effective Date: 02/12/2012

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission: Tennessee Department of Safety and Homeland Security
Division: Highway Patrol
Contact Person: Gerry Crownover, Staff Attorney
Address: 1150 Foster Avenue, Nashville, TN
Zip: 37243
Phone: 615-251-5277
Email: Gerry.Crownover@tn.gov

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

Pursuant to T.C.A. §§ 4-5-208, 65-15-106 and 65-15-113, the Department of Safety and Homeland Security is promulgating emergency rules amending the regulations under which the Department licenses, supervises, regulates and inspects motor carriers in the state of Tennessee. The rules are being amended primarily to adopt specific changes recommended by the Federal Motor Carrier Safety Administration (FMCSA). These rules and regulations are required by the FMCSA and adoption of the amendments through ordinary rulemaking procedures might jeopardize the loss of federal programs and funds.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1340-06-01	Rules and Regulations as to Supervision and Control of Motor Vehicles and Motor Buses
Rule Number	Rule Title
1340-06-01-.01	Freight Carriers Not to Carry Passengers
1340-06-01-.02	Tariffs for Public Inspection
1340-06-01-.03	Fares, Charges and Free Transportation
1340-06-01-.04	Time Schedules in Intrastate Commerce
1340-06-01-.05	Posting of Time Schedules in Intrastate Commerce
1340-06-01-.06	Insurance
1340-06-01-.07	Schedule of Limits
1340-06-01-.08	Adoption of Department of Transportation Regulations
1340-06-01-.09	Safe and Sanitary Condition
1340-06-01-.10	Terminal Facilities
1340-06-01-.11	Intoxicated Persons
1340-06-01-.12	Leases in Intrastate Commerce

1340-06-01-.13	Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce
1340-06-01-.14	Transportation of Hazardous Materials
1340-06-01-.15	Revocation of Certificates, Permits and Modification of Rules
1340-06-01-.16	Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions
1340-06-01-.17	Identification of Intrastate Carriers
1340-06-01-.18	Roadside Parking
1340-06-01-.19	Recommended Fines for Motor Carrier Safety Violations
1340-06-01-.20	Routing of Hazardous Material Vehicles in Knox County, Tennessee
1340-06-01-.21	Reserved
1340-06-01-.22	Lighting Requirements for Stopping and Standing Solid Waste Vehicles
1340-06-01-.23	Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers
1340-06-01-.24	Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection
1340-06-01-.25	Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers
1340-06-01-.26	Application for Trailer Safety Inspection
1340-06-01-.27	Trailer Safety Inspection Procedure
1340-06-01-.28	Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1340-06-01, Rules and Regulations as to Supervision and Control of Motor Vehicles and Motor Buses, is amended by deleting the text of the chapter in its entirety and substituting the following text, so that, as amended, the chapter shall read:

Rules
of
Department of Safety and Homeland Security
Tennessee Highway Patrol

Chapter 1340-06-01
Rules and Regulations as to Supervision and Control
of Motor Vehicles and Motor Buses

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1340-06-01-.01 Freight Carriers Not to Carry Passengers	1340-06-01-.17 Identification of Intrastate Carriers
1340-06-01-.02 Tariffs for Public Inspection	1340-06-01-.18 Roadside Parking
1340-06-01-.03 Fares, Charges and Free Transportation	1340-06-01-.19 Recommended Fines for Motor Carrier Safety Violations
1340-06-01-.04 Time Schedules in Intrastate Commerce	1340-06-01-.20 Routing of Hazardous Material Vehicles in Knox County, Tennessee
1340-06-01-.05 Posting of Time Schedules in Intrastate Commerce	1340-06-01-.21 Reserved
1340-06-01-.06 Insurance	1340-06-01-.22 Lighting Requirements for Stopping and Standing Solid Waste Vehicles
1340-06-01-.07 Schedule of Limits	1340-06-01-.23 Definitions Applicable to the Inspection of Homemade and/or
1340-06-01-.08 Adoption of Department of Transportation Regulations	
1340-06-01-.09 Safe and Sanitary Condition	
1340-06-01-.10 Terminal Facilities	
1340-06-01-.11 Intoxicated Persons	
1340-06-01-.12 Leases in Intrastate Commerce	

1340-06-01-.13	Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce	1340-06-01-.24	Materially Reconstructed Trailers Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection
1340-06-01-.14	Transportation of Hazardous Materials	1340-06-01-.25	Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers
1340-06-01-.15	Revocation of Certificates, Permits and Modification of Rules	1340-06-01-.26	Application for Trailer Safety Inspection
1340-06-01-.16	Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions	1340-06-01-.27	Trailer Safety Inspection Procedure
		1340-06-01-.28	Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers

1340-06-01-.01 Freight Carriers Not to Carry Passengers.

A certificate of convenience and necessity, contract hauler's permit or interstate permit authorizing the transportation of freight only does not authorize the transportation of persons. No motor carrier holding a certificate or permit authorizing the transportation of freight only shall transport persons, either with or without compensation.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.07 was transferred from rule 1220-02-01-.07 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.02 Tariffs for Public Inspection.

Copies of tariffs naming rates and fares to be charged, together with rules and regulations, if any, governing same, shall be kept open for public inspection by every motor carrier or contract hauler at its principal office, and at the terminal of each route or routes and at the principal station or stations thereon.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.09 was transferred from rule 1220-02-01-.09 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.03 Fares, Charges and Free Transportation.

No motor carrier and/or contract hauler shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of person or freight, or for any service in connection therewith, than the rates, fares, and charges applicable to such motor carrier as specified in its tariffs filed and in effect at the time provided, nor shall any such motor carrier and/or contract hauler refund or remit, in any manner or by any device any portion of the rates, fares, or charges so specified, except upon an order from the Commissioner of Safety and Homeland Security, nor extend to any corporation or person, any privileges or facilities in the transportation of person or freight except such as are regularly and uniformly extended to all corporations and persons.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.13 was transferred from rule 1220-02-01-.13 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.04 Time Schedules in Intrastate Commerce.

(1) Passenger time schedules must show:

(a) Time of arrival and departure at and from all terminals.

- (b) Time of departure from intermediate points between terminals.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.15 was transferred from rule 1220-02-01-.15 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.05 Posting of Time Schedules in Intrastate Commerce.

At least one copy of such time schedule shall be posted in a conspicuous place, easily accessible for public inspection at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.16 was transferred from rule 1220-02-01-.16 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.06 Insurance.

- (1) (a) No motor carrier subject to the provisions of T.C.A. § 65-15-101 et seq., shall engage in transportation of passengers or property for compensation, and no certificate or permit shall be issued to a motor carrier, or shall remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security for intrastate commerce or the United States Department of Transportation for interstate commerce a policy of insurance (or certificate of insurance in lieu thereof), or a surety bond in not less than the amounts hereinafter prescribed, conditioned to pay, within the amount of such policy of insurance (or certificate of insurance in lieu thereof), or surety bond, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, for loss or damage to property of others; nor shall any common carrier by motor vehicle subject to the provisions of said Act engage in the transportation of property for compensation, nor shall any certificate be issued to such carrier, nor remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security a policy of insurance written on a continuous basis, (or certificate of insurance in lieu thereof) or a surety bond in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service, Thirty (30) days notice of cancellation of any insurance policy must be given to the Commissioner of Safety and Homeland Security in writing.
- (b) No person shall operate a motor vehicle transporting hazardous materials, hazardous substances, and/or hazardous wastes as defined in 49 C.F.R. § 171.8, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security evidence of a bodily injury and property damage endorsement or surety bond meeting the minimum limits hereinafter prescribed in rule 1340-06-01-.07.
- (2) In the interest of public convenience, it is the opinion of the Commissioner of Safety and Homeland Security that the Insurance and Surety Bond forms prescribed by the FMCSA for motor carriers operating in interstate commerce should apply to all motor carriers subject to the jurisdiction of the Commissioner, whether such carriers are operating solely in interstate commerce, solely in intrastate commerce, or in interstate and intrastate commerce.

Authority: T.C.A. §§ 65-15-106, 65-15-110 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed February 28, 1992; effective April 29, 1992. Rule 1340-06-01-.18 was transferred from rule 1220-02-01-.18 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.07 Schedule of Limits.

The minimum amounts referred to in Rule 1340-06-01-.06 are hereby prescribed as follows:

(1)	Property Carriers	Commodity transported	Limits
(a)	Motor Carrier and Contract Hauler (in interstate, intrastate or foreign commerce)	Property (nonhazardous)	\$ 750,000
(b)	Motor Carrier, Contract Hauler & Private Motor Vehicles (in interstate, foreign or intrastate commerce)	Hazardous substances as defined in 49 C.F.R. § 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of; 3,500 water gallons or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantity of a Class 7 material, as defined in 49 C.F.R. § 173.403.	\$ 5,000,000
(c)	Motor Carrier, Contract Hauler and Private Motor Vehicle (in interstate, foreign, or intrastate commerce)	Oil listed in 49 C.F.R. § 172.101; hazardous materials and hazardous substances defined in 49 C.F.R. § 171.8 and listed in 49 C.F.R. § 172.101, but not mentioned in (b) above or (d) below.	\$ 1,000,000
(d)	Motor Carrier, Contract Hauler Private Motor Vehicle (in interstate, foreign, or intrastate commerce)	Any quantity of Division 1.1, 1.2, or 1.3 materials; and quantity of Division 2.3, Hazard Zone A, or Division 6.1, Hazard Zone A materials or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. § 173.403.	\$ 5,000,000
(e)	Motor Carrier and Contract Hauler (under 10,000 lose GVWR)	Property	\$ 300,000

The limits listed under numbers (1)(a), (1)(b) and (1)(c) apply to vehicles with a gross weight rating of ten thousand (10,000) pounds or more. The limits listed under number (1)(d) applies to all vehicles with a gross vehicle weight rating of less than ten thousand (10,000) pounds lose GVWR.

(2) Passenger Carriers

- | | | |
|-----|---|--------------|
| (a) | Any vehicle with a seating capacity of 16 passengers or more: | \$ 5,000,000 |
| (b) | Any vehicle with a seating capacity of 15 passengers or less: | \$ 1,500,000 |

(3) Motor Common Carriers (Intrastate only) - Cargo Liability security required for loss or damage to property belonging to shippers or consignees and coming into the possession of motor carriers in connection with their transportation service:

- | | | |
|-----|---|-----------|
| (a) | for loss or damage to property carried on any one motor vehicle. | \$ 5,000 |
| (b) | for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place. | \$ 10,000 |

Authority: T.C.A. §§ 65-15-105, 65-15-110 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-06-01-.19 was transferred from rule 1220-02-01-.19 by the Secretary of State

with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.08 Adoption of Department of Transportation Safety Regulations.

- (1) The Commissioner of Safety and Homeland Security hereby adopts the interstate motor carrier noise emission standards, federal motor carrier safety regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the United States Department of Transportation contained in Title 49 of the Code of Federal Regulations, Subtitle B, Chapter III, Sub-Chapters A and B, except for 49 C.F.R. § 391.11(b)(1) for Intrastate motor carriers and 49 C.F.R. § 398.
- (2) The Commissioner of Safety and Homeland Security may authorize any officer or agent of the Department of Safety and Homeland Security to:
 - (a) Enter, inspect, and examine all transportation safety related documents and documents required by T.C.A. Chapter 65 Part 15 and Rules ch. 1340-06-01, such as all records and information pertaining to any accident, driver's records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, electronic records, other supporting documents and equipment for inspection or copying during regular business hours of any person or Motor Carrier, to the extent those records or properties relate to this Chapter and the transportation of hazardous materials, freight, or passengers; and
 - (b) Stop and inspect any transport vehicle or part thereof for any violation of this Chapter or any regulation issued pursuant thereto.
 - (c) Upon request of the owner or operator, the officer or agent shall display a valid Tennessee Department of Safety and Homeland Security identification card.
- (3) Out-of-Service Criteria and Sticker. The Tennessee Highway Patrol will follow the procedures as outlined in the North American Standard Out-of-Service Criteria issued by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) If a commercial motor vehicle is operated in violation of any safety regulation or requirement listed in the CVSA Out-of-Service Criteria, an officer of the Tennessee Highway Patrol shall place the commercial motor vehicle/commercial motor vehicle operator out-of-service and is authorized to affix to the vehicle a notice indicating the nature of the violation and requiring its correction before the Commercial motor vehicle is further operated.
 - (b) Refusal of the vehicle operator to grant permission for a law enforcement officer or inspector to conduct a safety inspection of the vehicle shall be cause for the officer or inspector to place the vehicle out-of-service.
 - (c) Refusal of the commercial motor vehicle driver to grant permission for a law enforcement officer or inspector to conduct a safety inspection regarding the driver himself shall be cause for the officer or inspector to place the driver out-of-service until permission is granted.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Rule 1340-06-01-.20 was transferred from rule 1220-02-01-.20 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.09 Safe and Sanitary Condition.

Every motor vehicle shall be maintained in a safe and sanitary condition at all times, and shall be at any reasonable time subject to inspection by the Commissioner of Safety and Homeland Security and his/her duly authorized representatives.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.23 was transferred from rule 1220-02-01-.23 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.10 Terminal Facilities.

- (1) All passenger carriers shall maintain suitable and adequate terminal facilities at the terminal of the routes and at the main stations on the routes.
- (2) All passenger vehicles making stops at communities, towns or cities where a drive-in terminal facility or station is maintained shall come to a stop inside said terminal or station, otherwise the vehicle shall come to a stop at such place or places as may be designated by the officials of the town or city, provided, however, that where no such place or places are designated by such officials, that such vehicles shall come to a stop on the same side of the street where such terminal or station is located and as nearly adjacent thereto as is reasonably possible.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.24 was transferred from rule 1220-02-01-.24 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.11 Intoxicated Persons.

The drinking of intoxicating liquors or beverages by passengers on passenger coaches shall not be permitted. Persons who are apparently under the influence of intoxicants shall not be received or transported as passengers on coaches and any person on board any coach as a passenger in violation of any of the foregoing should be discharged from the coach at the first town or city reached.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-06-01-.26 was transferred from rule 1220-02-01-.26 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.12 Leases in Intrastate Commerce.

- (1) Leasing of Motor Vehicle Equipment - Motor carriers desiring to lease motor vehicles to be used under their certificates or permits must carry a copy of the lease or contract in the vehicle which is specified in the agreement during the entire period of the agreement. The contract or lease shall provide for the exclusive possession, control, and use of the vehicle and for the complete assumption of responsibility in respect thereto, by the lessee for the duration of the lease or contract, except that provisions may be made for considering lessee as owner for the purposes of subleasing under this rule to other authorized carriers during the duration of this arrangement. All leased equipment must have displayed in each such leased vehicle a stamp as required by Rule 1340-6-1-.21 or a trip lease permit as set forth in paragraph (2) of this Rule.
- (2) Trip Leases - The Commissioner of Safety and Homeland Security will furnish, upon request, all certificated and permitted motor carriers of commodities over the highways of the State of Tennessee a "trip lease" form for a period of ten (10) days or one (1) trip for operation on the highways of the State of Tennessee as required by the Tennessee statutes and rules and regulations of this Commissioner. The said form shall be issued in duplicate at a nominal fee of two dollars (\$2.00) by the Director of the Motor Carrier Division and the blanks and the effective date of the said form shall be typewritten and the duplicate of the form shall be forwarded to the Commissioner of Safety and Homeland Security on the date of issuance by the said motor carrier. The form shall be numbered from one thousand (1,000) consecutively and shall show on its face that it is a trip lease good for one (1) trip or ten (10) days, name and address of the lessee; name and address of the lessor, and date of issuance by said motor carrier.
- (3) Rules and Regulations Governing Household Goods Carriers in Leasing Motor Vehicles from Others, in Domiciling Motor Vehicle Equipment, and in Using Agents.
 - (a) Definitions:

1. The term "Commissioner" shall mean the Commissioner of Safety and Homeland Security.
2. The term "household goods carrier" shall mean the holder of a common carrier certificate of public convenience and necessity issued by this Commissioner authorizing the transportation of household goods.
3. The term "domiciling motor vehicle equipment" shall mean the stationing of a motor vehicle or motor vehicles by a household goods carrier, through the use of lease arrangements or otherwise, at a place which is used as a base of operations for such vehicle or vehicles in carrying on the business of household goods carriage.
4. The term "agent" shall mean the employee or representative of a certificated household goods carrier compensated by salary or by the Commissioner, or both, or any other person, who is designated by the carrier as its agent and is held out to the public to render service within the scope of the carrier's authority, but does not include any person or persons who act as a solicitor or booking agent only.

(b) Leasing of Motor Vehicles:

1. A household goods carrier may lease motor vehicles from others only under the following conditions:
 - (i) To replace motor vehicles disabled or undergoing repair when such vehicle is leased to complete the transportation of a shipment which was originally destined to move upon such disabled vehicle.
 - (ii) To augment its motor vehicle equipment when and only when the lease of a vehicle is in writing and is for a period of not less than ninety (90) days.
2. All vehicle leases shall provide that the lessee-carrier assumes full and complete responsibility and liability for the operation of the leased vehicle and for all cargo transported thereon during the term of the lease. All leased vehicles shall comply fully with the rules and regulations of the Commissioner.
3. During the term of such lease, the leased vehicle shall not be subleased and the lessee household goods carrier shall not allow said vehicle to be used for any transportation other than transportation performed by said lessee-carrier.
4. Each household goods carrier upon entering into a lease of a motor vehicle or vehicles, shall file a copy of such lease with the Commissioner on same day of execution thereof and shall at all times keep on file with the Commissioner a complete list of all leased vehicles showing the identification of the vehicle, the name of the lessor and the place where such vehicle is stationed. All leases executed under the conditions specified in (1)(a) of this Rule shall specifically identify the motor vehicle disabled or undergoing repair that is replaced by the leased vehicle.
5. An executed copy of the lease under which a vehicle is operating shall be carried on such vehicle at all times.

(c) Agents:

1. Every household goods carrier shall register and keep on file with the Commissioner the correct name, mailing address and location of each of its agents in the State of Tennessee.
2. A household goods carrier may not register or have more than one agent as defined herein in a municipality, town or community and an agent shall be the agent of only one household goods carrier.

3. The Commissioner may at any time inquire into and investigate the fitness of any agent registered by such carrier under these rules. If it finds such agent to be unfit in the public interest to represent the carrier principal in services to the public it may disapprove the registration of such agent and thereafter said carrier principal shall not allow such person, firm or corporation to act as its agent.
 4. A household goods carrier shall not transport any shipment solicited or accepted for shipment by one other than its registered agent or a full time employee of such carrier or such agent, provided, however, this shall not prevent household goods carriers as defined by these rules from interlining shipments with each other.
- (d) For the purpose of this rule the principal place of business of household goods carriers as shown by their certificate of convenience and necessity shall be deemed to be the principal place of business and domicile. Any household goods carriers desiring different and separate domiciles shall apply for same as set forth in the above rule.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.28 was transferred from rule 1220-02-01-.28 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.13 Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce.

(1) Determination of Weights

(a) Loaded Weight, Tare Weight and Constructive Weight.

1. Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weigh master or on a certified scale, and when so weighed the gasoline tank on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of shipment, or in the direction of the next pick-up or delivery in the case of part loads.
2. If no adequate scale is available at origin, at any point in route, or at destination, a constructive weight, based upon seven (7) pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, in route, or at destination without first unloading it or other part loads being carried in the same vehicles.

- (b) Part Loads. In the transportation of part loads, this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding one thousand (1,000) pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(2) Estimates of Charges

- (a) Estimate Form for Shipper's Use, Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed on the form.

- (b) Specific request of shipper for notification. Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be made as soon as possible prior to the time when the shipment is offered for delivery.
 - (c) Notification to shipper where charges exceed estimate. Whenever actual charges on any shipment exceed by more than ten (10) percent or Twenty-five dollars (\$25), whichever is greater, any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall notify the shipper of the amount thereof by telegram or telephone at the carrier's expense as soon as possible after the determination is made and before delivery. Provided, that this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied upon request by the carrier, an address or telephone number at which the communication would be received.
 - (d) Report of Underestimates. Every motor common carrier of household goods shall file each month with the Commissioner of Safety and Homeland Security, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37243, a report of all instances during the proceeding month where the actual charges for services rendered exceeded the estimates of such charges by ten (10) percent or twenty-five dollars (\$25), whichever is greater, with an explanation of reasons for variances.
 - (e) Reweighing. The carrier, upon request of shipper, owner or consignee, made prior to delivery of a shipment, and when practical to do so will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight and the rewash net scale weight is less than one hundred (100) pounds on a shipment weighing five thousand (5,000) pounds or less or two per cent or less of the lower net scale weight on shipments in excess of five thousand (5,000) pounds, a reasonable reweigh charge may be established.
 - (f) Information on Bill of Lading. Each Bill of Lading on household goods shipments shall have indicated thereon the method by which the estimate of charges was made and the amount of the estimate.
- (3) Claims for Loss or Damage
- (a) Acknowledgement of Claims. Every Common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within thirty (30) calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.
 - (b) Handling by carrier. Every such carrier which receives a written claim for loss by damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within one hundred twenty (120) days after receipt of the claim by the carrier or its agent. Provided, that, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within one hundred twenty (120) days after the receipt thereof, the carrier shall at that time and at the expiration of each succeeding thirty (30) day period while the claim remains pending advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof, and send a copy of such letter to the Commissioner of Safety and Homeland Security, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37243.
- (4) Information to Shippers
- (a) Each household goods carrier shall be required to present each prospective household goods shipper an information pamphlet containing such provisions as this Commissioner shall prescribe or approve.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.29 was transferred from rule 1220-02-01-.29 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.14 Transportation of Hazardous Materials.

The Commissioner of Safety and Homeland Security hereby adopts the rules and regulations and any amendments, supplements or revisions thereto contained in 49 C.F.R. §§ 171 through 180.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.32 was transferred from rule 1220-02-01-.32 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.15 Revocation of Certificates, Permits and Modification of Rules.

The failure on the part of any motor carrier to comply with any of these rules and regulations, or the issuance of an Out-of-Service Order by the United States Department of Transportation will be sufficient cause for the Commissioner of Safety and Homeland Security, in its discretion, to revoke a certificate or permit. These rules and regulations are for general application and are subject to such changes and modifications as the Commissioner, from time to time, may determine advisable, and also subject to such exceptions as may be considered just and reasonable in individual cases.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.37 was transferred from rule 1220-02-01-.37 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.16 Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions.

(1) Definitions:

- (a) The term municipality or municipalities, as used in this order should be understood to refer only to cities, towns, villages and boroughs which have been created by special legislative acts or otherwise individually incorporated or chartered pursuant to general laws or which are recognized as such under the Constitution or by the laws of the State of Tennessee, and which have existing local governments.
- (b) Distances. Airline distances about corporate limits of municipalities shall be used in all instances.
- (c) Population. The population of any municipality shall be that shown for such municipality by the 1960 Decennial Census conducted by the United States Bureau of Census, or any subsequent Decennial Federal Census.
- (d) Unincorporated area. The term "Unincorporated area" as used herein means any area regardless of its urban development not included within the corporate limits of an incorporated city, town village or borough.
- (e) Contiguous municipalities. Two municipalities having the same common border or boundary, (contiguous for the purpose used herein, shall not mean in close proximity to one another.)
- (f) Adjacent municipalities. Municipalities which although not contiguous have a distance of not over 15 miles between their respective boundaries or corporate limits at any point or points.
- (g) Base municipality. Base Municipality designates the municipality whose commercial zone is under consideration.
- (h) Terminal Areas. The limits around a city which line-haul carriers authorized to serve the particular city may serve.

- (2) The commercial zone of each municipality shall consist of:
- (a) The base municipality which shall include all annexations thereof on the effective date of the annexation and the population of which is determined by the last official census.
 - (b) All contiguous municipalities within the State of Tennessee.
 - (c) All unincorporated areas as follows:
 - 1. When the base municipality has a population less than two-thousand five hundred (2,500) all unincorporated areas within two (2) miles of its corporate limits and all of any other municipality any part of which is within two (2) miles of the corporate limits of the base municipality
 - 2. When the base municipality has a population of two-thousand five hundred (2,500), but less than twenty-five thousand (25,000), all unincorporated areas within three (3) miles of the corporate limits and all of any other municipality any part of which is within three (3) miles of the corporate limits of the base municipality;
 - 3. When the base municipality has a population of twenty-five (25,000), but less than one hundred thousand (100,000), all unincorporated areas within four (4) miles of its corporate limits and all of any other municipality any part of which is within four (4) miles of the corporate limits of the base municipality;
 - 4. When the base municipality has a population of one hundred thousand (100,000) or more, all unincorporated areas within five (5) miles of its corporate limits and all of any other municipality any part of which is within five (5) miles of the corporate limits of the base municipality.
 - (d) All adjacent municipalities any part of which would be included under (c) above as unincorporated.
 - (e) All municipalities completely surrounded by the base municipalities and any contiguous municipality or adjacent municipality included in the zone under (d) above.
 - (f) That the base municipality of Metropolitan Nashville and Davidson County, Tennessee shall be extended to include all of Davidson County, but this commercial zone shall, under no provisions, or any circumstances, extend into the surrounding counties, but shall terminate at the county line of Davidson County.
- (3) The terminal area within the meanings of the above definition, of any motor carrier of property authorized by this Commissioner of Safety and Homeland Security under Chapter 15 of Title 65 of the T.C.A., at any unincorporated community having a post office of the same name which is authorized to be served by such motor carrier of property shall be construed as:
- (a) All points or places in Tennessee which are located within the limits of the operating authority of the motor carrier of property, and within two and a half (2-1/2) miles of the post office at such authorized unincorporated point.
 - (b) All of any municipality any part of which is included under (a) of this section.
 - (c) Any municipality wholly surrounded by any municipality included under (b) of this section or so wholly surrounded except for a water boundary.
- (4) Exceptions. The points of Warcer, Tennessee and Jersey-Tyner, Tennessee shall be excluded from the commercial zones of Knoxville and Chattanooga, Tennessee, respectively; that the commercial zone applicable to the point of Ducktown, Tennessee, shall be extended east along U. S. Highway 64 to the North Carolina line so as to authorize common carrier service thereto.

- (5) Clarksville Commercial Zone. That the Commercial Zone of Clarksville, in addition to that set forth above, shall be extended northeastwardly from the existing zone at approximately the intersection of U. S. Highways 79 and 1-24 northwardly to the Tennessee Kentucky State Line in a corridor three miles in width, the same encompassing the L & N right-of-way as well as Highway 79 to the Tennessee-Kentucky State Line.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed January 20, 1977; effective February 19, 1977. Rule 1340-06-01-.38 was transferred from rule 1220-02-01-.38 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.17 Identification of Intrastate Carriers.

- (1) Every carrier operating solely in intrastate commerce and subject to the jurisdiction of this Commissioner of Safety and Homeland Security shall have displayed on side of each vehicle the following information:
- (a) Name of owner, or lessee.
 - (b) Tennessee Department of Safety and Homeland Security Certificate Number.
 - (c) Unit Number.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.42 was transferred from rule 1220-02-01-.42 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.18 Roadside Parking.

- (1) No person shall stop, park, or leave standing any commercial motor vehicle, whether attended or unattended, upon the paved or main-traveled part or the shoulder of any highway on/off ramp outside of a business district.
- (2) This section shall not apply to the driver of any commercial motor vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to any vehicle complying with law, Commissioner of Safety and Homeland Security regulations or directions of a law enforcement officer.
- (3) This section shall not apply to the driver of any commercial motor vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity or interstate permit issued by the Commissioner of Safety and Homeland Security or any local regulatory transit authority of Tennessee authorizing the operation of such vehicle, while taking on or discharging passengers. In any event, an obstructed lane of travel of the highway opposite such standing vehicle shall be left for free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in either direction upon the highway.
- (4) This section shall not apply to the driver of any vehicle owned by a public utility or road construction company and stopped for the purpose of construction, repairs or installations.
- (5) Penalties for violations of this section are: First Offense - fifty dollars (\$50) plus court costs; second and additional offenses one hundred (\$100) plus court costs.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed November 15, 1990; effective February 27, 1991. Amendment filed December 15, 1993; effective April 30, 1994. Rule 1340-06-01-.45 was transferred from rule 1220-02-01-.45 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.19 Recommended Fines for Motor Carrier Safety Violations.

- (1) Every officer, agent or employee of any corporation and every other person who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand or requirement of the Commissioner of Safety and Homeland Security made in pursuance of the power and authority conferred by Chapter 15 of Title 65 of the T.C.A. shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both, at the discretion of the court.
- (2) It is the policy of the Commissioner of Safety and Homeland Security that any such violation should result in the imposition of a fine no less than the amounts listed below and that these fines should be uniformly imposed throughout the State.
- (3) To accomplish this policy, Commissioner of Safety and Homeland Security motor carrier enforcement officers shall consult with the judges and district attorneys in the various jurisdictions in which these violations are prosecuted and, absent unusual and compelling circumstances, the officers shall recommend that the following fines be imposed for violations of the Commissioner of Safety and Homeland Security rules listed below:

Violation	Fine
(a) No record of duty status, 49 C.F.R. § 395.8(a)	
Minimum violation	\$150
Willful and intentional violation	\$500
(b) Falsifying record of duty status, 49 C.F.R. § 395.8(e)	
Minimum violation	\$150
Willful and intentional violation	\$500
(c) Failure to maintain current record of duty status, 49 C.F.R. § 395.8(f)	\$125
(d) Driver exceeding the 10-hour driving, rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(e) Driver exceeding the 15-hour driving rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(f) Driver exceeding the 70-hour driving rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(g) Possession or consumption of alcohol, 49 C.F.R. § 392.5	\$500
(h) Unlawful possession or consumption of Schedule I through Schedule VII drugs, 49 C.F.R. § 392.4	\$500
(i) Driver of a commercial motor vehicle having more than one driver's license, 49 C.F.R. § 383.21	\$500

- (4) Every motor vehicle subject to the safety jurisdiction of the Commissioner of Safety and Homeland Security must stop for inspection at any designated inspection station or stop at a safe roadside location if directed by a Commissioner of Safety and Homeland Security enforcement officer. Failure to stop at a designated inspection station may be excused if to do so would create a serious traffic hazard. Violation of this rule is punishable by a recommended fine of two-hundred fifty dollars (\$250).
- (5) A citation shall be issued upon discovery of one or more "out-of-service" violations. In determining whether or not an out-of-service violation exists, the Commissioner of Safety's officers shall be guided by the Commercial Vehicle Safety Alliance Memorandum of Understanding and the "North American Out-of-Service Criteria" issued by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) When a citation is issued for three out-of-service violations, the recommended fine for the first such offense shall be fifty dollars (\$50) plus fifty dollars (\$50) for each additional (after three) out-of-service violation.

- (b) The recommended fine for the second offense involving the same piece of equipment within the same calendar year shall be one hundred dollars (\$100) plus one hundred dollars (\$100) for each additional (after three) out-of-service violation.
 - (c) The recommended fine for the third offense involving the same piece of equipment within the same year shall be one hundred fifty dollars (\$150) plus one hundred fifty dollars (\$150) for each additional (after three) out-of-service violation.
- (6) Each violation of a regulation pertaining to the transportation of hazardous materials found in 49 C.F.R. §§ 171 through 180, (excluding 49 C.F.R. § 177.804) shall result in a recommended fine of one hundred dollars (\$100).
- (7) The recommended fine for violation of a Commissioner of Safety and Homeland Security rule not listed here shall be twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for the second and subsequent offense.

Authority: T.C.A. §§ 65-15-104, 65-15-106, 65-15-113, and 65-15-122. Administrative History: Original rule filed November 10, 1986; effective December 25, 1986. Amendment filed February 29, 1988; effective May 29, 1988. Rule 1340-06-01-.46 was transferred from rule 1220-02-01-.46 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.20 Routing of Hazardous Material Vehicles in Knox County, Tennessee.

No person shall drive or cause to be driven a motor vehicle carrying a placardable quantity of hazardous material as specified in Title 49 of the Code of Federal Regulations §§ 172.500 through 172.558 along or upon Interstate 40 or Interstate 275 in Knox County, Tennessee between the intersection of said interstates with Interstate 640 on the west, north or east. This prohibition shall not apply to the following:

- (1) To motor vehicles which have shipments originating at or destined to the City of Knoxville and to service points on U.S. Highway 129 Blount County as verified by appropriate shipping papers.
- (2) To motor vehicles which have shipments to be interlined with other carries or which have shipments transferred to other motor vehicles or aircraft of the same carrier at facilities located in the City of Knoxville or service points on U.S. Highway 129 in Blount County.
- (3) To motor vehicles which need emergency repairs or warranty work performed at authorized dealers or repair facilities as may be verified by a physical inspection of the vehicle, by warranty papers in the vehicle, or by other means of verification used by the investigating officer.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed March 31, 1987; effective May 15, 1987. Rule 1340-06-01-.47 was transferred from rule 1220-02-01-.47 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.21 Reserved.

1340-06-01-.22 Lighting Requirements for Stopping and Standing Solid Waste Vehicles.

- (1) The term "solid waste vehicle" as used in this rule shall mean solid waste vehicles as defined in T.C.A. § 55-8-101.
- (2) This rule applies to solid waste vehicles which are:
 - (a) Operating for the sole purpose of collecting municipal solid waste as defined in T.C.A. § 68-211-802(a)(10) or recyclable materials; and:
 - (b) Stopping or standing on a paved or improved main traveled portion of a road, street or highway.

- (3) The solid waste vehicles described in subsection (1) and (2) of this rule shall be required to do the following:
- (a) Maintain flashing hazard lights at all times while the vehicle is stopped or standing; and
 - (b) Maintain amber lights meeting SAE color standards which may be rotating, flashing, or oscillating and which shall be mounted at the extreme front on the highest point of the cab of the vehicle and on the highest location on the extreme rear of the vehicle which assures the required visibility and which does not interfere with the collecting functions and equipment of the vehicle; and
 - (c) Assure that the vehicle is stopped so that all lights are visible from a distance of two hundred (200) feet in either direction upon the highway or road without manmade or natural obstruction.

Authority: T.C.A. §§ 55-8-158, 65-15-106, and 65-15-113. Administrative History: Original rule filed March 28, 1995; effective June 13, 1995. Rule 1340-06-01-.49 was transferred from rule 1220-02-01-.49 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.23 Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers.

- (1) The word "automobile" as used in the rules pertaining to homemade and materially reconstructed trailers shall mean a self-propelled land vehicle with four wheels propelled by an internal combustion engine which is designed primarily to carry passengers and incidental freight for a non-commercial purpose and which is required to register with the state pursuant to T.C.A. § 55-4-111(c) or T.C.A. § 55-4-112. This definition shall include cars, vans, and small trucks which do not register as a commercial vehicle under T.C.A. § 55-4-113.
- (2) The word "trailer" shall be defined as described in T.C.A. § 55-1-105(5);
- (3) The word "semi-trailer" shall be defined as described in T.C.A. § 55-1-105(4);
- (4) The word "pole trailer" shall be defined as described in T.C.A. § 55-1-105(3);
- (5) The word "homemade" shall be defined as described in T.C.A. § 55-4-101(3)(A);
- (6) The word "materially reconstructed" shall be defined as described in T.C.A. § 55-4-101(3)(B);
- (7) The word "Commissioner" shall mean the Commissioner of Safety and Homeland Security;
- (8) The word "Department" shall mean the Tennessee Department of Safety and Homeland Security.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.50 was transferred from rule 1220-02-01-.50 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.24 Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection.

- (1) This rule applies to trailers, semi-trailers, or pole trailers which are:
 - (a) Homemade or materially reconstructed as defined in these rules; and
 - (b) Required to be titled or registered under T.C.A. § 55-4-101 et seq.
- (2) This rule does not apply to any trailers, semi trailers, or pole trailers which are:

- (a) Trailers owned by farmers and used for agricultural purposes or hauling livestock between farm and market, and implements designed for carrying and distributing fertilizer as described in T.C.A. § 55-4-113(a)(5)(C);
 - (b) Trailers used solely for the transportation of boats for a non-commercial purpose;
 - (c) Trailers drawn by an automobile for a noncommercial purpose except for house trailers (required to be registered under classes (D)(ii) and (D)(iii) of T.C.A. § 55-4-111) and rental trailers (required to be registered under class (D)(I) of T.C.A. § 55-4-111).
- (3) Any trailer, to which this rule applies as described in sections (1) and (2) of this rule, shall not be titled or registered for operation over the roads and highways of Tennessee nor shall it be operated, drawn, or pulled over state highways and roads until the Department has certified that said trailer is in compliance with Department trailer safety rules.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.51 was transferred from rule 1220-02-01-.51 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.25 Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers.

- (1) Any person, organization, or entity found in violation of the provisions of T.C.A. § 55-4-101 or T.C.A. § 65-15-113 or any rules promulgated pursuant thereto applicable to homemade or materially reconstructed trailers, semi trailers or pole trailers shall be subject to penalty as provided in T.C.A. § 65-15-122.
- (2) Any trailer, semitrailer, or pole trailer, which is being operated, pulled or drawn in violation of T.C.A. § 65-15-113 and T.C.A. § 55-4-101 et seq., and any rules promulgated pursuant thereto, shall be immediately placed out-of-service by the apprehending officer. Said trailer shall be out-of-service until it has passed a Department trailer safety inspection in accordance with all applicable rules. The owner or operator of said trailer may arrange for towing of the out-of-service trailer to another location for repair at his own expense. The Department shall not be responsible for towing or storage charges for trailers out-of-service in violation of these rules.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106, 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.52 was transferred from rule 1220-02-01-.52 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.26 Application for Trailer Safety Inspection.

- (1) Any person, organization, or entity owning or in possession of a homemade or materially reconstructed trailer, semi-trailer, or pole trailer may request a Department trailer safety inspection on application forms furnished by the Commissioner.
- (2) Department trailer safety inspection application forms shall be available from the Nashville office of the Commissioner or from any county motor vehicle registration office.
- (3) The applicant shall send a completed trailer safety inspection application form along with a non-refundable inspection fee of twenty-five dollars (\$25) to the Nashville office of the Department prior to scheduling for inspection.
- (4) Applicants which have failed previous inspections may re-apply for Department inspection of trailers after the requisite repairs are made. The twenty-five (\$25) trailer inspection fee shall be required for each re-inspection.

- (5) The Department shall schedule inspection at the trailer location as expeditiously as possible after receipt of the completed application form and fee. Inspections shall only be scheduled during normal business hours and shall be confirmed in advance with the applicant.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.53 was transferred from rule 1220-02-01-.53 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.27 Trailer Safety Inspection Procedure.

- (1) After the trailer safety inspection is conducted in accordance with Department rules, the Department inspector shall complete a trailer inspection report which shall include a list and description of any safety violations found, and the conclusions of the Inspector as to whether the vehicle is in substantial compliance with applicable trailer safety rules. The inspector and the applicant shall both sign the form. The applicant shall be given the original of the inspection report.
- (2) If the inspected trailer is found to be in compliance with Department trailer safety regulations, the Department inspector shall issue a Trailer Safety Inspection Certificate and shall assign a safety certification number to the trailer. This number shall be noted on the inspection report and shall be permanently affixed to the body of the vehicle by the inspector.
- (3) If the inspected trailer is not found to be in compliance with Department trailer safety regulations, the Department inspector shall advise the applicant of his right to reapply for inspection after the safety violations are repaired. The applicant shall not be permitted to operate this trailer over state highways and roads until such time as it has passed a trailer safety inspection conducted by the Department.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.54 was transferred from rule 1220-02-01-.54 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.28 Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers.

- (1) The trailer safety rules and regulations to be applied to all homemade and/or materially reconstructed trailers subject to inspection by the Department are the federal motor carrier safety regulations adopted by the Department pursuant to rule 1340-06-01-.08, particularly those provisions found in 49 CFR Part 393, and the safety requirements for trailers found in T.C.A. Title 55, Chapter 9.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.55 was transferred from rule 1220-02-01-.55 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Safety and Homeland Security

DIVISION: Highway Patrol

SUBJECT: Regulation of Motor Carriers

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 65-15-106 and 65-15-113

EFFECTIVE DATES: January 29, 2012 through June 30, 2012

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This proposed rule replaces an emergency rule on the same subject.

The existing rules require the Department of Safety to license, supervise, regulate, and inspect motor carriers in Tennessee. The rules are being amended primarily to adopt specific changes and revisions recommended by the Federal Motor Carrier Safety Administration.

Department of State
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For Department of State Use Only

Sequence Number: 08-41-11
 Rule ID(s): 5003
 File Date: 08/16/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and 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. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Safety and Homeland Security
Division:	Highway Patrol
Contact Person:	Gerry Crownover, Staff Attorney
Address:	1150 Foster Avenue, Nashville, TN
Zip:	37243
Phone:	(615) 251-5277
Email:	Gerry.Crownover@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1340-06-01	Rules and Regulations as to Supervision and Control of Motor Vehicles and Motor Buses
Rule Number	Rule Title
1340-06-01-.01	Freight Carriers Not to Carry Passengers
1340-06-01-.02	Tariffs for Public Inspection
1340-06-01-.03	Fares, Charges and Free Transportation
1340-06-01-.04	Time Schedules in Intrastate Commerce
1340-06-01-.05	Posting of Time Schedules in Intrastate Commerce
1340-06-01-.06	Insurance
1340-06-01-.07	Schedule of Limits
1340-06-01-.08	Adoption of Department of Transportation Regulations
1340-06-01-.09	Safe and Sanitary Condition
1340-06-01-.10	Terminal Facilities
1340-06-01-.11	Intoxicated Persons
1340-06-01-.12	Leases in Intrastate Commerce
1340-06-01-.13	Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce
1340-06-01-.14	Transportation of Hazardous Materials
1340-06-01-.15	Revocation of Certificates, Permits and Modification of Rules
1340-06-01-.16	Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions

1340-06-01-.17	Identification of Intrastate Carriers
1340-06-01-.18	Roadside Parking
1340-06-01-.19	Recommended Fines for Motor Carrier Safety Violations
1340-06-01-.20	Routing of Hazardous Material Vehicles in Knox County, Tennessee
1340-06-01-.21	Reserved
1340-06-01-.22	Lighting Requirements for Stopping and Standing Solid Waste Vehicles
1340-06-01-.23	Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers
1340-06-01-.24	Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection
1340-06-01-.25	Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers
1340-06-01-.26	Application for Trailer Safety Inspection
1340-06-01-.27	Trailer Safety Inspection Procedure
1340-06-01-.28	Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1340-06-01, Rules and Regulations as to Supervision and Control of Motor Vehicles and Motor Buses, is amended by deleting the text of the chapter in its entirety and substituting the following text, so that, as amended, the chapter shall read:

Rules
of
Department of Safety and Homeland Security
Tennessee Highway Patrol

Chapter 1340-06-01
Rules and Regulations as to Supervision and Control
of Motor Vehicles and Motor Buses

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1340-06-01-.04 Time Schedules in Intrastate Commerce	1340-06-01-.20 Routing of Hazardous Material Vehicles in Knox County, Tennessee
1340-06-01-.05 Posting of Time Schedules in Intrastate Commerce	1340-06-01-.21 Reserved
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1340-06-01-.12 Leases in Intrastate Commerce	
1340-06-01-.13 Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce	

1340-06-01-.14 Transportation of Hazardous Materials	1340-06-01-.25 Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers
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	1340-06-01-.28 Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers

1340-06-01-.01 Freight Carriers Not to Carry Passengers.

A certificate of convenience and necessity, contract hauler's permit or interstate permit authorizing the transportation of freight only does not authorize the transportation of persons. No motor carrier holding a certificate or permit authorizing the transportation of freight only shall transport persons, either with or without compensation.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.07 was transferred from rule 1220-02-01-.07 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.02 Tariffs for Public Inspection.

Copies of tariffs naming rates and fares to be charged, together with rules and regulations, if any, governing same, shall be kept open for public inspection by every motor carrier or contract hauler at its principal office, and at the terminal of each route or routes and at the principal station or stations thereon.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.09 was transferred from rule 1220-02-01-.09 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.03 Fares, Charges and Free Transportation.

No motor carrier and/or contract hauler shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of person or freight, or for any service in connection therewith, than the rates, fares, and charges applicable to such motor carrier as specified in its tariffs filed and in effect at the time provided, nor shall any such motor carrier and/or contract hauler refund or remit, in any manner or by any device any portion of the rates, fares, or charges so specified, except upon an order from the Commissioner of Safety and Homeland Security, nor extend to any corporation or person, any privileges or facilities in the transportation of person or freight except such as are regularly and uniformly extended to all corporations and persons.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.13 was transferred from rule 1220-02-01-.13 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.04 Time Schedules in Intrastate Commerce.

- (1) Passenger time schedules must show:
 - (a) Time of arrival and departure at and from all terminals.
 - (b) Time of departure from intermediate points between terminals.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.15 was transferred from rule 1220-02-01-.15 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.05 Posting of Time Schedules in Intrastate Commerce.

At least one copy of such time schedule shall be posted in a conspicuous place, easily accessible for public inspection at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.16 was transferred from rule 1220-02-01-.16 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.06 Insurance.

- (1) (a) No motor carrier subject to the provisions of T.C.A. § 65-15-101 et seq., shall engage in transportation of passengers or property for compensation, and no certificate or permit shall be issued to a motor carrier, or shall remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security for intrastate commerce or the United States Department of Transportation for interstate commerce a policy of insurance (or certificate of insurance in lieu thereof), or a surety bond in not less than the amounts hereinafter prescribed, conditioned to pay, within the amount of such policy of insurance (or certificate of insurance in lieu thereof), or surety bond, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, for loss or damage to property of others; nor shall any common carrier by motor vehicle subject to the provisions of said Act engage in the transportation of property for compensation, nor shall any certificate be issued to such carrier, nor remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security a policy of insurance written on a continuous basis, (or certificate of insurance in lieu thereof) or a surety bond in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service, Thirty (30) days notice of cancellation of any insurance policy must be given to the Commissioner of Safety and Homeland Security in writing.
 - (b) No person shall operate a motor vehicle transporting hazardous materials, hazardous substances, and/or hazardous wastes as defined in 49 C.F.R. § 171.8, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security evidence of a bodily injury and property damage endorsement or surety bond meeting the minimum limits hereinafter prescribed in rule 1340-06-01-.07.
- (2) In the interest of public convenience, it is the opinion of the Commissioner of Safety and Homeland Security that the Insurance and Surety Bond forms prescribed by the FMCSA for motor carriers operating in interstate commerce should apply to all motor carriers subject to the jurisdiction of the Commissioner, whether such carriers are operating solely in interstate commerce, solely in intrastate commerce, or in interstate and intrastate commerce.

Authority: T.C.A. §§ 65-15-106, 65-15-110 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed February 28, 1992; effective April 29, 1992. Rule 1340-06-01-.18 was transferred from rule 1220-02-01-.18 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.07 Schedule of Limits.

The minimum amounts referred to in Rule 1340-06-01-.06 are hereby prescribed as follows:

(1)	Property Carriers	Commodity transported	Limits
(a)	Motor Carrier and Contract Hauler (in interstate, intrastate or foreign commerce)	Property (nonhazardous)	\$ 750,000

- | | | | |
|-----|---|--|--------------|
| (b) | Motor Carrier, Contract Hauler & Private Motor Vehicles (in interstate, foreign or intrastate commerce) | Hazardous substances as defined in 49 C.F.R. § 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of; 3,500 water gallons or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantity of a Class 7 material, as defined in 49 C.F.R. § 173.403. | \$ 5,000,000 |
| (c) | Motor Carrier, Contract Hauler and Private Motor Vehicle (in interstate, foreign, or intrastate commerce) | Oil listed in 49 C.F.R. § 172.101; hazardous materials and hazardous substances defined in 49 C.F.R. § 171.8 and listed in 49 C.F.R. § 172.101, but not mentioned in (b) above or (d) below. | \$ 1,000,000 |
| (d) | Motor Carrier, Contract Hauler Private Motor Vehicle (in interstate, foreign, or intrastate commerce) | Any quantity of Division 1.1, 1.2, or 1.3 materials; and quantity of Division 2.3, Hazard Zone A, or Division 6.1, Hazard Zone A materials or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. § 173.403. | \$ 5,000,000 |
| (e) | Motor Carrier and Contract Hauler (under 10,000 lose GVWR) | Property | \$ 300,000 |

The limits listed under numbers (1)(a), (1)(b) and (1)(c) apply to vehicles with a gross weight rating of ten thousand (10,000) pounds or more. The limits listed under number (1)(d) applies to all vehicles with a gross vehicle weight rating of less than ten thousand (10,000) pounds lose GVWR.

(2) Passenger Carriers

- | | | |
|-----|---|--------------|
| (a) | Any vehicle with a seating capacity of 16 passengers or more: | \$ 5,000,000 |
| (b) | Any vehicle with a seating capacity of 15 passengers or less: | \$ 1,500,000 |

(3) Motor Common Carriers (Intrastate only) - Cargo Liability security required for loss or damage to property belonging to shippers or consignees and coming into the possession of motor carriers in connection with their transportation service:

- | | | |
|-----|---|-----------|
| (a) | for loss or damage to property carried on any one motor vehicle. | \$ 5,000 |
| (b) | for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place. | \$ 10,000 |

Authority: T.C.A. §§ 65-15-105, 65-15-110 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-06-01-.19 was transferred from rule 1220-02-01-.19 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.08 Adoption of Department of Transportation Safety Regulations.

- (1) The Commissioner of Safety and Homeland Security hereby adopts the interstate motor carrier noise emission standards, federal motor carrier safety regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the United States Department of Transportation contained in Title 49 of the Code of Federal Regulations, Subtitle B, Chapter III, Sub-Chapters A and B, except for 49 C.F.R. § 391.11(b)(1) for Intrastate motor carriers and 49 C.F.R. § 398.
- (2) The Commissioner of Safety and Homeland Security may authorize any officer or agent of the Department of Safety and Homeland Security to:
 - (a) Enter, inspect, and examine all transportation safety related documents and documents required by T.C.A. Chapter 65 Part 15 and Rules ch. 1340-06-01, such as all records and information pertaining to any accident, driver's records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, electronic records, other supporting documents and equipment for inspection or copying during regular business hours of any person or Motor Carrier, to the extent those records or properties relate to this Chapter and the transportation of hazardous materials, freight, or passengers; and
 - (b) Stop and inspect any transport vehicle or part thereof for any violation of this Chapter or any regulation issued pursuant thereto.
 - (c) Upon request of the owner or operator, the officer or agent shall display a valid Tennessee Department of Safety and Homeland Security identification card.
- (3) Out-of-Service Criteria and Sticker. The Tennessee Highway Patrol will follow the procedures as outlined in the North American Standard Out-of-Service Criteria issued by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) If a commercial motor vehicle is operated in violation of any safety regulation or requirement listed in the CVSA Out-of-Service Criteria, an officer of the Tennessee Highway Patrol shall place the commercial motor vehicle/commercial motor vehicle operator out-of-service and is authorized to affix to the vehicle a notice indicating the nature of the violation and requiring its correction before the Commercial motor vehicle is further operated.
 - (b) Refusal of the vehicle operator to grant permission for a law enforcement officer or inspector to conduct a safety inspection of the vehicle shall be cause for the officer or inspector to place the vehicle out-of-service.
 - (c) Refusal of the commercial motor vehicle driver to grant permission for a law enforcement officer or inspector to conduct a safety inspection regarding the driver himself shall be cause for the officer or inspector to place the driver out-of-service until permission is granted.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Rule 1340-06-01-20 was transferred from rule 1220-02-01-20 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.09 Safe and Sanitary Condition.

Every motor vehicle shall be maintained in a safe and sanitary condition at all times, and shall be at any reasonable time subject to inspection by the Commissioner of Safety and Homeland Security and his/her duly authorized representatives.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.23 was transferred from rule 1220-02-01-.23 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.10 Terminal Facilities.

- (1) All passenger carriers shall maintain suitable and adequate terminal facilities at the terminal of the routes and at the main stations on the routes.
- (2) All passenger vehicles making stops at communities, towns or cities where a drive-in terminal facility or station is maintained shall come to a stop inside said terminal or station, otherwise the vehicle shall come to a stop at such place or places as may be designated by the officials of the town or city, provided, however, that where no such place or places are designated by such officials, that such vehicles shall come to a stop on the same side of the street where such terminal or station is located and as nearly adjacent thereto as is reasonably possible.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.24 was transferred from rule 1220-02-01-.24 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.11 Intoxicated Persons.

The drinking of intoxicating liquors or beverages by passengers on passenger coaches shall not be permitted. Persons who are apparently under the influence of intoxicants shall not be received or transported as passengers on coaches and any person on board any coach as a passenger in violation of any of the foregoing should be discharged from the coach at the first town or city reached.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-06-01-.26 was transferred from rule 1220-02-01-.26 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.12 Leases in Intrastate Commerce.

- (1) Leasing of Motor Vehicle Equipment - Motor carriers desiring to lease motor vehicles to be used under their certificates or permits must carry a copy of the lease or contract in the vehicle which is specified in the agreement during the entire period of the agreement. The contract or lease shall provide for the exclusive possession, control, and use of the vehicle and for the complete assumption of responsibility in respect thereto, by the lessee for the duration of the lease or contract, except that provisions may be made for considering lessee as owner for the purposes of subleasing under this rule to other authorized carriers during the duration of this arrangement. All leased equipment must have displayed in each such leased vehicle a stamp as required by Rule 1340-6-1-21 or a trip lease permit as set forth in paragraph (2) of this Rule.
- (2) Trip Leases - The Commissioner of Safety and Homeland Security will furnish, upon request, all certificated and permitted motor carriers of commodities over the highways of the State of Tennessee a "trip lease" form for a period of ten (10) days or one (1) trip for operation on the highways of the State of Tennessee as required by the Tennessee statutes and rules and regulations of this Commissioner. The said form shall be issued in duplicate at a nominal fee of two dollars (\$2.00) by the Director of the Motor Carrier Division and the blanks and the effective date of the said form shall be typewritten and the duplicate of the form shall be forwarded to the Commissioner of Safety and Homeland Security on the date of issuance by the said motor carrier. The form shall be numbered from one thousand (1,000) consecutively and shall show on its face that it is a trip lease good for one (1) trip or ten (10) days, name and address of the lessee; name and address of the lessor, and date of issuance by said motor carrier.
- (3) Rules and Regulations Governing Household Goods Carriers in Leasing Motor Vehicles from Others, in Domiciling Motor Vehicle Equipment, and in Using Agents.
 - (a) Definitions:
 1. The term "Commissioner" shall mean the Commissioner of Safety and Homeland Security.

2. The term "household goods carrier" shall mean the holder of a common carrier certificate of public convenience and necessity issued by this Commissioner authorizing the transportation of household goods.
3. The term "domiciling motor vehicle equipment" shall mean the stationing of a motor vehicle or motor vehicles by a household goods carrier, through the use of lease arrangements or otherwise, at a place which is used as a base of operations for such vehicle or vehicles in carrying on the business of household goods carriage.
4. The term "agent" shall mean the employee or representative of a certificated household goods carrier compensated by salary or by the Commissioner, or both, or any other person, who is designated by the carrier as its agent and is held out to the public to render service within the scope of the carrier's authority, but does not include any person or persons who act as a solicitor or booking agent only.

(b) Leasing of Motor Vehicles:

1. A household goods carrier may lease motor vehicles from others only under the following conditions:
 - (i) To replace motor vehicles disabled or undergoing repair when such vehicle is leased to complete the transportation of a shipment which was originally destined to move upon such disabled vehicle.
 - (ii) To augment its motor vehicle equipment when and only when the lease of a vehicle is in writing and is for a period of not less than ninety (90) days.
2. All vehicle leases shall provide that the lessee-carrier assumes full and complete responsibility and liability for the operation of the leased vehicle and for all cargo transported thereon during the term of the lease. All leased vehicles shall comply fully with the rules and regulations of the Commissioner.
3. During the term of such lease, the leased vehicle shall not be subleased and the lessee household goods carrier shall not allow said vehicle to be used for any transportation other than transportation performed by said lessee-carrier.
4. Each household goods carrier upon entering into a lease of a motor vehicle or vehicles, shall file a copy of such lease with the Commissioner on same day of execution thereof and shall at all times keep on file with the Commissioner a complete list of all leased vehicles showing the identification of the vehicle, the name of the lessor and the place where such vehicle is stationed. All leases executed under the conditions specified in (1)(a) of this Rule shall specifically identify the motor vehicle disabled or undergoing repair that is replaced by the leased vehicle.
5. An executed copy of the lease under which a vehicle is operating shall be carried on such vehicle at all times.

(c) Agents:

1. Every household goods carrier shall register and keep on file with the Commissioner the correct name, mailing address and location of each of its agents in the State of Tennessee.
2. A household goods carrier may not register or have more than one agent as defined herein in a municipality, town or community and an agent shall be the agent of only one household goods carrier.
3. The Commissioner may at any time inquire into and investigate the fitness of any agent registered by such carrier under these rules. If it finds such agent to be unfit in the public

interest to represent the carrier principal in services to the public it may disapprove the registration of such agent and thereafter said carrier principal shall not allow such person, firm or corporation to act as its agent.

4. A household goods carrier shall not transport any shipment solicited or accepted for shipment by one other than its registered agent or a full time employee of such carrier or such agent, provided, however, this shall not prevent household goods carriers as defined by these rules from interlining shipments with each other.
- (d) For the purpose of this rule the principal place of business of household goods carriers as shown by their certificate of convenience and necessity shall be deemed to be the principal place of business and domicile. Any household goods carriers desiring different and separate domiciles shall apply for same as set forth in the above rule.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.28 was transferred from rule 1220-02-01-.28 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.13 Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce.

(1) Determination of Weights

(a) Loaded Weight, Tare Weight and Constructive Weight.

1. Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weigh master or on a certified scale, and when so weighed the gasoline tank on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of shipment, or in the direction of the next pick-up or delivery in the case of part loads.
2. If no adequate scale is available at origin, at any point in route, or at destination, a constructive weight, based upon seven (7) pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, in route, or at destination without first unloading it or other part loads being carried in the same vehicles.

- (b) Part Loads. In the transportation of part loads, this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding one thousand (1,000) pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(2) Estimates of Charges

- (a) Estimate Form for Shipper's Use. Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed on the form.
- (b) Specific request of shipper for notification. Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request

immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be made as soon as possible prior to the time when the shipment is offered for delivery.

- (c) Notification to shipper where charges exceed estimate. Whenever actual charges on any shipment exceed by more than ten (10) percent or Twenty-five dollars (\$25), whichever is greater, any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall notify the shipper of the amount thereof by telegram or telephone at the carrier's expense as soon as possible after the determination is made and before delivery. Provided, that this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied upon request by the carrier, an address or telephone number at which the communication would be received.
 - (d) Report of Underestimates. Every motor common carrier of household goods shall file each month with the Commissioner of Safety and Homeland Security, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37243, a report of all instances during the proceeding month where the actual charges for services rendered exceeded the estimates of such charges by ten (10) percent or twenty-five dollars (\$25), whichever is greater, with an explanation of reasons for variances.
 - (e) Reweighing. The carrier, upon request of shipper, owner or consignee, made prior to delivery of a shipment, and when practical to do so will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight and the rewash net scale weight is less than one hundred (100) pounds on a shipment weighing five thousand (5,000) pounds or less or two per cent or less of the lower net scale weight on shipments in excess of five thousand (5,000) pounds, a reasonable reweigh charge may be established.
 - (f) Information on Bill of Lading. Each Bill of Lading on household goods shipments shall have indicated thereon the method by which the estimate of charges was made and the amount of the estimate.
- (3) Claims for Loss or Damage
- (a) Acknowledgement of Claims. Every Common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within thirty (30) calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.
 - (b) Handling by carrier. Every such carrier which receives a written claim for loss by damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within one hundred twenty (120) days after receipt of the claim by the carrier or its agent. Provided, that, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within one hundred twenty (120) days after the receipt thereof, the carrier shall at that time and at the expiration of each succeeding thirty (30) day period while the claim remains pending advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof, and send a copy of such letter to the Commissioner of Safety and Homeland Security, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37243.
- (4) Information to Shippers
- (a) Each household goods carrier shall be required to present each prospective household goods shipper an information pamphlet containing such provisions as this Commissioner shall prescribe or approve.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.29 was transferred from rule 1220-02-01-.29 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.14 Transportation of Hazardous Materials.

The Commissioner of Safety and Homeland Security hereby adopts the rules and regulations and any amendments, supplements or revisions thereto contained in 49 C.F.R. §§ 171 through 180.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.32 was transferred from rule 1220-02-01-.32 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.15 Revocation of Certificates, Permits and Modification of Rules.

The failure on the part of any motor carrier to comply with any of these rules and regulations, or the issuance of an Out-of-Service Order by the United States Department of Transportation will be sufficient cause for the Commissioner of Safety and Homeland Security, in its discretion, to revoke a certificate or permit. These rules and regulations are for general application and are subject to such changes and modifications as the Commissioner, from time to time, may determine advisable, and also subject to such exceptions as may be considered just and reasonable in individual cases.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.37 was transferred from rule 1220-02-01-.37 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.16 Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions.

(1) Definitions:

- (a) The term municipality or municipalities, as used in this order should to understood to refer only to cities, towns, villages and boroughs which have been created by special legislative acts or otherwise individually incorporated or chartered pursuant to general laws or which are recognized as such under the Constitution or by the laws of the State of Tennessee, and which have existing local governments.
- (b) Distances. Airline distances about corporate limits of municipalities shall be used in all instances.
- (c) Population. The population of any municipality shall be that shown for such municipality by the 1960 Decennial Census conducted by the United States Bureau of Census, or any subsequent Decennial Federal Census.
- (d) Unincorporated area. The term "Unincorporated area" as used herein means any area regardless of its urban development not included within the corporate limits of an incorporated city, town village or borough.
- (e) Contiguous municipalities. Two municipalities having the same common border or boundary, (contiguous for the purpose used herein, shall not mean in close proximity to one another.)
- (f) Adjacent municipalities. Municipalities which although not contiguous have a distance of not over 15 miles between their respective boundaries or corporate limits at any point or points.
- (g) Base municipality. Base Municipality designates the municipality whose commercial zone is under consideration.
- (h) Terminal Areas. The limits around a city which line-haul carriers authorized to serve the particular city may serve.

(2) The commercial zone of each municipality shall consist of:

- (a) The base municipality which shall include all annexations thereof on the effective date of the annexation and the population of which is determined by the last official census.

- (b) All contiguous municipalities within the State of Tennessee.
 - (c) All unincorporated areas as follows:
 - 1. When the base municipality has a population less than two-thousand five hundred (2,500) all unincorporated areas within two (2) miles of its corporate limits and all of any other municipality any part of which is within two (2) miles of the corporate limits of the base municipality
 - 2. When the base municipality has a population of two-thousand five hundred (2,500), but less than twenty-five thousand (25,000), all unincorporated areas within three (3) miles of the corporate limits and all of any other municipality any part of which is within three (3) miles of the corporate limits of the base municipality;
 - 3. When the base municipality has a population of twenty-five (25,000), but less than one hundred thousand (100,000), all unincorporated areas within four (4) miles of its corporate limits and all of any other municipality any part of which is within four (4) miles of the corporate limits of the base municipality;
 - 4. When the base municipality has a population of one hundred thousand (100,000) or more, all unincorporated areas within five (5) miles of its corporate limits and all of any other municipality any part of which is within five (5) miles of the corporate limits of the base municipality.
 - (d) All adjacent municipalities any part of which would be included under (c) above as unincorporated.
 - (e) All municipalities completely surrounded by the base municipalities and any contiguous municipality or adjacent municipality included in the zone under (d) above.
 - (f) That the base municipality of Metropolitan Nashville and Davidson County, Tennessee shall be extended to include all of Davidson County, but this commercial zone shall, under no provisions, or any circumstances, extend into the surrounding counties, but shall terminate at the county line of Davidson County.
- (3) The terminal area within the meanings of the above definition, of any motor carrier of property authorized by this Commissioner of Safety and Homeland Security under Chapter 15 of Title 65 of the T.C.A., at any unincorporated community having a post office of the same name which is authorized to be served by such motor carrier of property shall be construed as:
- (a) All points or places in Tennessee which are located within the limits of the operating authority of the motor carrier of property, and within two and a half (2-1/2) miles of the post office at such authorized unincorporated point.
 - (b) All of any municipality any part of which is included under (a) of this section.
 - (c) Any municipality wholly surrounded by any municipality included under (b) of this section or so wholly surrounded except for a water boundary.
- (4) Exceptions. The points of Warcer, Tennessee and Jersey-Tyner, Tennessee shall be excluded from the commercial zones of Knoxville and Chattanooga, Tennessee, respectively; that the commercial zone applicable to the point of Ducktown, Tennessee, shall be extended east along U. S. Highway 64 to the North Carolina line so as to authorize common carrier service thereto.
- (5) Clarksville Commercial Zone. That the Commercial Zone of Clarksville, in addition to that set forth above, shall be extended northeastwardly from the existing zone at approximately the intersection of U. S. Highways 79 and 1-24 northwardly to the Tennessee Kentucky State Line in a corridor three miles in width, the same encompassing the L & N right-of-way as well as Highway 79 to the Tennessee-Kentucky State Line.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed January 20, 1977; effective February 19, 1977. Rule 1340-06-01-.38 was transferred from rule 1220-02-01-.38 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.17 Identification of Intrastate Carriers.

- (1) Every carrier operating solely in intrastate commerce and subject to the jurisdiction of this Commissioner of Safety and Homeland Security shall have displayed on side of each vehicle the following information:
 - (a) Name of owner, or lessee.
 - (b) Tennessee Department of Safety and Homeland Security Certificate Number.
 - (c) Unit Number.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.42 was transferred from rule 1220-02-01-.42 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.18 Roadside Parking.

- (1) No person shall stop, park, or leave standing any commercial motor vehicle, whether attended or unattended, upon the paved or main-traveled part or the shoulder of any highway on/off ramp outside of a business district.
- (2) This section shall not apply to the driver of any commercial motor vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to any vehicle complying with law, Commissioner of Safety and Homeland Security regulations or directions of a law enforcement officer.
- (3) This section shall not apply to the driver of any commercial motor vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity or interstate permit issued by the Commissioner of Safety and Homeland Security or any local regulatory transit authority of Tennessee authorizing the operation of such vehicle, while taking on or discharging passengers. In any event, an obstructed lane of travel of the highway opposite such standing vehicle shall be left for free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in either direction upon the highway.
- (4) This section shall not apply to the driver of any vehicle owned by a public utility or road construction company and stopped for the purpose of construction, repairs or installations.
- (5) Penalties for violations of this section are: First Offense - fifty dollars (\$50) plus court costs; second and additional offenses one hundred (\$100) plus court costs.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed November 15, 1990; effective February 27, 1991. Amendment filed December 15, 1993; effective April 30, 1994. Rule 1340-06-01-.45 was transferred from rule 1220-02-01-.45 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.19 Recommended Fines for Motor Carrier Safety Violations.

- (1) Every officer, agent or employee of any corporation and every other person who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand or requirement of the Commissioner of Safety and Homeland Security made in pursuance of the power and authority conferred by Chapter 15 of Title 65 of the T.C.A. shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both, at the discretion of the court.

- (2) It is the policy of the Commissioner of Safety and Homeland Security that any such violation should result in the imposition of a fine no less than the amounts listed below and that these fines should be uniformly imposed throughout the State.
- (3) To accomplish this policy, Commissioner of Safety and Homeland Security motor carrier enforcement officers shall consult with the judges and district attorneys in the various jurisdictions in which these violations are prosecuted and, absent unusual and compelling circumstances, the officers shall recommend that the following fines be imposed for violations of the Commissioner of Safety and Homeland Security rules listed below:

Violation	Fine
(a) No record of duty status, 49 C.F.R. § 395.8(a)	
Minimum violation	\$150
Willful and intentional violation	\$500
(b) Falsifying record of duty status, 49 C.F.R. § 395.8(e)	
Minimum violation	\$150
Willful and intentional violation	\$500
(c) Failure to maintain current record of duty status, 49 C.F.R. § 395.8(f)	\$125
(d) Driver exceeding the 10-hour driving, rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(e) Driver exceeding the 15-hour driving rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(f) Driver exceeding the 70-hour driving rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(g) Possession or consumption of alcohol, 49 C.F.R. § 392.5	\$500
(h) Unlawful possession or consumption of Schedule I through Schedule VII drugs, 49 C.F.R. § 392.4	\$500
(i) Driver of a commercial motor vehicle having more than one driver's license, 49 C.F.R. § 383.21	\$500

- (4) Every motor vehicle subject to the safety jurisdiction of the Commissioner of Safety and Homeland Security must stop for inspection at any designated inspection station or stop at a safe roadside location if directed by a Commissioner of Safety and Homeland Security enforcement officer. Failure to stop at a designated inspection station may be excused if to do so would create a serious traffic hazard. Violation of this rule is punishable by a recommended fine of two-hundred fifty dollars (\$250).
- (5) A citation shall be issued upon discovery of one or more "out-of-service" violations. In determining whether or not an out-of-service violation exists, the Commissioner of Safety's officers shall be guided by the Commercial Vehicle Safety Alliance Memorandum of Understanding and the "North American Out-of-Service Criteria" issued by the Commercial Vehicle Safety Alliance (CVSA).
- (a) When a citation is issued for three out-of-service violations, the recommended fine for the first such offense shall be fifty dollars (\$50) plus fifty dollars (\$50) for each additional (after three) out-of-service violation.
- (b) The recommended fine for the second offense involving the same piece of equipment within the same calendar year shall be one hundred dollars (\$100) plus one hundred dollars (\$100) for each additional (after three) out-of-service violation.
- (c) The recommended fine for the third offense involving the same piece of equipment within the same year shall be one hundred fifty dollars (\$150) plus one hundred fifty dollars (\$150) for each additional (after three) out-of-service violation.

- (6) Each violation of a regulation pertaining to the transportation of hazardous materials found in 49 C.F.R. §§ 171 through 180, (excluding 49 C.F.R. § 177.804) shall result in a recommended fine of one hundred dollars (\$100).
- (7) The recommended fine for violation of a Commissioner of Safety and Homeland Security rule not listed here shall be twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for the second and subsequent offense.

Authority: T.C.A. §§ 65-15-104, 65-15-106, 65-15-113, and 65-15-122. Administrative History: Original rule filed November 10, 1986; effective December 25, 1986. Amendment filed February 29, 1988; effective May 29, 1988. Rule 1340-06-01-.46 was transferred from rule 1220-02-01-.46 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.20 Routing of Hazardous Material Vehicles in Knox County, Tennessee.

No person shall drive or cause to be driven a motor vehicle carrying a placardable quantity of hazardous material as specified in Title 49 of the Code of Federal Regulations §§ 172.500 through 172.558 along or upon Interstate 40 or Interstate 275 in Knox County, Tennessee between the intersection of said interstates with Interstate 640 on the west, north or east. This prohibition shall not apply to the following:

- (1) To motor vehicles which have shipments originating at or destined to the City of Knoxville and to service points on U.S. Highway 129 Blount County as verified by appropriate shipping papers.
- (2) To motor vehicles which have shipments to be interlined with other carries or which have shipments transferred to other motor vehicles or aircraft of the same carrier at facilities located in the City of Knoxville or service points on U.S. Highway 129 in Blount County.
- (3) To motor vehicles which need emergency repairs or warranty work performed at authorized dealers or repair facilities as may be verified by a physical inspection of the vehicle, by warranty papers in the vehicle, or by other means of verification used by the investigating officer.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed March 31, 1987; effective May 15, 1987. Rule 1340-06-01-.47 was transferred from rule 1220-02-01-.47 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.21 Reserved.

1340-06-01-.22 Lighting Requirements for Stopping and Standing Solid Waste Vehicles.

- (1) The term "solid waste vehicle" as used in this rule shall mean solid waste vehicles as defined in T.C.A. § 55-8-101.
- (2) This rule applies to solid waste vehicles which are:
 - (a) Operating for the sole purpose of collecting municipal solid waste as defined in T.C.A. § 68-211-802(a)(10) or recyclable materials; and
 - (b) Stopping or standing on a paved or improved main traveled portion of a road, street or highway.
- (3) The solid waste vehicles described in subsection (1) and (2) of this rule shall be required to do the following:
 - (a) Maintain flashing hazard lights at all times while the vehicle is stopped or standing; and
 - (b) Maintain amber lights meeting SAE color standards which may be rotating, flashing, or oscillating and which shall be mounted at the extreme front on the highest point of the cab of the vehicle and on the highest location on the extreme rear of the vehicle which assures the required visibility and which does not interfere with the collecting functions and equipment of the vehicle; and

- (c) Assure that the vehicle is stopped so that all lights are visible from a distance of two hundred (200) feet in either direction upon the highway or road without manmade or natural obstruction.

Authority: T.C.A. §§ 55-8-158, 65-15-106, and 65-15-113. Administrative History: Original rule filed March 28, 1995; effective June 13, 1995. Rule 1340-06-01-.49 was transferred from rule 1220-02-01-.49 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.23 Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers.

- (1) The word "automobile" as used in the rules pertaining to homemade and materially reconstructed trailers shall mean a self-propelled land vehicle with four wheels propelled by an internal combustion engine which is designed primarily to carry passengers and incidental freight for a non-commercial purpose and which is required to register with the state pursuant to T.C.A. § 55-4-111(c) or T.C.A. § 55-4-112. This definition shall include cars, vans, and small trucks which do not register as a commercial vehicle under T.C.A. § 55-4-113.
- (2) The word "trailer" shall be defined as described in T.C.A. § 55-1-105(5);
- (3) The word "semi-trailer" shall be defined as described in T.C.A. § 55-1-105(4);
- (4) The word "pole trailer" shall be defined as described in T.C.A. § 55-1-105(3);
- (5) The word "homemade" shall be defined as described in T.C.A. § 55-4-101(3)(A);
- (6) The word "materially reconstructed" shall be defined as described in T.C.A. § 55-4-101(3)(B);
- (7) The word "Commissioner" shall mean the Commissioner of Safety and Homeland Security;
- (8) The word "Department" shall mean the Tennessee Department of Safety and Homeland Security.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.50 was transferred from rule 1220-02-01-.50 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.24 Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection.

- (1) This rule applies to trailers, semi-trailers, or pole trailers which are:
 - (a) Homemade or materially reconstructed as defined in these rules; and
 - (b) Required to be titled or registered under T.C.A. § 55-4-101 et seq.
- (2) This rule does not apply to any trailers, semi trailers, or pole trailers which are:
 - (a) Trailers owned by farmers and used for agricultural purposes or hauling livestock between farm and market, and implements designed for carrying and distributing fertilizer as described in T.C.A. § 55-4-113(a)(5)(C);
 - (b) Trailers used solely for the transportation of boats for a non-commercial purpose;
 - (c) Trailers drawn by an automobile for a noncommercial purpose except for house trailers (required to be registered under classes (D)(ii) and (D)(iii) of T.C.A. § 55-4-111) and rental trailers (required to be registered under class (D)(i) of T.C.A. § 55-4-111).
- (3) Any trailer, to which this rule applies as described in sections (1) and (2) of this rule, shall not be titled or registered for operation over the roads and highways of Tennessee nor shall it be operated, drawn, or

pulled over state highways and roads until the Department has certified that said trailer is in compliance with Department trailer safety rules.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.51 was transferred from rule 1220-02-01-.51 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.25 Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers.

- (1) Any person, organization, or entity found in violation of the provisions of T.C.A. § 55-4-101 or T.C.A. § 65-15-113 or any rules promulgated pursuant thereto applicable to homemade or materially reconstructed trailers, semi trailers or pole trailers shall be subject to penalty as provided in T.C.A. § 65-15-122.
- (2) Any trailer, semitrailer, or pole trailer, which is being operated, pulled or drawn in violation of T.C.A. § 65-15-113 and T.C.A. § 55-4-101 et seq., and any rules promulgated pursuant thereto, shall be immediately placed out-of-service by the apprehending officer. Said trailer shall be out-of-service until it has passed a Department trailer safety inspection in accordance with all applicable rules. The owner or operator of said trailer may arrange for towing of the out-of-service trailer to another location for repair at his own expense. The Department shall not be responsible for towing or storage charges for trailers out-of-service in violation of these rules.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106, 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.52 was transferred from rule 1220-02-01-.52 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.26 Application for Trailer Safety Inspection.

- (1) Any person, organization, or entity owning or in possession of a homemade or materially reconstructed trailer, semi-trailer, or pole trailer may request a Department trailer safety inspection on application forms furnished by the Commissioner.
- (2) Department trailer safety inspection application forms shall be available from the Nashville office of the Commissioner or from any county motor vehicle registration office.
- (3) The applicant shall send a completed trailer safety inspection application form along with a non-refundable inspection fee of twenty-five dollars (\$25) to the Nashville office of the Department prior to scheduling for inspection.
- (4) Applicants which have failed previous inspections may re-apply for Department inspection of trailers after the requisite repairs are made. The twenty-five (\$25) trailer inspection fee shall be required for each re-inspection.
- (5) The Department shall schedule inspection at the trailer location as expeditiously as possible after receipt of the completed application form and fee. Inspections shall only be scheduled during normal business hours and shall be confirmed in advance with the applicant.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.53 was transferred from rule 1220-02-01-.53 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.27 Trailer Safety Inspection Procedure.

- (1) After the trailer safety inspection is conducted in accordance with Department rules, the Department inspector shall complete a trailer inspection report which shall include a list and description of any safety violations found, and the conclusions of the inspector as to whether the vehicle is in substantial

compliance with applicable trailer safety rules. The inspector and the applicant shall both sign the form. The applicant shall be given the original of the inspection report.

- (2) If the inspected trailer is found to be in compliance with Department trailer safety regulations, the Department inspector shall issue a Trailer Safety Inspection Certificate and shall assign a safety certification number to the trailer. This number shall be noted on the inspection report and shall be permanently affixed to the body of the vehicle by the inspector.
- (3) If the inspected trailer is not found to be in compliance with Department trailer safety regulations, the Department inspector shall advise the applicant of his right to reapply for inspection after the safety violations are repaired. The applicant shall not be permitted to operate this trailer over state highways and roads until such time as it has passed a trailer safety inspection conducted by the Department.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.54 was transferred from rule 1220-02-01-.54 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.28 Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers.

- (1) The trailer safety rules and regulations to be applied to all homemade and/or materially reconstructed trailers subject to inspection by the Department are the federal motor carrier safety regulations adopted by the Department pursuant to rule 1340-06-01-.08, particularly those provisions found in 49 CFR Part 393, and the safety requirements for trailers found in T.C.A. Title 55, Chapter 9.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.55 was transferred from rule 1220-02-01-.55 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Mental Health

DIVISION: Licensure and Review

SUBJECT: Mental Health Vocational Programs

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 33-1-302

EFFECTIVE DATES: January 29, 2012 through June 30 2012

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This rule repeals in its entirety Chapter 0940-05-34, which specifies minimum program requirements for facilities licensed as mental health vocational programs. The agency reports that no provider is currently licensed as a mental health vocational program.

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The repeal of Rules Chapter 0940-05-34 will not affect small businesses because no provider is currently licensed as a Mental Health Vocational Program.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

(Insert statement here)

The repeal of Rules Chapter 0940-05-34 is not projected to impact local governments.

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File Date: _____

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Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and 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. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Mental Health and Developmental Disabilities
Division:	Office of Licensure and Review
Contact Person:	Kurt Hippel
Address:	425 Fifth Avenue North 3 rd Floor, Cordell Hull Building Nashville, TN
Zip:	37243
Phone:	615-532-9439
Email:	Kurt.Hippel@tn.gov

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0940-05-34	Mental Health Vocational Programs
Rule Number	Rule Title
0940-05-34-01	Definitions
0940-05-34-02	Application of Rules for Mental Health Vocational Program
0940-05-34-03	Personnel Requirements
0940-05-34-04	Individual Assessment Requirements
0940-05-34-05	Individual Plan of Care Requirements
0940-05-34-06	Individual Record Requirements
0940-05-34-07	Additional Environmental Requirements

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

0940-05-34-.01 Definitions.

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

~~Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.~~

0940-05-34-.02 Application of Rules for Mental Health Vocational Program.

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

~~Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.~~

0940-05-34-.03 Personnel Requirements

- ~~(1) The program services must have on staff or have available on a consultative basis both a Tennessee licensed mental health professional and an individual with demonstrated skill in the vocational areas provided by the program.~~
- ~~(2) A facility based program must have sufficient staff persons on duty to provide adequate supervision of the scheduled activities with a minimum staff-to-service recipient ratio of 1:20. Staff persons counted in the staff-to-service recipient ratio may only be persons who are assigned to provide direct services as described by written job description. Support staff such as clerical, housekeeping, van and bus driver staff, students involved in an on-site practicum for academic credit, and volunteers, may not be counted in the staff-to-service recipient ratio.~~
- ~~(3) The facility must provide at least one on duty staff person trained in first aid and the Heimlich maneuver.~~
- ~~(4) All staff, within three (3) months of hire, must acquire knowledge and competency appropriate to groups served. Training topics must include but not be limited to the following:~~
 - ~~(a) Principles of job development, supported employment, and psychological rehabilitation~~

- _____ (b) Vocational and work assessment
- _____ (c) Value to work
- _____ 1. Employer support
- _____ 2. Assuming and utilizing natural support system at a work site
- _____ 3. Work culture
- _____ 4. Americans with Disability Act
- _____ 5. Rights of service recipients with mental illness regarding work
- _____ 6. Community support systems, community based services and systems of care, community resources and linkages with these resources
- _____ 7. Cultural diversity
- _____ 8. Behavioral characteristics of service recipients with mental illness
- _____ 9. Stress management skills for vocational workers
- _____ 10. Data management and record keeping
- _____ 11. Agency policies and procedures
- _____ 12. Psychiatric medications and their side effects
- _____ 13. Fire safety

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301 and 33-2-302.

0940-05-34-.04 Individual Assessment Requirements.

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

document how they effect the Plan of Care.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

0940-05-34-.05 Individual Plan of Care Requirements.

- (1) A Plan of Care must be developed for each service recipient. The plan must be based on initial and on-going assessment of needs and strengths and must be completed within fourteen (14) days of admission into the vocational program. Documentation of the plan must be made in the service recipient's record and must include the following:
 - (a) Service recipient's name.
 - (b) Date of plan of care development.
 - (c) Needs and strengths of the service recipient that are to be addressed within the particular service/program component.
 - (d) Observable and measurable service recipient long and short term goals that are related to specific needs identified and which are to be addressed by the particular service/program component.
 - (e) Interventions that address specific goals and objectives, identify staff responsible for interventions, and planned frequency of contact.
 - (f) Signature(s) of the staff who develop the plan and the primary staff responsible for its implementation.
 - (g) Signature of service recipient (and/or conservator, legal guardian, or attorney-in-fact). Reasons for refusal to sign and/or inability to participate in the Plan of Care development must be documented.
- (2) The Plan of Care must be reviewed by program staff and the service recipient within three months of the initial development of the Plan of Care. The second review must take place within six months after the development of the Plan of Care, and every six months thereafter. The review must include the following documentation:
 - (a) Dated signature(s) of appropriate staff; and
 - (b) An assessment of progress toward each goal and/or objective with revisions as indicated.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

0940-05-34-.06 Individual Record Requirements.

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

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.

0940-05-34-07 Additional Environmental Requirements.

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

~~Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.~~

REDLINE

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Commission on Fire Fighting Personnel Standards and Education

DIVISION:

SUBJECT: Airport Firefighter Certification

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 4-21-101 et seq.

EFFECTIVE DATES: January 29, 2012 through June 30, 2012

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This rulemaking establishes the standards and examination requirements necessary to obtain an airport firefighter certification. This certification is not mandatory, but rather is specialty training for interested firefighters and their departments.

This rulemaking also clarifies that the examination requirements for Firefighter I and II must meet appropriate NFPA 1001 standards.

The rulemaking updates two referenced standards to the current editions.

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Proposed Rule(s) Filing Form-REDLINE

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and 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. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Commission on Fire Fighting Personnel Standards and Education
Division:	
Contact Person:	Patrick W. Merkel
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Email:	patrick.merkel@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0360-03-01	Classification for Full-Time & Volunteer Fire Fighters
Rule Number	Rule Title
0360-03-01-.18	Airport Firefighter

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
0360-04-01-.06	Examination Form

Chapter Number	Chapter Title
0360-06-01	Miscellaneous Certification Standards
Rule Number	Rule Title
0360-06-01-.01	Adoption by Reference

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 0360-03-01-.18 Airport Firefighter is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0360-03-01-.18 AIRPORT FIREFIGHTER.

- (1) An Airport Firefighter must successfully complete all of the requirements for ~~Fire Fighter I~~ Fire Fighter II and Hazardous Materials Operations as prescribed in these rules and regulations and by Commission policy.
- (2) An Airport Firefighter must successfully pass an examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Paragraphs (1) and (2) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the paragraphs in their entirety and substituting the following language so that, as amended, the paragraphs shall read:

0360-04-01-.06 EXAMINATION FORM

- (1) The examination for Fire Fighter I shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter I as adopted in standards in Chapter 0360-06-01.
 - (a) The performance examination requirements for Fire Fighter I shall consist of all of the following:
 1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
 2. A live fire practical must be completed. One of the following options must be completed:
 - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter I Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
 - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter I during a live fire training. ALL of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fifteen (15) working days notice by submitting an Application for Live Fire Training ~~seventy-two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax.~~ A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
 - ~~(iii) Completion of a Commission-administered live fire practical. The practical shall consist of completion of one (1) evolution selected at random by the Commission. If this option is used, the live fire practical must be completed after successful completion of the hands-on-practical.~~

- (2) The examination for Fire Fighter II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter II as adopted in standards in Chapter 0360-06-01.
- (a) The performance examination requirements for Fire Fighter II shall consist of all the following:
1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
 2. A live fire practical must be completed. One of the following options must be completed:
 - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
 - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter II during a live fire training. All of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fifteen (15) working days notice by submitting an Application for Live Fire Training ~~seventy-two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax.~~ A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
 - ~~(iii) Completion of a Commission-administered live fire practical. The practical shall consist of completion of one (1) evolution selected at random by the Commission. If this option is used, the live fire practical must be completed after successful completion of the hands-on practical.~~

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Paragraph (12) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the paragraph in its entirety and substituting the following language so that, as amended, the paragraph shall read:

0360-04-01-.06 EXAMINATION FORM.

- (12) The examination for Airport Firefighter shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Airport Firefighter as set forth in Chapter 0360-06-01.
- ~~(a) The performance examination for Airport Fire Fighters shall be promulgated by the Commission utilizing the standards outlined in NFPA 1003.~~
- (a) The performance examination requirements for Airport Firefighter shall consist of all the following:
1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on the standards in NFPA 1003.
 2. A live fire practical must be completed. One of the following options must be completed:
 - (i) Completion of a Federal Aviation Administration training course where, at minimum, all requirements of the Commission's Airport Live Fire Verification Sheet are accomplished.

(ii) All of the exercises listed on the Airport Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local airport fire department's training program. An Airport Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of seventy two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.

(b) Guidelines for Hands-On Practical and Live Burn Practical Examinations:

1. No fee will be charged by the Commission for these examinations.
2. Hands-on Practical regional test sites are to be established in each field representative's territory, on an as needed basis in order to meet the needs of the airport fire departments within their territories.
3. Live Fire Practical Tests sites are to be established by the field representatives in conjunction with fire departments able to host this type of practical.
4. Applicants may travel out of their region to test at other test sites.
5. The Field Representative is to conduct a training seminar for evaluators prior to each practical examination to ensure the evaluator's understanding of testing procedures, grading procedures, performance criteria, and instructions on completing required paperwork. The Commission will provide the field representative with documents to be utilized during this training. Any evaluator who fails to attend this training will not be allowed to serve as an evaluator.
6. Applications to challenge the practical examination must be submitted to the Commission a minimum of two (2) weeks prior to the examination date. A minimum of fifteen (15) applicants must be scheduled in order to conduct the practical examinations; a maximum of thirty five (35) applicants can be tested per day. The Director may waive this requirement if justification exists.
7. An applicant who fails any evolution shall be notified immediately of his/her failure and will be allowed to leave the practical immediately.
8. Copies of the entire practical examination will be provided to all fire departments. A copy may also be requested by individuals from the Commission Office either by e-mail or US mail.
9. Applicants who complete the examination must remain at the host facility until the end of the day to assist in cleaning and restoring the host facility to original condition prior to receiving test results. Leaving early will result in automatic failure unless the applicant is given permission to leave by the field representative.
10. Persons who have completed their practical must remain separate from those waiting to challenge.
11. Persons waiting to challenge the practical examination must be secluded from the actual practical. Under no circumstances should an applicant waiting to challenge the practical examination be allowed to see the practicals being administered or be in contact with any individual who has completed the practical.
12. The applicant's home department must send with their personnel at least one SCBA and mask; and each applicant must bring a mask which has been fit tested to them.

13. The applicant's home department shall inspect each applicant's equipment to ensure it meets current additions of applicable safety standards. These standards include:
 - (i) NFPA 1981
 - (ii) NFPA 1971
 - (iii) NFPA 1976
 - (iv) NFPA 1977
 - (v) NFPA 1982
14. Each applicant must bring his/her own turn-out gear.
15. The host department shall provide the equipment to be used for testing, e.g. ladders, hose, etc.
16. The applicant's home department must assume liability in case of injury. A statement to this effect is included on the application which must be signed by the chief of the applicant's department.
17. The Commission will solicit individuals who are Airport Firefighter certified or individuals deemed by the Commission to be subject matter experts in the area of airport firefighting and interested in serving as evaluators, who will be required to submit their names and qualifications. This list of names will be maintained by the field representative who will rotate through the names for each examination. Individuals may add their names at any time.
18. An applicant must perform the evolutions provided. An applicant cannot discard an evolution because their department does not have the equipment specified.
19. The Commission Representative shall have the authority to adapt these guidelines to address specific life safety problems as they arise.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Subparagraph (d) of paragraph (1) of rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

0360-06-01-.01 ADOPTION BY REFERENCE.

- (d) 1003 Professional Qualifications for Airport Fire Fighters, ~~2005~~ 2010 edition;

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Subparagraph (j) of paragraph (1) of rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

0360-06-01-.01 ADOPTION BY REFERENCE.

- (j) 1035 Professional Qualifications for Public Fire and Life Safety Educator, ~~2005~~ 2010 edition;

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

* If a roll-call vote was necessary, the vote by the Agency on these rules on March 11, 2011, was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris	X				
Gerald Wakefield	X				
Matthew Sorge	X				
Charlie Vance	X				
Frank Cotton				X	
Randy Fox	X				
Michael Slay	X				

* If a roll-call vote was necessary, the vote by the Agency on these rules on April 27, 2011, was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris	X				
Gerald Wakefield	X				
Matthew Sorge	X				
Charlie Vance	X				
Frank Cotton	X				
Randy Fox	X				
Michael Slay	X				

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Health

DIVISION: Alcohol and Drug Abuse Services

SUBJECT: Compulsive Gambling Disorder; Continuing Education Requirements

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 68-24-608

EFFECTIVE DATES: November 3, 2011 through June 30, 2012

FISCAL IMPACT: The agency reports that there will be neither a positive nor negative impact, because the new rules will implement a program that is self-sufficient.

STAFF RULE ABSTRACT:

Rule 1200-30-01-.02 adds alcohol and drug abuse counselors who evaluate and treat persons significantly affected by compulsive gambling disorder to the scope of practice.

1200-30-01-.04 adds an educational requirement for applicants seeking to evaluate and treat persons who have been significantly affected by compulsive gambling disorder to the qualifications for licensure.

1200-30-01-.10 adds an educational requirement for supervisors seeking to supervise an applicant in the evaluation and treatment of compulsive gambling disorder.

1200-30-01-.12 deletes the heading language of the rule and replaces it with a requirement for fifteen (15) contact hours of alcohol and drug abuse continuing education per calendar year. The rule adds a requirement for ethics, a requirement for face to face hours, and an allowance for multimedia hours. The rule adds the Tennessee Department of Mental Health and Developmental Disabilities to the list of approved providers of continuing education.

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Sequence Number: 08-08-11
Rule ID(s): 4976
File Date: 08/05/2011
Effective Date: 11/03/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Department of Health
Division:	Bureau of Alcohol and Drug Abuse Services
Contact Person:	Rachel Appelt, Assistant General Counsel
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Zip:	37243
Phone:	(615) 741-1611
Email:	Rachel.Appelt@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-30-01	Rules Governing Licensure of Alcohol and Drug Abuse Counselors
Rule Number	Rule Title
1200-30-01-.02	Scope of Practice
1200-30-01-.04	Qualifications for Licensure
1200-30-01-.10	Supervision
1200-30-01-.12	Continuing Education

(Rule 1200-30-01-.02, continued)

less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder.

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- (23) Nothing in this chapter shall be construed as permitting any person licensed as an Alcohol and Drug Abuse Counselor to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each counselor's formal education and training, licensees may administer and utilize appropriate assessment instruments which identify elements of perceptual inability to recognize empirical facts, problems of appropriately displaying emotions and inappropriate responses to the environment of individuals, couples and families as part of the alcohol and other drugs of abuse therapy process or in the development of a treatment plan in the context of chemical abuse systems.
- (34) Nothing in this chapter shall be construed as permitting an individual licensed as an Alcohol and Drug Abuse Counselor to administer, dispense, or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee law.
- (45) Primary Functions of the licensed Alcohol and Drug Abuse Counselor.
 - (a) Screening. The process by which a client is determined to be eligible for admission to a particular program.
 - (b) Intake. The administrative and initial assessment procedures for admission to a program.
 - (c) Orientation - Describing to the client the general nature and goals of the program including rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program.
 - (d) Counseling (individual, group and significant others). The utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications, examination of attitudes and feelings, considerations of alternative solutions and decision making.
 - (e) Case management. Activities which bring services, agencies, resources or individuals together within a planned framework of action toward the achievement of established goals. It may involve liaison activities and collateral contacts.
 - (f) Crisis intervention. Those services which respond to an alcohol and/or drug abuser's needs during acute emotional and/or physical distress.
 - (g) Assessment. Those procedures by which a counselor/program identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of the treatment plan.
 - (h) Treatment planning. The process by which the counselor and the client identify and rank problems needing resolution, establish agreed upon immediate and long term goals, and decide on a treatment process and the resources to be utilized.
 - (i) Client education. Providing information to individuals and groups concerning alcohol and other drugs of abuse and the services and resources available.
 - (j) Referral. Identifying the needs of the client that cannot be met by the counselor or agency, as well as assisting the client in utilizing the support systems and community resources available.

(Rule 1200-30-01-.02, continued)

- (k) Reports and recordkeeping. Documenting the client's progress in achieving the client's goals.
- (l) Consultation with other professionals in regard to client treatment/services. Communicating with other professionals to assure comprehensive, quality care for the client.

Authority: T.C.A. §§4-5-202, 4-5-204, and 68-24-605 through 68-24-609. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000.

1200-30-01-.03 NECESSITY OF LICENSURE.

- (1) Only persons who are licensed by the Board may represent themselves as licensed Alcohol and Drug Abuse Counselors or hold themselves out to the public as being licensed by means of using a title on signs, mailboxes, address plates, letterheads, announcements, telephone listings, business cards, or other instruments of professional identification.
- (2) No person shall hold himself out to the public by a title or description of services incorporating the words licensed Alcohol and Drug Abuse Counselor unless he is licensed by the Board. Nothing in this rule shall prohibit a person from stating or using the educational degrees which he has obtained.
- (3) The provisions of this chapter do not apply to a person who is preparing for the practice of alcohol and drug abuse counseling under a qualified supervisor in a training institution or facility or supervisory arrangement pursuant to these rules and such person is designated by such titles as "alcohol and drug abuse counseling intern", "alcohol and drug abuse counseling trainee" or other designations clearly indicating a training status.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000.

1200-30-01-.04 QUALIFICATIONS FOR LICENSURE.

- (1) Licensure by examination. Prior to submitting an application for licensure, each of the following minimum qualifications must be met:
 - (a) The applicant must have attained twenty-one (21) years of age.
 - (b) The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in rule 1200-30-01-.13.
 - (c) Education. The education requirement must be completed prior to the date of application.
 - 1. A high school diploma or a G.E.D. certificate, a certified or notarized copy of which is to be included with the application.
 - 2. Applicants must have at least two hundred and seventy (270) contact hours of formal classroom training in chemical dependency, with a minimum number of ten (10) contact hours documented on each Primary Function pursuant to rules 1200-30-01-.02(4) and .05(1)(a)8. The two hundred and seventy (270) contact hours may be acquired through a single training program giving the required

(Rule 1200-30-01-.04, continued)

number of hours or through a combination of short-term classroom training programs. There is no time limit in which education is to have been gained.

3. Applicants must furnish documentation of six (6) contact hours of education in ethics. This six (6) hour requirement may be part of the two hundred and seventy (270) contact hours of education required for licensure.
4. Applicants seeking to evaluate and treat persons who have been significantly affected by compulsive gambling disorder under Rule 1200-30-01-.02(2) shall have no less than sixty (60) additional hours of specialized education relating to compulsive gambling disorder. Such education shall be in the form of formal classroom hours, annual continuing education hours, or a combination of such hours.

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(d) Experience.

1. Applicants shall furnish documentation of six thousand (6,000) clinically supervised counseling experience contact hours, during which all twelve (12) alcohol and drug abuse counseling Primary Functions have been performed over a time period of a minimum of three (3) years.
2. The six thousand (6,000) clinically supervised alcohol and drug abuse counseling experience contact hours, during which all twelve (12) Primary Functions have been performed over a time period of a minimum of three (3) years, may be paid or "volunteer" (unpaid), or a combination thereof.
3. In order for "volunteer" (unpaid), clinically supervised counseling experience to be given credit, the "volunteer" experience must have been accrued in a facility or agency where the institution or agency head authorized the volunteer program, specifically appointed/designated in writing the person as a participant in that volunteer program, and where the services and duties were performed and supervised pursuant to written guidelines, i.e., a "job description".
4. Applicants seeking to evaluate and treat persons who have been significantly affected by compulsive gambling disorder under Rule 1200-30-01-.02(2) shall provide evidence that a portion of the clinically supervised counseling experience included contact with no less than ten (10) patients impacted by a compulsive gambling disorder.

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(e) An applicant shall successfully complete the examinations as required in Rule 1200-30-01-.08. The applicant shall also provide to the Board an authorization for release of examination scores along with his/her application.

(2) Licensure by reciprocity. Individuals seeking licensure by reciprocity must meet the following qualifications:

- (a) The applicant must have attained twenty-one (21) years of age.
- (b) The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in rule 1200-30-01-.13.
- (c) The applicant must hold a current license or equivalent from another state. The other state's standards for licensure must be comparable to or exceed the requirements for licensure in Tennessee.

(Rule 1200-30-01-.04, continued)

- (d) An applicant shall successfully complete the jurisprudence examination as required in Rule 1200-30-01-.08.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed June 15, 2004; effective August 29, 2004.

1200-30-01-.05 LICENSURE PROCESS.

- (1) To become licensed as an Alcohol and Drug Abuse Counselor in Tennessee an applicant must comply with the following procedures and requirements:
- (a) Licensure by examination.
1. An application packet shall be requested from the Department.
 2. Applications will be accepted by the Board administrator throughout the year. Supporting documents required by the application instructions and these rules must be received by the Board administrator within sixty (60) days of receipt of the application or the file will be closed and to resume the licensure process a new application must be filed. Application files which are completed on or before the thirtieth (30th) day prior to a Board meeting will ordinarily be processed at that meeting.
 3. An applicant shall respond truthfully and completely to every question or request for information contained in the application form. The applicant shall submit the application along with all required documentation and fees to the Board. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 4. At the time the application is submitted, an applicant shall pay the nonrefundable application fee as provided in these rules.
 5. An applicant shall submit a certified copy of his birth certificate which indicates that the applicant is at least twenty-one (21) years of age at the time of application.
 6. An applicant shall attach to his application a signed passport style photograph taken within the preceding twelve (12) months. The back of the photograph is to be signed by the applicant.
 7. An applicant shall submit evidence of good moral character and professional ethics. Such evidence shall include two (2) recent (dated within the preceding twelve (12) months), original, signed letters from mental health professionals, one of which must be a licensed Alcohol and Drug Abuse Counselor in good standing, attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead. The applicant shall also submit a signed and notarized affidavit stating the applicant is in compliance with alcohol and drug abuse counselor ethical standards and these rules.
 8. Applicants shall submit verification of having completed a minimum of three (3) years clinically supervised substance abuse counseling experience (6,000 contact hours) during which all twelve (12) Primary Functions have been

(Rule 1200-30-01-.09, continued)

- (c) To be eligible for renewal, an individual must submit the following to the Board on or before the expiration date:
 - 1. A completed and signed renewal application form; and
 - 2. The biennial renewal fees as provided in these rules.
 - (d) Renewals may be issued administratively or by the Board.
 - (e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of Expired License
- (a) Reinstatement of an expired license may be accomplished upon filing a reinstatement application and payment of reinstatement, renewal and late renewal fees pursuant to rule 1200-30-01-.06.
 - (b) An applicant for reinstatement must comply with the continuing education requirements of rule 1200-30-01-.12.
 - (c) If requested, an applicant for reinstatement shall appear before the Board for an interview.
- (3) Anyone submitting a signed renewal or reinstatement application which is found to be untrue may be subject to disciplinary action as provided in these rules.
- (4) Application procedures shall be governed by Rule 1200-30-01-.07, and applicant review and licensure decisions shall be governed by Rule 1200-30-01-.15.

Authority: T.C.A. 4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed December 13, 2000; effective February 26, 2001. Amendment filed August 19, 2002; November 2, 2002. Amendment filed October 18, 2004; effective January 1, 2005.

1200-30-01-.10 SUPERVISION.

- (1) Pursuant to Rule 1200-30-01-.04, an applicant for licensure as an alcohol and drug abuse counselor shall present documentation, at the time the application is submitted, of completion of six thousand (6000) hours of clinical experience supervised by a supervisor who meets the requirements of paragraphs (2) or (3).
 - (a) One hundred (100) hours of the six thousand (6000) hour requirement shall be face-to-face supervision.
 - 1. No more than fifty (50) hours of the one hundred (100) hours may occur during any calendar year in which part of the six thousand (6000) supervised hours transpire.
 - 2. No less than twelve (12) hours of the one hundred (100) hours may occur during any calendar year in which part of the six thousand (6000) supervised hours transpire.

(Rule 1200-30-01-.10, continued)

- (b) Group supervision may occur provided that the applicant has a minimum of six (6) face-to-face individual supervision hours per year.
 - (c) A Supervisor seeking to supervise an alcohol and drug abuse counselor subject to Rule 1200-30-01-.04(1)(d)4 shall obtain no less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder prior to undertaking such supervision.
 - (ed) Documentation includes, but is not limited to, dates of supervision, beginning and ending times, names of clinicians present, topic areas discussed, clinical recommendations, follow-up on previous recommendations, professional issues/concerns, professional development needs/accomplishments, and number of cases reviewed per clinical participant with signatures of supervisor and all supervision participants.
 - (de) The supervisor shall follow methods of supervision used in accordance with a standard practice (e.g., Family Systems, Transactional Analysis, Reality Therapy, Gestalt, Psychodrama, etc.) or a combination of standard practices of the supervisor's choice.
 - (ef) The supervisor shall maintain copies of records of supervision for eight (8) years. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
 - (fg) Failure to conduct supervision in accordance with these rules or falsification of the records of supervision is considered a breach of professional conduct and may result in disciplinary action as provided in Rule 1200-30-01-.15.
- (2) Before supervision may begin, the supervisor of an applicant for licensure as an alcohol and drug abuse counselor shall obtain from the Board a Certificate of Qualified Clinical Supervision by meeting the following requirements:
- (a) The supervisor has been a licensed alcohol and drug abuse counselor for at least five (5) years. The supervisor's license must be currently active, unencumbered, and unconditioned, and the supervisor must cease supervising if it becomes encumbered and/or conditioned; and
 - (b) The supervisor has two (2) years experience supervising alcohol and drug abuse counselors or has received at least thirty-six (36) contact (clock) hours of supervision (by a qualified supervisor) of his supervisory work by supervision of at least one (1) person doing alcohol and drug abuse counseling.
- (3) An applicant whose supervisor meets the requirements of paragraph (2) but is not licensed in Tennessee as an alcohol and drug abuse counselor may submit, with the licensure application, an approval request to the Board that documents the supervisor's qualifications. This request must include means by which verification of the qualifications may be independently confirmed (e.g., contact data for other state licensing or certification agencies, NAADAC, or proof of supervision).
- (4) Supervision that is consistent with the regulations that were effective prior to the effective date of this rule amendment will be accepted as qualified supervision.
- (a) Licensees providing clinical supervision when these rules become effective will be permitted to continue supervising applicants whose supervision had already begun.

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(Rule 1200-30-01-.10, continued)

- (b) Under no circumstances shall a licensee begin providing new clinical supervision without meeting the requirements of paragraphs (2) or (3).
- (5) Conflict of Interest - Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), aunts, uncles, grandparents, grandchildren, stepchildren, employees, present or former counselor, present or former romantic partner, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. Any exceptions must be approved by the Board prior to such supervision. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payments for the actual supervisory hours.
- (6) Accountability - In all cases the specific terms of the supervisory arrangement are the responsibility of the qualified supervisor upon whom it is incumbent to assure appropriate supervisory time. Likewise, it is the responsibility of the applicant to obtain supervision. The education, training, experience, and ongoing performance of the applicant must be considered by the supervisor. The arrangements for supervision must be agreed to by both the qualified supervisor and the applicant. Ultimately, the qualified supervisor of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics.

Authority: T.C.A. §§4-5-202, 4-5-204, and 68-24-605. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed December 5, 2003; effective February 18, 2004. Amendment filed November 2, 2005; effective January 16, 2006.

1200-30-01-.11 LICENSURE RETIREMENT AND REACTIVATION.

- (1) License holders who wish to retain their licenses, but not actively practice alcohol and drug counseling, may avoid expiration of licensure and/or compliance with the licensure renewal process by licensure retirement. A license may be retired by obtaining from and submitting to the Board an affidavit of retirement form along with any documentation which may be required.
- (2) Any licensee whose license has been retired may reactivate the license by:
 - (a) Paying the licensure renewal fee.
 - (b) If requested, appearing before the Board for an interview regarding continued competence in the event of licensure retirement in excess of two (2) years.
 - (c) Successfully completing the written examination for licensure if licensure retirement was in excess of five (5) years and the Board determines that re-examination is necessary to protect the public.
 - (d) Complying with the continuing education requirements.
- (3) Application procedures shall be governed by Rule 1200-30-01-.07, and applicant review and licensure decisions shall be governed by Rule 1200-30-01-.15.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed December 13, 2000; effective February 26, 2001.

1200-30-01-.12 CONTINUING EDUCATION. ~~Each licensee is required to complete thirty (30) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 to December 31).~~

Each licensee is required to complete fifteen (15) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 to December 31). Nine (9) hours must be face to face and six (6) hours may be multi-media with at least three (3) of the fifteen (15) hours relating to ethics.

- (1) Continuing education for new licensees - For new licensees, submitting proof of successful completion of all education and training requirements required for licensure in Tennessee, pursuant to subparagraphs 1200-30-01-.04 (1) (c) and 1200-30-01-.05 (1) (a), shall be considered proof of sufficient preparatory education to constitute continuing education credit for the calendar year in which such education and training requirements were completed.
- (2) The following organizations and entities are authorized to present, sponsor, or approve continuing education courses, events, and activities related to the practice of alcohol and drug abuse counseling:
 - (a) Nationally or regionally accredited institutions of higher education
 - (b) NAADAC (The Association for Addiction Professionals)
 - (c) TAADAC (The Tennessee Association of Alcohol and Drug Abuse Counselors)
 - (d) Tennessee Department of Health
 - (e) TAADAS (The Tennessee Association of Alcohol, Drug and Other Addiction Services)
 - (f) TAMHO (The Tennessee Association of Mental Health Organizations)
 - (g) Tennessee Department of Mental Health.
- (3) Continuing education program approval process for providers of education.
 - (a) All providers of continuing education not authorized by paragraph (2) must request and receive approval of their program content by the Board to fulfill the continuing education requirements set forth in this rule. Providers who intend to offer more than one (1) presentation of the same course, event, or activity during one (1) calendar year may combine in a single application the information required by subparagraph (3) (b) for the multiple presentations.
 - (b) Application for approval shall contain the topic, credentials of the speaker or presenter, a brief description of program content or content objectives, the date and length in minutes of each presentation, the place of instruction and the sponsoring institution or organization. Application for approval of Multi-Media courses, as provided in subparagraph (5) (c), shall submit this information on an annual basis as applicable, and shall also submit a brief description of the course format.
 - (c) All applications for approval must be submitted to the Board at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the educational offering. The Board shall review each application and shall rule on whether the offering(s) in whole or in part shall be accepted as valid for the purposes of the continuing education requirements of this rule. The decision of the Board shall be final in all such matters.

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(Rule 1200-30-01-.12, continued)

(4) Documentation.

- (a) On a Board provided form, each licensee must check a box and/or enter his signature which indicates attendance and completion of all the required contact hours of continuing education and that such hours were obtained.
- (b) Each licensee shall retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of three (3) years from the end of the renewal period in which the course is completed. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
- (c) Documentation of continuing education includes:
 - 1. A certificate verifying the individual's attendance at the continuing education program.
 - 2. An original letter on official institution letterhead from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 - 3. An official transcript verifying credit hours earned. One semester academic credit hour is equivalent to fifteen (15) contact hours. One quarter academic credit hour is equivalent to twelve (12) contact hours.
 - 4. A certificate or letter verifying successfully passing a written post experience examination to evaluate material retention upon completion of a Multi-Media course, as provided in subparagraph (5) (c). The certificate or letter must include the contact hours awarded (continuing education units must be converted to contact hours), date completed, program title, licensee's name, and license number.
- (5) It is the licensee's responsibility, using his professional judgment, to determine whether or not a particular educational/training experience is applicable and appropriate to his professional development and meets the standards specified in these rules.
 - (a) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the Board may request a written description of the training and how it applies to the individual's professional practice. If the Board determines that the training cannot be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next year.
 - (b) Continuing education credit or contact hours of training will not be allowed for the following:
 - 1. Regular work activities, administrative staff meetings, case staffing/reporting, etc.;
 - 2. Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations or banquet speeches;
 - 3. Independent, unstructured or self-structured learning; or

(Rule 1200-30-01-.12, continued)

4. Training specifically related to policies and procedures of an agency.

(c) Multi-Media

1. Notwithstanding the provisions of part (5) (b) 3., continuing education courses may be presented in the traditional lecture and classroom formats or, in accordance with paragraphs (2) and (3) and with successful completion of a written post experience examination to evaluate material retention, courses may be presented in Multi-Media formats. Multi-Media courses may include courses utilizing:

- (i) The Internet
- (ii) Closed circuit television
- (iii) Satellite broadcasts
- (iv) Correspondence courses
- (v) Videotapes
- (vi) CD-ROM
- (vii) DVD
- (viii) Teleconferencing
- (ix) Videoconferencing
- (x) Distance learning

2. A maximum of fifteen (15) contact hours may be granted for multi-media courses during each calendar year.

(6) Continuing education for reactivation of license.

(a) Reactivation of retired license.

1. Any individual requesting reactivation of a license which has been retired one or more years shall so indicate on a Board provided form which indicates the attendance and completion of thirty (30) continuing education hours. The continuing education hours must have been begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement.
2. The Board, upon receipt of a written request and explanation, may waive or condition any or all of the contact hours requirement for reactivation of a retired license in emergency situations.

- (b) Reactivation of revoked license – No person whose license has been revoked for failure to comply with the continuing education contact hours requirement may be reinstated without complying with the requirement. The continuing education hours will accumulate at the same rate and are required the same as those for licenses which are active. A license which has been revoked for noncompliance with the continuing education requirement shall also be subject to the late renewal fee.

(Rule 1200-30-01-.12, continued)

- (c) Reactivation of expired license – No person whose license has expired as a result of failure to comply with the renewal requirements of rule 1200-30-01-.09 may be reinstated without complying with the requirements of this rule. The continuing education hours will accumulate at the same rate and are required the same as those for licenses which are active. A license which has expired as a result of failure to comply with the renewal requirements of rule 1200-30-01-.09 shall also be subject to the late renewal fee.
 - (d) Any licensee requesting reactivation of either a retired or revoked license shall indicate on a Board provided form that he has complied with the continuing education requirement pursuant to this rule and that such continuing education hours were begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement.
 - (e) Continuing education hours obtained as a prerequisite for reactivating either a retired or revoked license may not be counted toward the current licensure renewal year requirement.
- (7) Waiver of continuing education.
- (a) The Board may grant a waiver of attendance and completion of the required hours of continuing education, if it can be shown that the failure to comply was not attributable to the individual or was beyond the physical capabilities of the individual, e.g., disability, residence abroad, military service or other good cause. A request for waiver must be received by the Board on or before the license expiration date.
 - (b) Waiver requests will be considered only on an individual basis and may be made by submitting the following items to the Board:
 - 1. A written request for a waiver which specifies what requirement is sought to be waived and an explanation of the reason(s) for the request, dated and signed by the licensee.
 - 2. Any documentation which supports the reason(s) for the waiver requested or which may be subsequently requested.
 - (c) An approved waiver is effective only for the calendar year for which the waiver of the requirement is sought, unless otherwise specified in writing by the Board.
- (8) Violations.
- (a) Any licensee who falsely attests to attendance and completion of the hours of continuing education may be subject to disciplinary action pursuant to the provisions of these rules.
 - (b) Any licensee who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to the provisions of these rules.
 - (c) Continuing education hours obtained as a result of compliance with the terms of enforcement action taken by the Board shall not be counted toward the continuing education hours required to be obtained in any renewal cycle.

(Rule 1200-30-01-.12, continued)

- (d) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
- (e) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license.
- (f) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (d) above may be subject to disciplinary action.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed September 13, 2001; effective November 27, 2001. Amendment filed August 19, 2002; November 2, 2002. Amendments filed October 18, 2004; effective January 1, 2005. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed May 18, 2007; effective August 1, 2007. Amendment filed July 3, 2007; effective September 16, 2007.

1200-30-01-.13 PROFESSIONAL ETHICS.

- (1) A licensed Alcohol and Drug Abuse Counselor and anyone under his supervision shall conduct his professional practice in conformity with the NAADAC Code of Ethics and these rules.
- (2) Each applicant or license holder is responsible for being familiar with and following these standards.
- (3) In the event an applicant, license holder, or other individual has a question regarding legal, ethical and professional standards, neither the Board nor its administrative personnel shall consider such questions unless presented with a proper petition for a declaratory order.
- (4) A licensee must report any other licensee believed to be practicing in such a way as to indicate impairment, potential harm to clients, and/or to cause undue negative reflection or harm to his profession. Such reporting shall be made to the Department of Health, Division of Health Related Boards, Investigative Section.
 - (a) A licensee who is aware of unethical conduct or unprofessional modes of practice must report such inappropriate behavior, unless constrained by the need to protect patient confidentiality.
 - (b) A licensee shall cooperate with the Department's Investigative Section and promptly supply necessary information unless constrained by the need to protect patient confidentiality.
 - (c) In the event a supervisor suspects the person being supervised is guilty of unethical conduct, the supervisor shall adhere to the standards of the profession and shall report such conduct.

Authority: T.C.A. §§4-5-202, 4-5-204, and 68-24-604 through 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000.

1200-30-01-.14 LICENSE.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Board of Nursing

DIVISION:

SUBJECT: Nurse Licensure Compact; Multi-State Licenses

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 63-7-207

EFFECTIVE DATES: November 3, 2011 through June 30, 2012

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

These rules incorporate recent changes in the Nurse Licensure Compact Rules to make Tennessee's rules consistent with same. Rules 1000-01-.17(2) and 1000-02-.16(2) are amended to give registered and practical nurses additional ways to provide evidence of their primary state of residence by permitting the licensees to additionally utilize Military Form No. 2058 (state of legal residence certificate) or the W2 from the U.S. Government indicating their declared state of residence.

The amendment also provides that nurses on a visa from another country applying for licensure in a party state may declare either the county of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued. A license issued by a party state will be valid for practice in all other party states, unless it is clearly designated as being valid only in the state which issued the license.

Additionally, when a party state issues a license authorizing practice only in that state and not authorizing practice in other party state, the license shall be clearly marked with words indicating that it is valid only in the state of issuance.

An amendment to 1000-01-.17(3) and 1000-02-.16(3), which places limitations on the multi-state licensure privilege, may permit an individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence to be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once the individual was eligible for licensure in the prior state(s), a multi-state license could be issued.

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Rule ID(s): 4974-4975
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Effective Date: 11/03/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Board of Nursing
Division:	
Contact Person:	E. Ashley Carter, Deputy General Counsel
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1000-01	Rules and Regulations of Registered Nurses
Rule Number	Rule Title
1000-01-.17	Interstate Nurse Licensure

Chapter Number	Chapter Title
1000-02	Rules and Regulations of Licensed Practical Nurses
Rule Number	Rule Title
1000-02-.16	Interstate Nurse Licensure

(Rule 1000-1-.16, continued)

- (1) The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the "Health Care Consumer Right-To-Know Act of 1998" shall be ten thousand dollars (\$10,000).
- (2) Criminal Conviction Reporting Requirements - For purposes of the "Health Care Consumer Right-To-Know-Act of 1998" the criminal convictions that must be reported are for those crimes listed in paragraph (2) of Rule 1000-1-.13.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-123, 63-7-207, 63-7-209, 63-51-101, et seq. Public Chapter 373 of the Public Acts of 1999, and Public Chapter 912 of the Public Acts of 2000. *Administrative History:* Original rule filed March 9, 2001; effective May 23, 2001.

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

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

(Rule 1000-1-.17, continued)

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

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(Rule 1000-1-.17, continued)

1. ~~The public shall have access to nurse licensure information contained in the Information System limited to:~~
 - (i) ~~the nurse's name;~~
 - (ii) ~~jurisdiction(s) of licensure;~~
 - (iii) ~~license expiration date(s);~~
 - (iv) ~~licensure classification(s) and status(es);~~
 - (v) ~~public emergency and final disciplinary actions, as defined by contributing state authority; and~~
 - (vi) ~~the status of multistate licensure privileges.~~

2. ~~Non party state boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.~~

3. ~~Party state boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.~~

- (b) ~~The licensee may request in writing to the home state board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System.~~

- (c) ~~The Board shall report to the Information System within ten (10) business days:~~
 1. ~~Disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority)~~
 1. ~~Dismissal of complaint, and~~
 2. ~~Changes in status of disciplinary action, or licensure encumbrance.~~

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

- (e) ~~Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.~~

1000-01-17 INTERSTATE NURSE LICENSURE. Pursuant to the Interstate Nurse Licensure Compact, a license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:

(Rule 1000-1-.17, continued)

- (a) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) "Board" means party state's regulatory body responsible for issuing nurse licenses.
 - (c) "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of state nurse licensing boards.
 - (d) "Current significant investigative information" means:
 - 1. investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - 2. investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
 - (e) "Home state" means the party state which is the nurse's primary state of residence.
 - (f) "Information System" means the coordinated licensure information system.
 - (g) "Interstate Nurse Licensure Compact" means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as a registered nurse in such party state.
 - (i) "Nurse" means a registered nurse as that term is defined by each party's state practice laws.
 - (j) "Party state" means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
 - (l) "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.
 - (m) "Remote state" means a party state, other than the home state,
 - 1. where the patient is located at the time nursing care is provided; or
 - 2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of License by a Compact Party State – As of July 1, 2005, no applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice unless

(Rule 1000-1-.17, continued)

the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or its predecessor examination used for licensure.

(a) A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:

1. Driver's license with a home address;
2. Voter registration card displaying a home address; or
3. Federal income tax return declaring the primary state of residence; or
4. Military Form No. 2058 – state of legal residence certificate; or
5. W2 From US Government or any bureau, division or agency thereof indicating the declared state of residence.

(b) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.

(c) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.

(d) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.

(e) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.

(f) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty (30) day period in subparagraph (e) shall be stayed until resolution of the pending investigation.

(g) The former home state license shall no longer be valid upon the issuance of a new home state license.

(h) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.

(3) Limitations on Multistate Licensure Privilege – Discipline

(a) Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.

(Rule 1000-1-.17, continued)

(b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.

(4) Information System

(a) Levels of access

1. The public shall have access to nurse licensure information contained in the Information System limited to:

(i) the nurse's name,

(ii) jurisdiction(s) of licensure,

(iii) license expiration date(s),

(iv) licensure classification(s) and status(es),

(v) public emergency and final disciplinary actions, as defined by contributing state authority; and

(vi) the status of multistate licensure privileges.

2. Non-party state boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.

3. Party state boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.

(b) The licensee may request in writing to the home state board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System.

(c) The Board shall report to the Information System within ten (10) business days:

1. Disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority)

2. Dismissal of complaint, and

3. Changes in status of disciplinary action, or licensure encumbrance.

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

(Rule 1000-1-.17, continued)

- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-104, 63-7-105, 63-7-113, 63-7-115, 63-7-207, and 63-7-301 et seq;
Administrative History: Original rule filed April 4, 2003; effective June 18, 2003. Amendment filed December 16, 2005; effective March 1, 2006.

1000-1-.18 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

- (1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201
- (a) Any nurse licensed to practice in this state or any other state who has not been disciplined by any nursing licensure board may have their license converted to or receive a Tennessee "Special Volunteer License," as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a "free health clinic," as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:
1. Obtaining from the Board's administrative office a "Special Volunteer License" application, completing it and submitting it along with any required documentation to the Board's administrative office; and
 2. For nurses who have not been licensed in Tennessee, comply with all provisions of paragraph (1) of rule 1000-1-.02 and, if applicable, the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
 3. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic's private, and not-for-profit status.
- (b) A nurse holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board's biennial birthdate renewal system
- (c) A nurse holding a Special Volunteer License may not do any of the following:
1. Practice nursing anywhere other than in the free health clinic site or setting specified in the application; and
 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and
 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Special Volunteer applicants and licensees are subject to all of the following:
1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rule 1000-1-.03, except those requiring the payment of any fees; and
 2. The rules governing continuing nursing competence as provided by rule 1000-1-.14; and

~~1000.2.16 INTERSTATE NURSE LICENSURE.~~ Pursuant to the Interstate Nurse Licensure Compact, a license to work as a practical nurse issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to work as a practical nurse in such party state.

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

(Rule 1000-2-.16, continued)

- ~~2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.~~
- (2) ~~Issuance of License by a Compact Party State — No applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or its predecessor examination used for licensure.~~
- (a) ~~A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:~~
- ~~1. Driver's license with a home address;~~
 - ~~2. Voter registration card displaying a home address; or~~
 - ~~3. Federal income tax return declaring the primary state of residence.~~
- (b) ~~A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.~~
- (c) ~~The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty (30) day period in subparagraph (b) shall be stayed until resolution of the pending investigation.~~
- (d) ~~The former home state license shall no longer be valid upon the issuance of a new home state license.~~
- (e) ~~If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.~~
- (3) ~~Limitations on Multistate Licensure Privilege — Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.~~
- (4) ~~Information System~~
- (a) ~~Levels of access~~
- ~~1. The public shall have access to nurse licensure information contained in the Information System limited to:~~
 - ~~(i) the nurse's name;~~
 - ~~(ii) jurisdiction(s) of licensure;~~
 - ~~(iii) license expiration date(s);~~
 - ~~(iv) licensure classification(s) and status(es);~~

(Rule 1000-2-.16, continued)

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

1000-02-.16 INTERSTATE NURSE LICENSURE. Pursuant to the Interstate Nurse Licensure Compact, a license to practice practical nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a practical nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) "Board" means party state's regulatory body responsible for issuing nurse licenses.
 - (c) "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of state nurse licensing boards.

(Rule 1000-2-.16, continued)

- (d) "Current significant investigative information" means:
 - 1. investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - 2. investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
- (e) "Home state" means the party state which is the nurse's primary state of residence.
- (f) "Information System" means the coordinated licensure information system.
- (g) "Interstate Nurse Licensure Compact" means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
- (h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as a practical nurse in such party state.
- (i) "Nurse" means a practical nurse as that term is defined by each party's state practice laws.
- (j) "Party state" means any state that has adopted the Interstate Nurse Licensure Compact.
- (k) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
- (l) "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.
- (m) "Remote state" means a party state, other than the home state,
 - 1. where the patient is located at the time nursing care is provided; or
 - 2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of License by a Compact Party State – As of July 1, 2005, no applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or its predecessor examination used for licensure.
 - (a) A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:
 - 1. Driver's license with a home address;
 - 2. Voter registration card displaying a home address; or

(Rule 1000-2-.16, continued)

3. Federal income tax return declaring the primary state of residence; or
 4. Military Form No. 2058 – state of legal residence certificate; or
 5. W2 From US Government or any bureau, division or agency thereof indicating the declared state of residence.
- (b) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.
 - (c) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.
 - (d) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.
 - (e) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.
 - (f) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty (30) day period in subparagraph (e) shall be stayed until resolution of the pending investigation.
 - (g) The former home state license shall no longer be valid upon the issuance of a new home state license.
 - (h) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.
- (3) Limitations on Multistate Licensure Privilege – Discipline
- (a) Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.
 - (b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.
- (4) Information System
- (a) Levels of access
 1. The public shall have access to nurse licensure information contained in the Information System limited to:

(Rule 1000-2-.16, continued)

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

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-109, 63-7-110, 63-7-113, 63-7-115, 63-7-207, and 63-7-301 et seq.
Administrative History: Original rule filed April 4, 2003; effective June 18, 2003. Amendment filed December 16, 2005; effective March 1, 2006.

1000-2-.17 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

- (1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Environment and Conservation

DIVISION: Air Pollution Control

SUBJECT: Reporting of Monitored Emissions, Coal Preparation Plants, and Non-Metallic Mineral Processing Plants

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 68-201-101 et seq.

EFFECTIVE DATES: November 27, 2011 through June 30, 2012

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

These rule revisions allow the state to utilize current Federal regulations, as published in the Code of Federal Regulations, through its delegation of authority rather than subject affected facilities to both the current federal regulations and their obsolete state equivalent.

Specifically, these rule revisions address the reporting of monitored emissions, coal preparation plants, and non-metallic mineral processing plants.

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Rulemaking Hearing Rule(s) Filing Form

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Agency/Board/Commission:	Environment & Conservation
Division:	Air Pollution Control
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-03-16	New Source Performance Standards
Rule Number	Rule Title
1200-03-16-.01	General Provisions
1200-03-16-.22	Coal Preparation Plants
1200-03-16-.53	Nonmetallic Mineral Processing Plants

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://tn.gov/sos/rules/1360/1360.htm>)

Chapter 1200-03-16
New Source Performance Standards

Amendment

Subparagraph (c) of paragraph (7) of Rule 1200-03-16-.01 General Provisions is amended by deleting it in its entirety and replacing it with the word "Reserved" so that, as amended, the subparagraph shall read:

- (c) ~~Reserved Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions (as defined in applicable rules) to the Technical Secretary for very calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:~~
- ~~1. The magnitude of excess emissions computed in accordance with subparagraph (8)(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions.~~
 - ~~2. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.~~
 - ~~3. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.~~
 - ~~4. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.~~

Authority: T.C.A. § 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-16-.22 Coal Preparation Plants is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

1200-03-16-.22 ~~Reserved Coal Preparation Plants~~

- (1) ~~Applicability. The provisions of this rule shall apply to any of the affected facilities in coal preparation plants which process more than 200 tons per day. For the purpose of this rule the affected facilities include: thermal dryers, pneumatic coal cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems commenced on or after February 9, 1977.~~
- (2) ~~Definitions.~~
- ~~(a) "Coal preparation plant" means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.~~
 - ~~(b) "Bituminous coal" means solid fossil fuel classified as bituminous coal by A.S.T.M. Designation D-388-66.~~
 - ~~(c) "Coal" means all solid fossil fuels classified as anthracite, bituminous, sub-bituminous, or lignite by A.S.T.M. Designation D-388-66.~~
 - ~~(d) "Cyclonic flow" means a spiraling movement of exhaust gases within a duct or stack.~~

~~(e) "Thermal Dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.~~

~~(f) "Pneumatic coal cleaning equipment" means any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).~~

~~(g) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.~~

~~(h) "Coal storage system" means any facility used to store coal except for open storage piles.~~

~~(i) "Transfer and loading system" means any facility used to transfer and load coal for shipment.~~

~~(3) Standards for Particulate Matter and Opacity.~~

~~(a) On and after the date on which the performance test required to be conducted by paragraph .01(5) of this chapter is completed, an owner or operator subject to the provisions of this rule shall not cause to be discharged into the atmosphere from any thermal dryer gases which:~~

~~1. Contain particulate matter in excess of 0.070 g/dscm (0.034 gr/dscf).~~

~~2. Exhibit 20 percent opacity or greater.~~

~~(b) On and after the date on which the performance test required to be conducted by paragraph .01(5) of this chapter is completed, an owner or operator subject to the provisions of this rule shall not cause to be discharged into the atmosphere from any pneumatic coal cleaning equipment, gases which:~~

~~1. Contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf).~~

~~2. Exhibit 10 percent opacity or greater.~~

~~(c) On and after the date on which the performance test required to be conducted by paragraph .01(5) of this chapter is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.~~

~~(4) Monitoring of Operations.~~

~~(a) The owner or operator of any thermal dryer shall install, calibrate, maintain and continuously operate monitoring devices as follows:~~

~~1. A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 3^{\circ}$ Fahrenheit.~~

~~2. For affected facilities that use venturi scrubber emissions control equipment:~~

~~(i) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.~~

~~(ii) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure.~~

The pressure sensor or tap must be located close to the water discharge point. The Technical Secretary may be consulted for approval of alternative locations.

- (b) ~~All monitoring devices under subparagraph (a) of this paragraph are to be recalibrated annually in accordance with procedures under subparagraph .01(8)(b) of this chapter.~~

(5) ~~Test Methods and Procedures.~~

- (a) ~~For determining the concentration of particulate matter and associated moisture content, the sampling time for each run is at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf) except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Technical Secretary. Sampling is not to be started until 30 minutes after start up and is to be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the Technical Secretary.~~

- (b) ~~The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures.~~

Authority: T.C.A. § 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-16-.53 Nonmetallic Mineral Processing Plants is amended by deleting the rule in its entirety and replacing it the word "Reserved" so that, as amended, the rule shall read:

1200-03-16-.53 Reserved Nonmetallic Mineral Processing Plants

(1) ~~Applicability and designation of affected facility.~~

- (a) ~~1. Except as provided in subparagraphs (a)2, (b), (c), and (d) of this paragraph, the provisions of this rule are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.~~

- ~~2. The provisions of this rule do not apply to the following operations: All facilities located in underground mines; and stand alone screening operations at plants without crushers or grinding mills.~~

- (b) ~~An affected facility that is subject to the provisions of rules 1200-3-16-.05 or .08 or that follows in the plant process any facility subject to the provisions of rules 1200-3-16-.05 or .08 is not subject to the provisions of this rule.~~

- (c) ~~Facilities at the following plants are not subject to the provisions of this rule:~~

- ~~1. Fixed sand and gravel plants and crushed stone plants with capacities, as defined in paragraph (2) of this rule, of 23 megagrams per hour (25 tons per hour) or less;~~
- ~~2. Portable sand and gravel plants and crushed stone plants with capacities, as defined in paragraph (2) of this rule, of 136 megagrams per hour (150 tons per hour) or less; and~~
- ~~3. Common clay plants and pumice plants with capacities, as defined in paragraph (2) of this rule, of 9 megagrams per hour (10 tons per hour) or less.~~

- (d) ~~1. When an existing facility is replaced by a piece of equipment of equal or smaller size as defined in paragraph (2) of this rule, having the same function as the existing facility, the~~

~~new facility is exempt from the provisions of paragraphs (3), (5) and (6) of this rule, except as provided for in part (d) 3 of this paragraph.~~

~~2. An owner or operator complying with subparagraph (d)1 of this paragraph shall submit the information required in paragraph (7)(a).~~

~~3. An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in part (d)1 of this paragraph and must comply with the provisions of paragraphs (3), (5) and (6) of this rule.~~

~~(e) An affected facility under subparagraph (a) of this paragraph that commences construction, reconstruction, or modification after November 6, 1988, is subject to the requirements of this rule.~~

~~(2) Definitions~~

~~(a) "Bagging operation" means the mechanical process by which bags are filled with nonmetallic minerals.~~

~~(b) "Belt conveyor" means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.~~

~~(c) "Bucket elevator" means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.~~

~~(d) "Building" means any frame structure with a roof.~~

~~(e) "Capacity" means the cumulative rated capacity of all initial crushers that are part of the plant.~~

~~(f) "Capture system" means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more process operations to a control device.~~

~~(g) "Control device" means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more process operations at a nonmetallic mineral processing plant.~~

~~(h) "Conveying system" means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators and pneumatic systems.~~

~~(i) "Crusher" means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.~~

~~(j) "Enclosed truck or railcar loading station" means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.~~

~~(k) "Fixed plant" means any nonmetallic mineral processing plant at which the processing equipment specified in subparagraph (1)(a) of this rule is attached by a cable, chain, turnbuckle, belt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.~~

~~(l) "Fugitive emission" means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.~~

~~(m) "Grinding mill" means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and~~

~~ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.~~

~~(n) "Initial crusher" means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.~~

~~(o) "Nonmetallic mineral" means any of the following minerals or any mixture of which the majority is any of the following minerals:~~

~~1. Crushed and broken stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.~~

~~2. Sand and Gravel.~~

~~3. Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.~~

~~4. Rock Salt.~~

~~5. Gypsum.~~

~~6. Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.~~

~~7. Pumice.~~

~~8. Gilsonite.~~

~~9. Talc and Pyrophyllite.~~

~~10. Boron, including Borax, Kernite, and Colemanite.~~

~~11. Barite.~~

~~12. Fluorospars.~~

~~13. Feldspar.~~

~~14. Diatomite.~~

~~15. Perlite.~~

~~16. Vermiculite.~~

~~17. Mica.~~

~~18. Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.~~

~~(p) "Nonmetallic mineral processing plant" means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in subparagraphs (1)(b) and (c) of this rule.~~

~~(q) "Portable plant" means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be moved prior to the application of a lifting or pulling force for the purpose of transporting the unit.~~

- (r) ~~"Production line" means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected by a conveying system.~~
- (s) ~~"Screening operations" means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).~~
- (t) ~~"Size" means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.~~
- (u) ~~"Stack emission" means the particulate matter that is released to the atmosphere from a capture system.~~
- (v) ~~"Storage bin" means a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading.~~
- (w) ~~"Transfer point" means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.~~
- (x) ~~"Truck dumping" means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: trucks, front end loaders, skip hoists, and railcars.~~
- (y) ~~"Vent" means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.~~
- (z) ~~"Wet mining operation" means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.~~
- (aa) ~~"Wet screening operation" means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.~~
- (3) ~~Standard for particulate matter.~~
- (a) ~~On and after the date on which the performance test required to be conducted by provisions of this rule shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:~~
1. ~~Contain particulate matter in excess of 0.05 g/dscm; and~~
 2. ~~Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of subparagraphs (7)(c), (d), and (e) of this rule.~~
- (b) ~~On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under paragraph (6) of rule .01 of this chapter, no owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in subparagraphs (c), (d), and (e) of this paragraph.~~

- ~~(c) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under paragraph (6) of rule .01 of this chapter, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.~~
- ~~(d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this paragraph.~~
- ~~(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building then each enclosed affected facility must comply with the emissions limits in subparagraphs (a), (b) and (c) of this paragraph, or the building enclosing the affected facility or facilities must comply with the following emission limits:

 - ~~1. No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in paragraph (2) of this rule.~~
 - ~~2. No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in subparagraph (a) of this paragraph.~~~~
- ~~(f) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under paragraph (6) of rule .01 of this chapter, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.~~
- ~~(g) Owners or operators of multiple storage bins with combined stack emissions shall comply with the emission limits in subparagraph (a)1 and (a)2 of this paragraph.~~
- ~~(h) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:

 - ~~1. Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.~~
 - ~~2. Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.~~~~

~~(4) Reconstruction~~

- ~~(a) The cost of replacement of ore contact surfaces on processing equipment shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under subparagraph 1200-3-16-.01(9)(b). Ore contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.~~
- ~~(b) Under subparagraph 1200-3-16-.01(9)(b), the "fixed capital cost of new components" includes the fixed capital cost of all depreciable components (except components specified in subparagraph (a) of this paragraph) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following November 6, 1988.~~

~~(5) Monitoring of Operations.~~

~~The owner or operator of any affected facility subject to the provisions of this rule which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:~~

- ~~(a) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ± 250 pascals (± 1 inch water) gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.~~
- ~~(b) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by New Source Performance Standards Chapter 1200-3-16 the manufacturer to be accurate within ± 5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.~~
- ~~(6) Test methods and procedures.~~
 - ~~(a) Reference methods in subparagraph 1200-3-16.01(5)(g), except as provided under subparagraph 1200-3-16.01(5)(b), shall be used to determine compliance with the standards prescribed in paragraph (3) of this rule as follows:
 - ~~1. Method 5 or Method 17 for concentration of particulate matter and associated moisture content;~~
 - ~~2. Method 1 for sample and velocity traverses;~~
 - ~~3. Method 2 for velocity and volumetric flow rate;~~
 - ~~4. Method 3 for gas analysis;~~
 - ~~5. Method 9 for measuring opacity from stack emissions and process fugitive emissions, and emissions from building vents;~~
 - ~~6. Method 22 for measurement of visible fugitive emissions when determining compliance with the standard prescribed in subparagraph (3)(e) of this rule.~~~~
 - ~~(b) The owner or operator shall determine compliance with the particulate matter standards in paragraph (3)(a) as follows:
 - ~~1. The sampling probe and filter holder may be operated without heaters if the gas stream being sampled is at ambient temperature;~~
 - ~~2. For gas streams above ambient temperature, the sampling train shall be operated with a probe and filter temperature high enough to prevent water condensation on the filter but no higher than 121°C (250°F);~~
 - ~~3. The minimum sample volume shall be 1.7 dscm (60 dscf).~~~~
 - ~~(c) When determining compliance with the standard prescribed under subparagraphs (3)(b) and (c) of this rule, the Technical Secretary shall adhere to the following stipulations in addition to these listed in Method 9 (the method specified in part (a)5 of this paragraph):
 - ~~1. The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
 - ~~(i) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g. road dust). Note that the required observer position relative to the sun must be followed.~~~~~~

- ~~(ii) For affected facilities utilizing wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of the emissions is to be made at a point in the plume where the mist is no longer visible.~~
- ~~(iii) If emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, the owner or operator may show compliance with the fugitive opacity standards in subparagraph (3)(b) and (c) of this rule by—
 - ~~(I) Causing the opacity of the combined emission stream from the facilities to meet the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream or;~~
 - ~~(II) Separating emissions so that the opacity of emissions from each affected facility can be read to determine compliance with the applicable fugitive opacity limits specified for each facility in subparagraphs (3)(b) and (c) of this rule.~~~~
- ~~2. In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under paragraph (3)(f) of this rule, using Method 9 of this paragraph, the duration of the observations shall be 1 hour (ten 6-minute averages).~~
- ~~3. When determining compliance with the fugitive emissions standard for any affected facility described under paragraph (3)(b) of this rule, the duration of the observations by Method 9 of this paragraph may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
 - ~~(i) There are no individual readings greater than 10 percent opacity; and~~
 - ~~(ii) There are no more than 3 readings of 10 percent for the 1-hour period.~~~~
- ~~4. When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under paragraph (3)(c) of this rule, the duration of the observations by Method 9 of this paragraph may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
 - ~~(i) There are no individual readings greater than 15 percent opacity; and~~
 - ~~(ii) There are no more than 3 readings of 15 percent for the 1-hour period.~~~~
- ~~(d) Reserved.~~
- ~~(e) When determining compliance with the standard prescribed under subparagraph (3)(e) of this rule using Method 22, the minimum total observation period for each building shall be 75 minutes and each side of the building shall be observed for a minimum of 15 minutes. Performance tests shall be conducted while all affected facilities inside the building are operating.~~
- ~~(f) Reserved.~~
- ~~(g) If, after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting any rescheduled performance test required in this paragraph, the owner or operator of an affected facility shall submit a notice to the Technical Secretary at least 7 days prior to any rescheduled performance test.~~

~~(h) Initial performance tests by Method 9 of this paragraph under rule .01 of this Chapter and paragraph (6) of this rule are not required for:~~

- ~~1. Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to, but not including the next crusher, grinding mill or storage bin.~~
- ~~2. Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.~~

~~(7) Reporting and recordkeeping~~

~~(a) Each owner or operator seeking to comply with subparagraph (1)(d) of this rule shall submit to the Technical Secretary the following information about the existing facility being replaced and the replacement piece of equipment:~~

~~1. For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:~~

- ~~(i) The rated capacity in tons per hour of the existing facility being replaced, and~~
- ~~(ii) The rated capacity in tons per hour of the replacement equipment.~~

~~2. For a screening operation:~~

- ~~(i) The total surface area of the top screen of the existing screening operation being replaced, and~~
- ~~(ii) The total surface area of the top screen of the replacement screening operation.~~

~~3. For a conveyor belt:~~

- ~~(i) The width of the existing belt being replaced, and~~
- ~~(ii) The width of the replacement conveyor belt.~~

~~4. For a storage bin:~~

- ~~(i) The rated capacity in tons of the existing storage bin being replaced, and~~
- ~~(ii) The rated capacity in tons of replacement storage bins.~~

~~(b) Reserved.~~

~~(c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.~~

~~(d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Technical Secretary of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than ± 30 percent from those measurements recording during the most recent performance test.~~

~~(e) The reports required under subparagraph (d) of this paragraph shall be postmarked within 30 days following the end of the second and fourth calendar quarters.~~

~~(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in~~

~~paragraph (3) of this rule including reports of opacity observations made using Method 9 to demonstrate compliance with subparagraphs (3)(b), (c), and (f) and reports of observations using Method 22 to demonstrate compliance with subparagraph (3)(e).~~

- ~~(g) The owner or operator of any screening operation, bucket elevator, or belt conveyor that processes saturated material and is subject to paragraph (3)(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in paragraph(3)(b) and the emission test requirements of rule .01(6) and this rule. Likewise a screening operation, bucket elevator, or belt conveyor that processes unsaturated material but subsequently processes saturated material shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in paragraph (3)(h).~~
- ~~(h) The general provisions requirement under rule .01(7)(a)2. for notification of the anticipated date of initial startup of an affected facility shall be waived for owners or operators of affected facilities regulated under this rule.~~
- ~~(i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Technical Secretary.~~
- ~~1. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Technical Secretary. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.~~
 - ~~2. For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.~~

Authority: T.C.A. § 68-201-101 et seq. and 4-5-201 et seq.

Chapter 1200-03-16 Table of Contents is amended by deleting the titles of rules 1200-03-16-.22 and 1200-03-16-.53 and replacing them with the word "Reserved" in both places.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Michael Atchison				✓	
Dr. J. Ronald Bailey	✓				
Elaine Boyd	✓				
Dr. Brian W. Christman	✓				
Dr. Wayne T. Davis	✓				
Dr. Mary English	✓				
Stephen R. Gossett				✓	
Mayor Tommy Green				✓	
Dr. Shawn A. Hawkins				✓	
Helen Hennon	✓				
Richard M. Holland	✓				
John Roberts	✓				
Mayor Larry Waters	✓				
Alicia M. Wilson	✓				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 07/13/2011, and is in compliance with the provisions of TCA 4-5-222.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Environment and Conservation

DIVISION: Air Pollution Control

SUBJECT: Regulation of GHG Emissions

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 68-201-101 et seq.

EFFECTIVE DATES: November 27, 2011 through June 30, 2012

FISCAL IMPACT: The agency reports that the fiscal impact of these rules cannot be determined at this time.

STAFF RULE ABSTRACT:

These proposed revisions revise the requirements for major New Source Review and for major source operating permits in order to provide a method by which the Chapter 1200-03-09 provisions adopted in accordance with the federal Greenhouse Gas Tailoring Rule and which were effective February 8, 2011, will no longer apply in the event that the U.S. Court of Appeals for the D.C. Circuit or the U.S. Supreme Court issues an order that would render GHG emissions not subject to regulation under the Prevention of Significant Deterioration, New Source Review provisions or the Title V operating permit program of the Federal Act.

If there is a change to Federal law that supersedes regulation of GHGs under the Prevention of Significant Deterioration, New Source Review provisions or the Title V operating permit program of the Federal Act, then GHGs shall not be subject to regulation, nor shall GHG emissions be required to be included in any construction or operating permit under this regulation 1200-03, as of the effective date of the change in Federal law.

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no comments received at the public hearing or during the comment period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule:
No impact.
- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:
No impact.
- (3) A statement of the probable effect on impacted small businesses and consumers:
No impact.
- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business:
Not applicable.
- (5) A comparison of the proposed rule with any federal or state counterparts:
The federal regulations do not include the provisions in the proposed rule because it is not necessary. However, as a state, any vacatur or stay of federal rules at the federal level will not have an impact on Tennessee rules without these proposed provisions. Without these proposed revisions, if a vacatur or stay of the federal rules occur Tennessee could be stricter than the federal requirements and stricter than some other states.
- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.
Not applicable.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department anticipates that these amended rules will have a positive financial impact on local governments.

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Sequence Number: PEDLWE
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Environment and Conservation
Division:	Air Pollution Control
Contact Person:	Lacey J. Hardin
Address:	9 th Floor L & C Annex 401 Church Street Nashville, Tennessee 37243-1531
Phone:	(615) 532-0545
Email:	Lacey.Hardin@gov.tn

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.01	Construction Permits
1200-03-09-.02	Operating Permits

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Subpart (i) of part 46 of subparagraph (b) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by adding two new items (I) and (II) as follows:

- (I) In the event that the U.S. Court of Appeals for the D.C. Circuit or the U.S. Supreme Court issues an order which would render GHG emissions not subject to regulation under the Prevention of Significant Deterioration, New Source Review provisions and/or the Title V operating permit program of the Federal Act, then GHGs shall not be subject to regulation, nor shall GHG emissions be required to be included in any construction or operating permit under this regulation 1200-03, as of the effective date of the Federal Register notice of vacatur.
- (II) In the event that there is a change to Federal law that supersedes regulation of GHGs under the Prevention of Significant Deterioration, New Source Review provisions and/or the Title V operating permit program of the Federal Act, then GHGs shall not be subject to regulation, nor shall GHG emissions be required to be included in any construction or operating permit under this regulation 1200-03, as of the effective date of the change in Federal law.

Part 32 of subparagraph (b) of paragraph (11) of rule 1200-03-09-.02 Operating Permits is amended by adding two new subparts (iii) and (iv) as follows:

- (iii) In the event that the U.S. Court of Appeals for the D.C. Circuit or the U.S. Supreme Court issues an order which would render GHG emissions not subject to regulation under the Prevention of Significant Deterioration, New Source Review provisions and/or the Title V operating permit program of the Federal Act, then GHGs shall not be subject to regulation, nor shall GHG emissions be required to be included in any construction or operating permit under this regulation 1200-03, as of the effective date of the Federal Register notice of vacatur.
- (iv) In the event that there is a change to Federal law that supersedes regulation of GHGs under the Prevention of Significant Deterioration, New Source Review provisions and/or the Title V operating permit program of the Federal Act, then GHGs shall not be subject to regulation, nor shall GHG emissions be required to be included in any construction or operating permit under this regulation 1200-03, as of the effective date of the change in Federal law.

Authority: T.C.A. §§68-201-101 et seq. and 4-5-201 et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Michael Atchison				X	
Dr. J. Ronald Bailey	X				
Elaine Boyd	X				
Dr. Brian Christman	X				
Dr. Wayne T. Davis	X				
Dr. Mary English	X				
Stephen R. Gossett				X	
Honorable Mayor Tommy Green, Jr.				X	
Dr. Shawn A. Hawkins				X	
Helen S. Hennon	X				
Richard M. Holland	X				
John R. Roberts, Sr.	X				
Honorable Mayor Larry Waters	X				
Alicia M. Wilson	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 07/13/2011, and is in compliance with the provisions of TCA 4-5-222.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: System Wide Student Rules
SUBJECT: Student Conduct and Disciplinary Sanctions
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-02-03-.01 Institution Policy Statement. Amendment provides for a consistent, single standard for all TBR institutions to operate within, while remaining flexible enough to permit expression of individual character of each institution. Requires the repeal of all institutional Student Conduct and Disciplinary Sanction rules now in effect.

Rule 0240-02-03-.02 Disciplinary Offenses. Amendment provides for a consistent, single standard for all TBR institutions to operate within, while remaining flexible enough to permit expression of individual character of each institution. Requires the repeal of all institutional Student Conduct and Disciplinary Sanction rules now in effect.

Rule 0240-02-03-.03 Academic and Classroom Misconduct. Amendment provides for a consistent, single standard for all TBR institutions to operate within, while remaining flexible enough to permit expression of individual character of each institution. Requires the repeal of all institutional Student Conduct and Disciplinary Sanction rules now in effect.

Rule 0240-02-03-.04 Disciplinary Sanctions. Amendment provides for a consistent, single standard for all TBR institutions to operate within, while remaining flexible enough to permit expression of individual character of each institution. Requires the repeal of all institutional Student Conduct and Disciplinary Sanction rules now in effect.

Rule 0240-02-03-.05 Traffic and Parking. New rule provides for a consistent, single standard for all TBR institutions to operate within, while remaining flexible enough to permit expression of individual character of each institution. Requires the repeal of all institutional Student Conduct and Disciplinary Sanction rules now in effect.

Rule 0240-02-03-.06 Disciplinary Procedures. Amendment provides for a consistent, single standard for all TBR institutions to operate within, while remaining flexible enough to permit expression of individual character of each institution. Requires the repeal of all institutional Student Conduct and Disciplinary Sanction rules now in effect.

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Sequence Number: 08-12-11
 Rule ID(s): 4977
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Systemwide Student Rules
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-02-03	Student Conduct and Disciplinary Sanctions
Rule Number	Rule Title
0240-02-03-.01	Institution Policy Statement
0240-02-03-.02	Disciplinary Offenses
0240-02-03-.03	Academic and Classroom Misconduct
0240-02-03-.04	Disciplinary Sanctions
0240-02-03-.05	Traffic and Parking
0240-02-03-.06	Disciplinary Procedures

Chapter 0240-02-03
Systemwide Student Rules

Amendments

Rule 0240-02-03-.01 Institution Policy Statement, is amended by deleting the present language in its entirety and replacing it with the following:

- ~~(1) Students enrolled in postsecondary educational institutions and schools are citizens of the state, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution or school of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution or school and the academic community which it seeks to serve, the State Board of Regents has authorized the presidents of the institutions and directors of the area vocational-technical schools under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution or school and its educational environment.~~
- ~~(2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed the following regulations which are intended to govern student conduct on the several campuses under its jurisdiction, and which regulations may be expanded or supplemented by each institution and school subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's or school's pursuit of its educational objectives, the institutions and schools may enforce their own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the institution or school whether or not such conduct is simultaneously violative of state, local or national laws.~~
- ~~(3) For the purpose of these regulations, a "student" shall mean any person who is registered for study at a State Board of Regents institution for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.~~
- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In student discipline policies, each institution may expand on these regulations, subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a TBR institution for any academic period. This shall include any period of time

following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

Authority: T.C.A. § 49-8-203; T.C.A. §§ 4-5-101 et seq. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed November 12, 2008; effective March 30, 2009.

Rule 0240-02-03-.02 Disciplinary Offenses, is amended by deleting the present language in its entirety and replacing it with the following:

- (1) ~~Generally, through appropriate due process procedures, institutional or school disciplinary measures shall be imposed for conduct which adversely affects the institution's or school's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution or school.~~
- (2) ~~Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:~~
- (a) ~~Conduct Dangerous to Self or Others. Any conduct which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:~~
- ~~1. Physical and/or verbal abuse~~
- ~~2. Threats and/or intimidation~~
- ~~3. Harassment of any kind~~
- ~~4. Harm inflicted on self;~~
- (b) ~~Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.~~
- (c) ~~Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;~~

- ~~(d) Obstruction of or interference with institutional or school activities or facilities. Any intentional interference with or obstruction of any institutional or school activity, program, event, or facilities including the following:~~
- ~~1. Any unauthorized occupancy of facilities owned or controlled by an institution or school or blockage of access to or from such facilities.~~
 - ~~2. Interference with the right of any institution or school member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution or school.~~
 - ~~3. An obstruction or delay of a campus security officer, fireman, or any official of an institution or school in the performance of his or her duty.~~
 - ~~4. Any form of disruptive behavior in the classroom, during any institutional event or activity, or at any facility controlled or owned by the institution.~~
- ~~(e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution or school including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution or school keys, library materials and/or safety devices; and any such act against a member of the institution or school community or a guest of the institution or school;~~
- ~~(f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution or school property or any such act against a member of the institution or school community or a guest of the institution or school;~~
- ~~(g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institutional or school documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution or school;~~
- ~~(h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms or dangerous weapons of any kind including BB guns, Pellet guns, Paintball guns, water guns, cap guns, or other weapons that simulate a firearm;~~
- ~~(i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;~~
- ~~(j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution or school owned or controlled property. This offense includes the violation of any local ordinance or state, or federal law concerning alcoholic beverages, on or off institution or school owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption.~~
- ~~(k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic or hallucinogenic drug, substance or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance or controlled property where an affiliated group or organization has drugs or controlled substances present and available for consumption;~~
- ~~(l) Drug Paraphernalia. The use or possession of equipment, products or materials which is used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance;~~
- ~~(m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;~~

- ~~(n) — Gambling. Gambling in any form;~~
- ~~(o) — Financial Irresponsibility. Failure to meet financial responsibilities to the institution or school promptly including, but not limited to knowingly passing a worthless check or money order in payment to the institution or school or to a member of the institution or school community acting in an official capacity;~~
- ~~(p) — Unacceptable Conduct in Hearings. Any conduct at any institution or school hearing involving contemptuous, disrespectful or disorderly behavior, giving false testimony or other evidence at any hearing, any attempt to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness in a judicial proceeding;~~
- ~~(q) — Failure to cooperate with institutional or school officials. Failure to comply with directions of institutional or school officials acting in the performance of their duties;~~
- ~~(r) — Violation of general rules and regulations. Any violation of the general rules and regulations of the institution or school as published in an official institutional or school publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;~~
- ~~(s) — Attempts and Aiding and Abetting the Commission of Offenses. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense should remove themselves from the situation and are encouraged to report the offense.~~
- ~~(t) — Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit the offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission.~~
- ~~(u) — Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.~~
- ~~(v) — Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution or school official or a constituted body of the institution or school.~~
- ~~(w) — Sexual battery or rape. Committing any act of sexual battery or rape as defined by state law.~~
- ~~(x) — Harassment. Any act of harassment by an individual or group against a student, faculty member or another group. Harassment shall include, but not be limited to insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass, or other actions considered disturbing to others.~~
- ~~(y) — Pets. With the exception of "service animals" and the exception of animals used for academic research purposes, animals are prohibited on institution or school owned or controlled facilities. The term "service animal" is defined as any animal individually trained to do work or perform tasks for the benefit of a person with a disability (e.g., guide dog, signal dog, etc.). "Service animals" perform some of the functions and tasks that the individual with a disability cannot perform for him/herself. The institution or school may require reasonable documentation that the individual seeking the assistance of a "service animal" while on its premises, provide appropriate certification of the medical necessity for the same prior to approval.~~

~~(z) Academic Misconduct. Plagiarism, cheating, fabrication or facilitating any such act. For purposes of this section, the following definitions apply:~~

- ~~1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper acknowledgment.~~
- ~~2. Cheating. Using or attempting to use unauthorized materials, information, or student aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.~~
- ~~3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.~~
- ~~4. Facilitation. Helping or attempting to help another to violate a provision of the institutional code of academic misconduct;~~

~~(aa) Duplication or Unauthorized Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;~~

~~(bb) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;~~

~~(cc) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;~~

~~(dd) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to, the following:~~

- ~~1. Use of another person's identification to gain access to institutional computer resources;~~
- ~~2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;~~
- ~~3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;~~
- ~~4. Unauthorized transfer of a computer or network file;~~
- ~~5. Use of computing resources and facilities to send abusive or obscene correspondence;~~
- ~~6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;~~
- ~~7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;~~
- ~~8. Violation of any published information technology resources policy;~~
- ~~9. Unauthorized peer to peer file sharing;~~

~~Students are hereby notified that engaging in acts of unauthorized copying, performance and distribution of copyrighted material, including but not limited to, unauthorized peer to peer file sharing, may subject them to civil and criminal penalties in addition to institutional disciplinary sanctions. The law provides that infringers can be imprisoned and subjected to criminal fines in cases where there has been a willful infringement. The potential civil penalties as set forth in the federal copyright law for violations of the copyright laws include, but are not limited to, imposition of an award of statutory damages for all infringements involved in the action, with respect to any one (1) work in a sum of not less than seven hundred fifty dollars (\$750.00) or more than thirty~~

thousand dollars (\$30,000.00) as the court considers just and if the court finds, that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than one hundred fifty thousand dollars (\$150,000.00). In addition, the court can also impose injunctive relief against the infringer to prevent or restrain infringement of a copyright and require forfeiture, impoundment, or destruction of the infringing articles / material in the possession of the infringer and require payment of actual damages and disgorgement of any profit, as well as payment of costs and attorney's fees;

~~(ee) Unauthorized Access to Institutional Facilities and/or Grounds. Any access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;~~

~~(ff) Providing False Information to an Institutional Official. Giving any false information to any identifiable institutional official acting in the performance of his/her duties, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the institution;~~

~~(gg) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.~~

~~(hh) Filing a false complaint or statement. Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student, organization, institution, or school employee.~~

~~(3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution or school governed by the State Board of Regents for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters. This includes conduct that is discovered after the awarding of a degree. Should a student choose to withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office.~~

(1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.

(2) Institutions shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual institution, subject to prior review and approval of the Board. Institutions are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the Board:

(a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal wellbeing, including, but not limited to, the following:

1. Physical and/or verbal abuse,
2. Threats and/or intimidation,
3. Harm inflicted on self;

- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities.
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution.
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or

intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;

- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to institutional computer resources,
 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.

(3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur

at or in association with enrollment at an institution governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

Authority: T.C.A. §§ 49-7-123(a)(1) and 49-8-203; T.C.A. §§ 4-5-101 et seq. Administrative History: Repeal of all rules by the Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009.

Rule 0240-02-03-.03 Academic and Classroom Misconduct, is amended by deleting the present language in its entirety and replacing it with the following:

- ~~(1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution or school. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution or school.~~
- ~~(2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional or school procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.~~
- ~~(3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through appropriate institutional or school procedures.~~
- ~~(4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap top computers, games, etc.).~~
- ~~(5) Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course.~~

~~Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled.~~

~~In cases, where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.~~

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student

engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.

- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise or examination, proportional to the nature and extent of academic misconduct. Disciplinary sanctions will be imposed only through the appropriate institutional student disciplinary processes.
- (3) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through appropriate institutional academic misconduct or grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

Authority: T.C.A. § 49-8-203; T.C.A. §§ 4-5-101 et seq. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed August 11, 2004; effective December 29, 2004.

Rule 0240-02-03-.04 Disciplinary Sanctions, is amended by deleting the present language in its entirety and replacing it with the following:

- ~~(1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.~~
- ~~(2) Definition of Sanctions.
 - ~~(a) Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of the violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss.~~
 - ~~(b) Warning. The appropriate institutional or school official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.~~
 - ~~(c) Written Reprimand. A written reprimand or censure may be given to any student or organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution/school community, but that any further violation may result in more serious penalties.~~
 - ~~(d) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution or school in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.~~~~

- (e) ~~Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.~~
- (f) ~~Suspension. If a student is suspended, he or she is separated from the institution or school for a stated period of time with conditions of readmission stated in the notice of suspension.~~
- (g) ~~Expulsion. Expulsion entails a permanent separation from the institution or school. The imposition of this sanction is a permanent bar to the student's readmission to the institution or school.~~
- (h) ~~Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional or school official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or any other member of the institution or school community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.~~
- (i) ~~Housing Probation. A resident placed on housing probation is deemed not to be in good standing with the housing community, and his or her continued residence is conditioned upon adherence to these Regulations and the Housing Contract. Any resident placed on probation shall be notified in writing of the terms and length of the probation. Parents may be notified. Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from housing.~~
- (j) ~~Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit within forty-eight (48) hours. Housing suspension shall remain a part of the student's disciplinary record. Parents may be notified.~~
- (k) ~~Service to the Institution. A student may be required to donate a specified number of service hours to the institution, by way of performing reasonable tasks for the appropriate institution office or officials. The service shall be commensurate to the offense the student is guilty of violating (e.g., service for maintenance staff for defacing institutional property).~~
- (l) ~~Special Educational Program. A student may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs, or to prepare a project or report concerning a relevant topic.~~
- (m) ~~Fines. Penalties in the form of fines may be enforced against a student or an organization whenever the appropriate hearing officer(s) or hearing body deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines to the Business Office within two (2) weeks of the decision will result in further disciplinary action.~~
- (3) ~~The president of each institution and the director of each area vocational technical school is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.~~
- (1) Institutions shall adopt and publish a policy, providing notice of potential disciplinary sanctions applicable to both individuals and organizations. The policy may include any appropriate sanction, given the specific needs of the individual institution, subject to prior review and approval of the Board. Institutions are pre-authorized to implement any or all of the sanctions, in the form set forth in sub-section (2) below, without need for prior review or approval by the Board. Upon a determination that a student or student

organization has violated any of the disciplinary offenses set forth in these regulations, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.

(2) Definition of Sanctions:

- (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
- (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
- (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;

(l) Revocation of Admission, Degree, or Credential;

(m) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;

(n) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);

(o) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.

(3) The president/director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: T.C.A. § 49-8-203; T.C.A. §§ 4-5-101 et seq. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009.

Rule 0240-02-03-.05 Traffic and Parking, is added as a new section by adding language as follows:

(1) General: Institutions governed by the TBR shall adopt institutional policies governing traffic and parking on their respective campuses. The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on those campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies enacted in compliance with this rule shall be subject to prior review and approval of the TBR. Once adopted, such policies shall be published, at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks and institutional websites.

(2) Registration of Automobiles/Permits/Decals: TBR institutions shall adopt policies regarding the registration of vehicles and/or the issuance of decals and/or permits on campus, and/or the alternate use of campus access fees in lieu of registration of individual vehicles for the purpose of effective enforcement of campus traffic and/or parking regulations. Reasonable fees/costs may be assessed in association with the vehicle registration, permit, or decal issuance process. Any fees/costs associated with registration of vehicles or the issuance of permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.

(3) Parking: TBR institutions shall adopt policies with regard to parking on institution owned, operated, or controlled sites. Those policies shall reflect the physical availability and limitations of parking facilities at institution owned, operated, or controlled sites. TBR institutions are further authorized to adopt appropriate parking zones or designated parking systems for faculty, staff, students, residents of campus housing, visitors, and other appropriate groups. Institutions may also establish a schedule of hours for

- enforcement for parking regulations at their various campus sites. Reasonable fees/costs may be assessed in association with the issuance of parking decals or passes as set forth in section (2) above. Any fees/costs associated with parking permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.
- (4) Traffic: TBR institutions shall adopt policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies shall reflect the nature of traffic patterns, roads, and physical limitations of the particular institution owned or controlled site. TBR institutions are further directed to adopt and publish a traffic code reflecting the traffic rules and offenses for that institution's sites. Such violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site. Adoption of such policies shall be subject to prior review and approval by the TBR. Once adopted or amended all traffic and parking regulations shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- (5) Fines/Penalties: TBR institutions shall have the authority to adopt appropriate fines and/or disciplinary sanctions for violations of the traffic and parking regulations established pursuant to sections (3) & (4) above. Fines may be set as determined necessary at each institution, but shall not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. Such fines are subject to the prior review and approval of the TBR, pursuant to the requirement set forth in TBR policy. Proposed fines shall be submitted to the TBR together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic/parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- (6) Appeals: Institutions shall establish an appropriate system of due process associated with any traffic/parking codes or fines, consistent with the due process requirements set forth in TBR Systemwide Rule 0240-02-03-.06 below, wherein persons cited for violation of institutional traffic/parking regulations may contest their citations. Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of such matters.

Authority: T.C.A. § 49-8-203; T.C.A. §§ 4-5-101 et seq.

Rule 0240-02-03-.06 Disciplinary Procedures, is added as a new section by adding language as follows:

- (1) General: Institutions governed by the TBR, in the implementation of TBR regulations pertaining to discipline and conduct of students, shall insure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the institution. All such policies shall be enacted in compliance with this rule, TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted pursuant to this rule shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- (2) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. §§ 4-5-301 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.
- (3) Institutional Procedures: For matters not subject to the requirements of TUAPA, each institution shall include in its policies a description of the procedures applicable at each level of a student/organizational

misconduct, student housing violation or traffic/parking violation proceeding, including procedures for the initiation, investigation, resolution and/or prosecution of a violation applicable at each level, including appeal(s). This policy shall also set forth minimum requirements for advance notice of charges/violations as well as the time, date, and place for any procedure or hearing.

- (4) Institutional Hearings: For matters not subject to the requirements of TUAPA, institutions shall establish a body or bodies, with authority to hear student/organizational misconduct, student housing violations, or traffic/parking violations. Such body may be constituted as determined by the institution and may consist of one (1) individual or a committee. Authority may be vested in a single entity or in separate bodies.
- (5) Minimum Requirements of Due Process for Institutional Hearings: Institutional hearing bodies and procedures governing discipline in cases of student/organizational misconduct, student housing violations and/or traffic/parking violations may be structured in any manner deemed appropriate given the organizational structure of the individual institution, but shall include the following minimal procedural components:
 - (A) The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
 - (B) The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
 - (C) The student shall be advised of the following rights applicable at the hearing:
 - (1) The right to present his or her case,
 - (2) The right to be accompanied by an advisor,
 - (3) The right to call witnesses in his or her behalf,
 - (4) The right to confront witnesses against him or her, and
 - (5) The student shall be advised of the method and time limitations for appeal, if any is applicable.

Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedures.

- (6) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (7) Alternative Resolution Procedures: Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.
- (8) The president /director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Authority: T.C.A. § 49-8-203; T.C.A. §§ 4-5-101 et seq.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith					
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X			X	
Dr. Steve Copeland					
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varian	X				

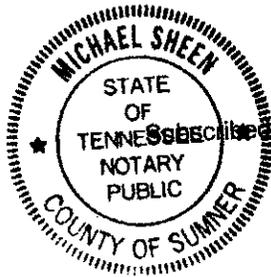
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Austin Peay State University
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-01 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-13-11
 Rule ID(s): 4978
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Austin Peay State University
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-01	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-01
Austin Peay State University
Student Disciplinary Rules

Repeal

Rule 0240-03-01 Austin Peay State University Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-8-203 and 49-8-302. Administrative History: Repeal of all rules by Public Chapter 2611; effective July 1, 1985. New rule file April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed July 3, 1996; November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith					
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X			X	
Dr. Steve Copeland					
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varian	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

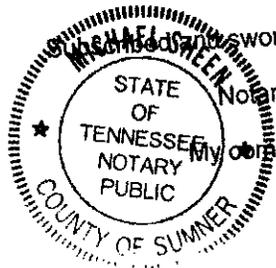
Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary

sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013



G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Chattanooga State Technical Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-07 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

No Impact on Local Governments

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Sequence Number: 08-19-11
 Rule ID(s): 4985
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Chattanooga State Technical Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-07	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-07
Chattanooga State Technical Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-07 Chattanooga State Technical Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Repeal and new rule filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007.

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Sequence Number: 08-19-11
 Rule ID(s): 4985
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Chattanooga State Technical Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-07	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-07
Chattanooga State Technical Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-07 Chattanooga State Technical Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Repeal and new rule filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varian	X				

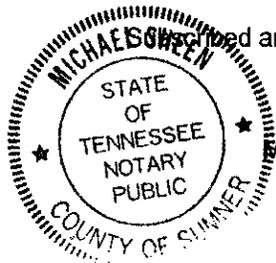
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Cleveland State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal
STAFF RULE ABSTRACT:
Rule 0240-03-08 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-20-11
Rule ID(s): 4986
File Date: 08/10/2011
Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Cleveland State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-08	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-08
Cleveland State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-08 Cleveland State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-7-123(a)(1) and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Columbia State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-09 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-21-11
 Rule ID(s): 4987
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Columbia State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-09	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-09
Columbia State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-09 Columbia State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-88-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 5, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed August 11, 2004; effective December 29, 2004. Repeal and new rule filed June 28, 2005; effective October 28, 2005. Amendment filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

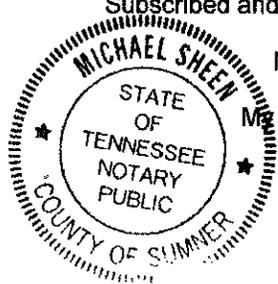
Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary

Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013



G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Dyersburg State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-10 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-22-11
 Rule ID(s): 4988
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Dyersburg State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-10	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-10
Dyersburg State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-10 Dyersburg State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 39-17-1309 and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1983; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendments filed June 28, 2005; effective October 28, 2005. Amendments filed November 12, 2008; effective March 30, 2009.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

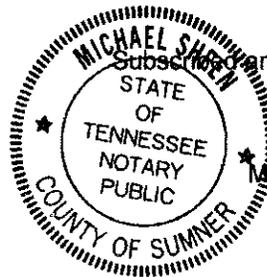
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

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G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: East Tennessee State University
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-02 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-14-11
 Rule ID(s): 4980
 File Date: 08/10/2011
 Effective Date: 01/29/2013

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	East Tennessee State University
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-02	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-02
East Tennessee State University
Student Disciplinary Rules

Repeal

Rule 0240-03-02 East Tennessee State University Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-7-1234(a)(1) and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed April 23, 1994; effective July 28, 1994. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009. Amendment filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

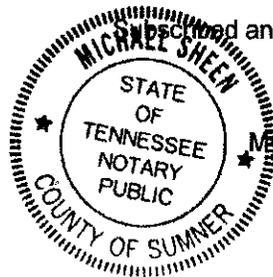
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Jackson State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-11 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-23-11
Rule ID(s): 4989
File Date: 08/10/2011
Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Jackson State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-11	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-11
Jackson State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-11 Jackson State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-7-123(a)(1) and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective September 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Repeal and new rule 0240-03-11-.05 and 0240-03-11-.06 filed August 11, 2004; effective December 29, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2006. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

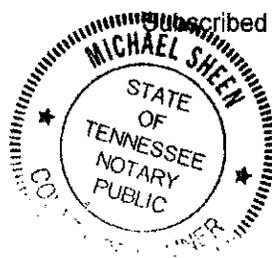
Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary

Subscribed and sworn to before me on: 4-28-11
 Notary Public Signature: [Signature]
 My commission expires on: February 26, 2013



G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: University of Memphis
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-03 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-15-11
 Rule ID(s): 4981
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	University of Memphis
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-03	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-03
University of Memphis
Student Disciplinary Rules

Repeal

Rule 0240-03-03 University of Memphis Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

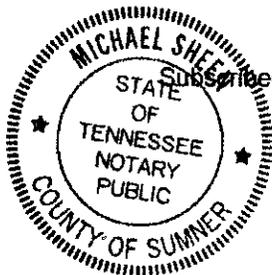
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Middle Tennessee State University
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-04 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-16-11
 Rule ID(s): 24982
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Middle Tennessee State University
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-04	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-04
Middle Tennessee State University
Student Disciplinary Rules

Repeal

Rule 0240-03-04 Middle Tennessee State University Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed January 19, 2007; effective May 31, 2007.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

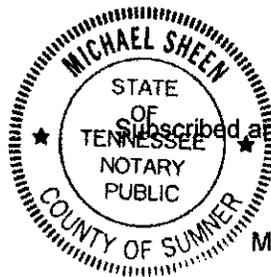
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Motlow State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-12 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-24-11
 Rule ID(s): 4990
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Motlow State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-12	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-12
Motlow State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-12 Motlow State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-7-123(a)(1) and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 21, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009. Amendment filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith					
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X			X	
Dr. Steve Copeland					
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary

Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013



G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Nashville State Technical Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-17 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-29-11
 Rule ID(s): 4995
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Nashville State Technical Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-17	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-17
Nashville State Technical Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-17 Nashville State Technical Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009. Amendment filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

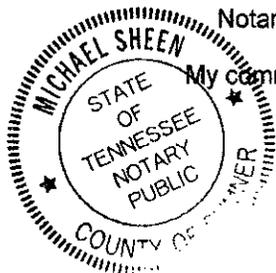
Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary

Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013



G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Northeast State Technical Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-20 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-31-11
 Rule ID(s): 4997
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Northeast State Technical Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-20	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-20
Northeast State Technical Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-20 Northeast State Technical Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009. Amendment filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

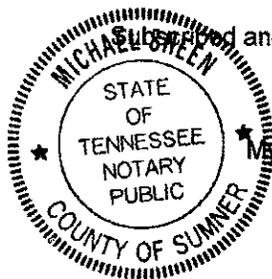
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Pellissippi State Technical Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-18 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-30-11
Rule ID(s): 2996
File Date: 08/10/2011
Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Pellissippi State Technical Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-18	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-18
Pellissippi State Technical Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-18 Pellissippi State Technical Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. 0240-03-18-.07 Original rule filed August 28, 1984; effective November 13, 1984. Repeal filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

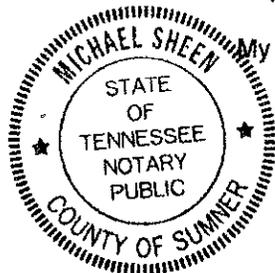
Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary

Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013



G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Roane State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-13 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-25-11
 Rule ID(s): 4991
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Roane State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-13	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-13
Roane State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-13 Roane State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all Rules by Pubic Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

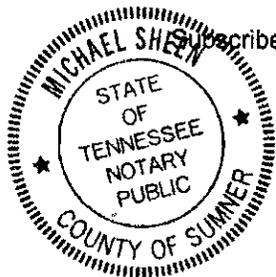
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: *Christine Modisher*

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: *Michael Sheen*

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Southwest Tennessee Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal
STAFF RULE ABSTRACT:

Rule 0240-03-14 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-26-11
Rule ID(s): 4992
File Date: 08/10/2011
Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Southwest Tennessee Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-14	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-14
Southwest Tennessee Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-14 Southwest Tennessee Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Repeal and new rule filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

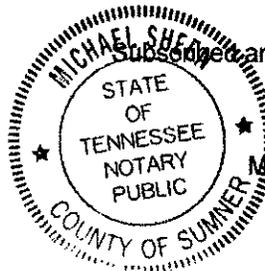
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Tennessee State University
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-05 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-17-11
 Rule ID(s): 4983
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Tennessee State University
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-05	Institutional Student Disciplinary Rules
Rule Number	Rule Title

198

Chapter 0240-03-05
Tennessee State University
Student Disciplinary Rules

Repeal

Rule 0240-03-05 Tennessee State University Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by the Public Chapter 261; effective July 1, 1983. New rules filed April 28, 1983; effective July 13, 1983. Rule filed August 2, 1984; effective November 13, 1984. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam					
Agenia Clark				X	
Gregory Duckett	X			X	
Barry Gidcomb	X				
John Farris	X				
Tom Griscom					
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland					
Howard Roddy	X			X	
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

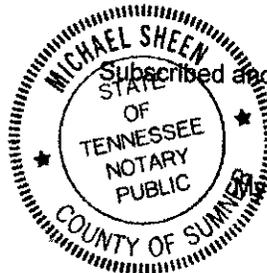
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Tennessee Technology Centers
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-21 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-32-11
 Rule ID(s): 4998
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Tennessee Technology Centers
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-21	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-21
Tennessee Technology Centers
Student Disciplinary Rules

Repeal

Rule 0240-03-21 Tennessee Technology Centers Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-7-123(a)(1) and 49-8-203. Administrative History: Original rule filed July 29, 1986; effective October 29, 1986. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed June 28, 2005; effective October 28, 2005. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

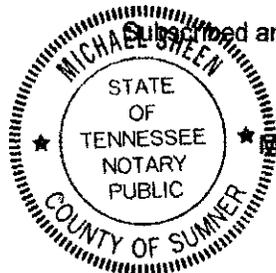
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

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G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Tennessee Technological University
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-06 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-18-11
 Rule ID(s): 4984
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Tennessee Technological University
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-06	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-06
Tennessee Technological University
Student Disciplinary Rules

Repeal

Rule 0240-03-06 Tennessee Technological University Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Rule filed January 11, 2002; effective May 31, 2002. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; May 31, 2007. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Volunteer State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-15 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-27-11
Rule ID(s): 4993
File Date: 08/10/2011
Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Volunteer State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-15	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-15
Volunteer State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-15 Volunteer State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. §§ 49-7-123(a)(1) and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009. Amendments filed October 29, 2009; effective March 31, 2010. New rule 0240-03-15-.07 filed August 28, 1984; effective November 13, 1984. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed July 29, 1986; effective October 29, 1986. Repeal filed November 3, 1989; effective February 28, 1990.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Agenia Clark				X	
Gregory Duckett	X				
Barry Gidcomb	X				
John Farris	X				
Tom Griscom				X	
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X				
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland				X	
Howard Roddy	X				
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

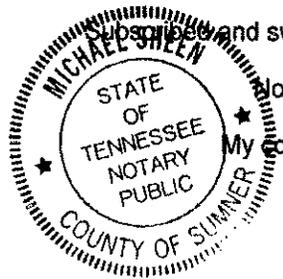
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My Commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Tennessee Board of Regents (TBR)
DIVISION: Walters State Community College
SUBJECT: Student Disciplinary Rules
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-8-203
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

Rule 0240-03-16 Institution Student Disciplinary Rules is being repealed due to amendments and new rules being added to System-wide Student Rules, 0240-02-03 Student Conduct and Disciplinary Sanctions.

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Sequence Number: 08-28-11
 Rule ID(s): 4994
 File Date: 08/10/2011
 Effective Date: 01/29/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. § 4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and 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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Walters State Community College
Contact Person:	Randy Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-16	Institutional Student Disciplinary Rules
Rule Number	Rule Title

Chapter 0240-03-16
Walters State Community College
Student Disciplinary Rules

Repeal

Rule 0240-03-16 Walters State Community College Institutional Student Disciplinary Rules, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. New rule 0240-03-06-.06 filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam					
Agenia Clark				X	
Gregory Duckett	X			X	
Barry Gidcomb	X				
John Farris	X				
Tom Griscom					
Commissioner Julius Johnson				X	
Commissioner Patrick Smith				X	
Jonas Kisber	X			X	
Fran Marcum	X				
Paul W. Montgomery	X				
Casey McCullum	X				
Dr. Steve Copeland					
Howard Roddy	X			X	
Emily Reynolds	X				
Robert P. Thomas	X				
Danni B. Varlan	X				

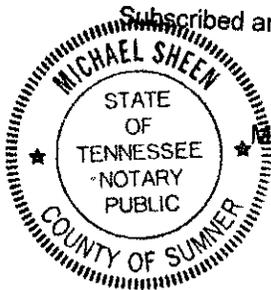
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/25/2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4-28-11

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 4-28-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Finance and Administration

DIVISION: Bureau of TennCare

SUBJECT: Drug Quantity and Dosage Limitations under TennCare Standard

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 71-5-105 and 71-5-109

EFFECTIVE DATES: August 2, 2011 through January 29, 2012

FISCAL IMPACT: This rule is anticipated to decrease state annual expenditures by \$1,721,500.

STAFF RULE ABSTRACT: This rule will reduce expenditures for certain sedative hypnotic and opioid detoxification drugs through the imposition of quantity and dosage limitations under TennCare Standard pursuant to Chapter 473 Of the Public Acts of 2011.

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The rule has no effect on small businesses.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

(Insert statement here)

The rule is not projected to have an impact on local governments.

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For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date (effective date): _____
End Effective Date: _____

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Tennessee Department of Finance and Administration
Division:	Bureau of TennCare
Contact Person:	George Woods
Address:	310 Great Circle Road Nashville, Tennessee
Zip:	37243
Phone:	(615) 507-6446
Email:	George.Woods@tn.gov

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment
 New
 Repeal

Statement of Necessity:

Pursuant to T.C.A. § 4-5-208, the Bureau of TennCare is authorized to adopt emergency rules in the event that the agency is required by enactment of the general assembly to implement rules within a prescribed period of time that precludes utilization of rulemaking procedures for promulgation of permanent rules.

The Appropriations Act, Public Chapter 473, effective July 1, 2011, requires the Bureau of TennCare to reduce expenditures for certain sedative hypnotic and opioid detoxification drugs through imposition of quantity and dosage limitations.

I have made the finding that the attached amendment is required by the above-referenced enactment of the general assembly, and the timely implementation of this amendment as mandated precludes promulgation through ordinary rulemaking procedures.

For a copy of this emergency rule contact: George Woods at the Bureau of TennCare by mail at 310 Great Circle Road, Nashville, Tennessee 37243 or by telephone at (615) 507-6446.

Darin J. Gordon
Director, Bureau of TennCare

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
1200-13-14	TennCare Standard
Rule Number	Rule Title
1200-13-14-.04	Covered Services
1200-13-14-.10	Exclusions

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 1200-13-14-.04 Covered Services is amended at Paragraph (1) Benefits covered under the managed care program, Subparagraph (c) Pharmacy, by inserting the number 9 before the existing unnumbered language following Part 8 so that the unnumbered language is numbered as Part 9, and by adding a new Part 10, so that as amended Parts 9 and 10 read as follows:

9. TennCare shall not cover drugs considered by the FDA to be Less Than Effective (LTE) and DESI drugs, or drugs considered to be Identical, Related and Similar (IRS) to DESI and LTE drugs or any other pharmacy services for which federal financial participation (FFP) is not available. The exclusion of drugs for which no FFP is available extends to all TennCare enrollees regardless of the enrollee's age. TennCare shall not cover experimental or investigational drugs which have not received final approval from the FDA.
10. Buprenorphine and burprenorphine/naloxone products and sedative hypnotics for persons aged 21 and older are restricted to the quantity limits specified below:
 - (i) Generic buprenorphine, Subutex (buprenorphine), and Suboxone (buprenorphine/naloxone) products shall not exceed sixteen milligrams (16 mg) per day for a period of up to six (6) months from the initiation of therapy, after which the covered dosage amount shall not exceed eight milligrams (8 mg) per day.
 - (ii) Sedative hypnotic medications shall not exceed fourteen (14) pills per month for sedative hypnotic formulations in pill form such as Ambien and Lunesta, one hundred forty milliliters (140 ml) per month of chloral hydrate, and one (1) bottle every sixty (60) days of Zolpimist.

Statutory Authority: T.C.A. §§ 4-5-208, 71-5-105, 71-5-109 and Public Chapter 473, Acts of 2011.

Part 20. of Subparagraph (a) of Paragraph (3) of Rule 1200-13-14-.10 Exclusions is amended by adding new Subparts (ix) and (x), so as amended, Part 20. shall read as follows:

20. Certain pharmacy items as follows:
 - (i) Agents when used for anorexia or weight loss
 - (ii) Agents when used to promote fertility
 - (iii) Agents when used for cosmetic purposes or hair growth
 - (iv) Agents when used for the symptomatic relief of cough and colds
 - (v) Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee

- (vi) Nonprescription drugs
- (vii) Barbiturates
- (viii) Benzodiazepines
- (ix) Generic buprenorphine, Subutex (buprenorphine), and Suboxone (buprenorphine/naloxone) in dosage amounts that exceed the covered dosage amounts listed below:
 - (I) Sixteen milligrams (16 mg) per day for a period of up to six (6) months from the initiation of therapy; or
 - (II) Eight milligrams (8 mg) per day after the sixth (6th) month of therapy.
- (x) Sedative hypnotic medications in dosage amounts that exceed the dosage amounts listed below:
 - (I) Fourteen (14) pills per month for sedative hypnotic formulations in pill form such as Ambien and Lunesta;
 - (II) One hundred forty milliliters (140 ml) per month of chloral hydrate; and
 - (III) One (1) bottle every sixty (60) days of Zolpimist.

Statutory Authority: T.C.A. §§ 4-5-208, 71-5-105, 71-5-109 and Public Chapter 473, Acts of 2011.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Finance and Administration

DIVISION: Bureau of TennCare

SUBJECT: Drug Quantity and Dosage Limitations under TennCare Medicaid

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 71-5-105 and 71-5-109

EFFECTIVE DATES: August 2, 2011 through January 29, 2012

FISCAL IMPACT: This rule is anticipated to decrease state annual expenditures by \$1,721,500.

STAFF RULE ABSTRACT: This rule will reduce expenditures for certain sedative hypnotic and opioid detoxification drugs through the imposition of quantity and dosage limitations under TennCare Medicaid pursuant to Chapter 473 Of the Public Acts of 2011.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

There is no projected impact on local governments.

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File Date (effective date): _____
End Effective Date: _____

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Tennessee Department of Finance and Administration
Division:	Bureau of TennCare
Contact Person:	George Woods
Address:	310 Great Circle Road Nashville, Tennessee
Zip:	37243
Phone:	(615) 507-6446
Email:	George.Woods@tn.gov

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

Pursuant to T.C.A. § 4-5-208, the Bureau of TennCare is authorized to adopt emergency rules in the event that the agency is required by enactment of the general assembly to implement rules within a prescribed period of time that precludes utilization of rulemaking procedures for promulgation of permanent rules.

The Appropriations Act, Public Chapter 473, effective July 1, 2011, requires the Bureau of TennCare to reduce expenditures for certain sedative hypnotic and opioid detoxification drugs through imposition of quantity and dosage limitations.

I have made the finding that the attached amendment is required by the above-referenced enactment of the general assembly, and the timely implementation of this amendment as mandated precludes promulgation through ordinary rulemaking procedures.

For a copy of this emergency rule contact: George Woods at the Bureau of TennCare by mail at 310 Great Circle Road, Nashville, Tennessee 37243 or by telephone at (615) 507-6446.

Darin J. Gordon
Director, Bureau of TennCare

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
1200-13-13	TennCare Medicaid
Rule Number	Rule Title
1200-13-13-.04	Covered Services
1200-13-13-.10	Exclusions

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 1200-13-13-.04 Covered Services is amended at Paragraph (1) Benefits covered under the managed care program, Subparagraph (c) Pharmacy, by inserting the number 9 before the existing unnumbered language following Part 8 so that the unnumbered language is numbered as Part 9, and by adding a new Part 10, so that as amended Parts 9 and 10 read as follows:

9. TennCare shall not cover drugs considered by the FDA to be Less Than Effective (LTE) and DESI drugs, or drugs considered to be Identical, Related and Similar (IRS) to DESI and LTE drugs or any other pharmacy services for which federal financial participation (FFP) is not available. The exclusion of drugs for which no FFP is available extends to all TennCare enrollees regardless of the enrollee's age. TennCare shall not cover experimental or investigational drugs which have not received final approval from the FDA.
10. Buprenorphine and burprenorphine/naloxone products and sedative hypnotics for persons aged 21 and older are restricted to the quantity limits specified below:
 - (i) Generic buprenorphine, Subutex (buprenorphine), and Suboxone (buprenorphine/naloxone) products shall not exceed sixteen milligrams (16 mg) per day for a period of up to six (6) months from the initiation of therapy, after which the covered dosage amount shall not exceed eight milligrams (8 mg) per day.
 - (ii) Sedative hypnotic medications shall not exceed fourteen (14) pills per month for sedative hypnotic formulations in pill form such as Ambien and Lunesta, one hundred forty milliliters (140 ml) per month of chloral hydrate, and one (1) bottle every sixty (60) days of Zolpimist.

Statutory Authority: T.C.A. §§ 4-5-208, 71-5-105, 71-5-109 and Public Chapter 473, Acts of 2011.

Part 20. of Subparagraph (a) of Paragraph (3) of Rule 1200-13-13-.10 Exclusions is amended by adding new Subparts (ix) and (x), so as amended, Part 20. shall read as follows:

20. Certain pharmacy items as follows:
 - (i) Agents when used for anorexia or weight loss
 - (ii) Agents when used to promote fertility
 - (iii) Agents when used for cosmetic purposes or hair growth
 - (iv) Agents when used for the symptomatic relief of cough and colds
 - (v) Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee

- (vi) Nonprescription drugs
- (vii) Barbiturates
- (viii) Benzodiazepines
- (ix) Generic buprenorphine, Subutex (buprenorphine), and Suboxone (buprenorphine/naloxone) in dosage amounts that exceed the covered dosage amounts listed below:
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 - (II) Eight milligrams (8 mg) per day after the sixth (6th) month of therapy.
- (x) Sedative hypnotic medications in dosage amounts that exceed the dosage amounts listed below:
 - (I) Fourteen (14) pills per month for sedative hypnotic formulations in pill form such as Ambien and Lunesta;
 - (II) One hundred forty milliliters (140 ml) per month of chloral hydrate; and
 - (III) One (1) bottle every sixty (60) days of Zolpimist.

Statutory Authority: T.C.A. §§ 4-5-208, 71-5-105, 71-5-109 and Public Chapter 473, Acts of 2011.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Finance and Administration
DIVISION: Bureau of TennCare
SUBJECT: Bariatric Surgery Services under TennCare Standard
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 71-5-105
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

This rule is being proposed because the Bureau of TennCare no longer specifies clinical guidelines for bariatric surgery services under TennCare Standard. Instead, the MCOs treat bariatric surgery like other services requiring prior authorization, using utilization management criteria developed or adopted by the MCO.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

(Insert statement here)

The rule is not projected to have an impact on local governments.

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Sequence Number: REDLINE
 Rule ID(s): _____
 File Date: _____
 Effective Date: _____

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and 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. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission: Tennessee Department of Finance and Administration
Division: Bureau of TennCare
Contact Person: George Woods
Address: 310 Great Circle Road
Zip: 37243
Phone: (615)507-6446
Email: George.woods@tn.gov

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-13-14	TennCare Standard
Rule Number	Rule Title
1200-13-14-.04	Covered Services

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rules of
Tennessee Department of Finance and Administration
Bureau of TennCare

Chapter 1200-13-14
TennCare Standard

Amendment

Part 2. of Subparagraph (b) of Paragraph (1) of Rule 1200-13-14-.04 Covered Services is amended by deleting the phrase "and in accordance with clinical guidelines established by the Bureau of TennCare" in the "BENEFIT FOR PERSONS UNDER AGE 21" column and the "BENEFIT FOR PERSONS AGED 21 AND OLDER" column so as amended Part 2. shall read as follows:

SERVICE	BENEFIT FOR PERSONS UNDER AGE 21	BENEFIT FOR PERSONS AGED 21 AND OLDER
2. Bariatric Surgery, defined as surgery to induce weight loss.	Covered as medically necessary and in accordance with clinical guidelines established by the Bureau of TennCare.	Covered as medically necessary and in accordance with clinical guidelines established by the Bureau of TennCare.

Statutory Authority: T.C.A. §§ 4-5-202 and 71-5-105.

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Finance and Administration
DIVISION: Bureau of TennCare
SUBJECT: Bariatric Surgery Services under TennCare Medicaid
STATUTORY AUTHORITY: Tennessee Code Annotated, Section 71-5-105
EFFECTIVE DATES: January 29, 2012 through June 30, 2012
FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

This rule is being proposed because the Bureau of TennCare no longer specifies clinical guidelines for bariatric surgery services under TennCare Medicaid. Instead, the MCOs treat bariatric surgery like other services requiring prior authorization, using utilization management criteria developed or adopted by the MCO.

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The rule has no effect on small businesses.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

(Insert statement here)

The rule is not projected to have an impact on local governments.

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Agency/Board/Commission: Tennessee Department of Finance and Administration
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Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-13-13	TennCare Medicaid
Rule Number	Rule Title
1200-13-13-.04	Covered Services

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rules of
Tennessee Department of Finance and Administration
Bureau of TennCare

Chapter 1200-13-13
TennCare Medicaid

Amendment

Part 2. of Subparagraph (b) of Paragraph (1) of Rule 1200-13-13-.04 Covered Services is amended by deleting the phrase "and in accordance with clinical guidelines established by the Bureau of TennCare" in the "BENEFIT FOR PERSONS UNDER AGE 21" column and the "BENEFIT FOR PERSONS AGED 21 AND OLDER" column so as amended Part 2. shall read as follows:

SERVICE	BENEFIT FOR PERSONS UNDER AGE 21	BENEFIT FOR PERSONS AGED 21 AND OLDER
2. Bariatric Surgery, defined as surgery to induce weight loss.	Covered as medically necessary and in accordance with clinical guidelines established by the Bureau of TennCare.	Covered as medically necessary and in accordance with clinical guidelines established by the Bureau of TennCare.

Statutory Authority: T.C.A. §§ 4-5-202 and 71-5-105.