

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: State Board of Education

DIVISION:

SUBJECT: Minimum Requirements for the Approval of Public Schools

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-1-302

EFFECTIVE DATES: October 29, 2014 through June 30, 2015

FISCAL IMPACT: None

STAFF RULE ABSTRACT: Through the Tennessee Diploma Project the State Board of Education adopted new requirements for graduation in 2008. One of the new requirements was to have the end of course (EOC) test grade count as a percentage of the course average. It became apparent that LEA's could not determine a workable way to do that calculation and as a result the Board amended the High School Policy at the July 31, 2009 meeting to change from the course average to second semester average. No action was taken to make the parallel change to Rule 0520- 01-03-.06(d). This rule change will make the language in the policy and the rule the same.

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.

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)

This will have no impact on local governments.

**Department of State
Division of Publications**

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Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 05-04-14
Rule ID(s): 5703
File Date: 5/8/14
Effective Date: 10/29/14

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:	State Board of Education
Division:	
Contact Person:	Dannelle F. Walker
Address:	1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
Zip:	37243
Phone:	615-253-5707
Email:	Dannelle.Walker@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
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.06	Graduation, Requirement E

Chapter 0520-01-03
Minimum Requirements for the Approval of Public Schools
Amendment

Rule 0520-01-03-.06(2)(d)(2) Examinations is amended by deleting the words "student's course average" and substituting instead "student's second semester average" so that, as amended, the new rule shall read:

2. Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the end-of-course examination on the student's second semester average is as follows for entering ninth (9th) graders:
 - (i) Fall of 2009 and 2010 – twenty percent (20%);
 - (ii) Fall of 2011 and 2012 – twenty-five percent (25%); and
 - (iii) Fall of 2013 and thereafter - twenty-five percent (25%).

Authority: T.C.A. § 49-1-302

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers	X				
Edwards	X				
Justice				X	
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 07/26/2013, 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 4-9-14

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



MY COMMISSION EXPIRES: January 9, 2016

Subscribed and sworn to before me on: 4/9/14

Notary Public Signature: Phyllis E. Childress

My commission expires on: _____

All proposed 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.

RE Cooper
 Robert E. Cooper, Jr.
 Attorney General and Reporter

4-29-14
 Date

Department of State Use Only

Filed with the Department of State on: 5/8/14

Effective on: 10/29/14



Tre Hargett
Secretary of State

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G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: State Board of Education

DIVISION:

SUBJECT: Requirements for the Occupational Education License

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 49-1-302, 49-2-301 and 49-5-108

EFFECTIVE DATES: October 29, 2014 through June 30, 2015

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The proposed rule repeals and modifies current language in Chapters 0520-01-02 and 0520-02-04 of State Board of Education rules and replaces it with the text included herein. The new language will allow for the addition of endorsements aligned to the new CTE courses that were presented on first and second reading at the January 31, 2014 meeting of the State Board of Education. These revisions require that applicants for the occupational license be, at minimum, high school graduates and allows for a more flexible system to account for higher education degrees to count for industry experience. This change also allows for alignment with current industry practices, and correlates to the revisions being made to CTE courses.

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.

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)

This will have no impact on local governments.

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Sequence Number: 05-05-14
Rule ID(s): 5704-5705
File Date: 5/8/14
Effective Date: 10/29/14

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:	State Board of Education
Division:	
Contact Person:	Dannelle F. Walker
Address:	1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
Zip:	37243
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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
0520-01-02	Administrative Rules and Regulations
Rule Number	Rule Title
0520-01-02-.03	Employment Standards

Chapter Number	Chapter Title
0520-02-04	Licensure
Rule Number	Rule Title
0520-02-04-.13	Requirements for the Occupational Education License

Chapter 0520-01-02
Administrative Rules and Regulations
Amendment

(9) Career and Technical Education.

- (a) A teacher of agricultural education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have appropriate work experience.
- (b) A teacher of marketing education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have two (2) years of appropriate experience in marketing education.
- (c) A teacher of health science education shall have completed one (1) year of successful employment experience, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.
- (d) Other occupational educators shall be a high school graduate or higher. The teacher shall have a minimum of five (5) years of appropriate and current work experience in the field for which application is made. A combination of career and technical education at the postsecondary level from a state approved institution, or other accredited public or private institution, may also be evaluated. The amount of credit awarded for work experience through postsecondary education shall depend on the endorsement and related industry. A teacher of trade and industrial education shall be a high school graduate or the equivalent, as determined by the General Education Development (GED) test. The teacher shall have a minimum of five (5) years of appropriate and current work experience in the field for which application is made. A combination of career and technical education at the postsecondary level from a state technical institute, Tennessee Technology Center, or other accredited public or private institution may also be evaluated. The amount of credit awarded for postsecondary related education shall not exceed two (2) years with the exception of criminal justice in which case a bachelor's degree in criminal justice may count for four (4) years of paid or unpaid work experience or a master's degree or higher may be substituted for five (5) years of paid or unpaid work experience.

Chapter 0520-01-02
Administrative Rules and Regulations
Amendment

(1) Apprentice Occupational Education License

(a) Issuance of License

An apprentice occupational education license may be issued to individuals who meet the following requirements. Qualifications including experience and educational preparation shall be reviewed by the Department of Education staff who shall recommend issuance of the apprentice occupational education license.

1. Health Sciences Education.

- (i) The secondary health science teacher shall have completed one (1) year of successful employment, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.
- (ii) Health science teachers must hold an associate or higher degree in a health-related area and hold current licensure registration or certification in an allied health occupation or current licensure as a registered nurse in Tennessee. Teachers must successfully complete a comprehensive test administered or accepted by the Tennessee Health Related Boards.

2. Trade and Industry.

(i) Effective September 1, 2002, trade and industry teachers shall hold and maintain a current industry certification, where available, in the specific endorsement area for which they are licensed. This Industry Certification may be acquired prior to Apprentice license, but must be presented at the time the teacher advances from Apprentice to Professional Occupational License.

(ii) Endorsements for Other Occupational Teachers can be obtained through one of four pathways using work experience, industry certification and postsecondary training. The four possible pathways are:

- (I) Credentialed (certificate or diploma) postsecondary training in the endorsed area, or associate degree, or industry certification may substitute for two (2) years of work experience. In addition, applicant must also have at least three (3) years of work experience in the endorsed area in the last eight (8) years for a total of five (5) years; or
- (II) A combination of an associate degree related to the endorsed area and industry certification may be substituted for four (4) years of work experience. In addition, applicant must have at least one (1) year of work experience in the endorsed area in the last eight years (8) for a total of five (5) years; or

(III) A bachelor's degree or higher degree in the endorsed area may be substituted for partial or full credit of work experience depending on the endorsement and related industry; or

(IV) Five (5) years of full-time work experience accrued in the occupational area of endorsement within the last eight (8) years.

~~(i) — Endorsements in Trade and Industrial Education can be obtained through one of five (5) different pathways using work experience, industry certification and postsecondary training. The five (5) possible pathways are:~~

~~(ii) — Credentialed (certificate or diploma) postsecondary training in the endorsed area, or associate degree, or industry certification may substitute for two (2) years of work experience. In addition, applicant must also have at least three (3) years of work experience in the endorsed area in the last eight (8) years for a total of five (5) years; or~~

~~(iii) — A combination of an associate degree related to the endorsed area and industry certification may be substituted for four (4) years of work experience. In addition, applicant must have at least one (1) year of work experience in the endorsed area in the last eight year (8) for a total of five (5) years; or~~

~~(iv) — A bachelor's degree or higher degree in the endorsed area may be substituted for four (4) years of work experience. In addition, applicant must also have at least one (1) year of work experience in the endorsed area — paid or unpaid in the field of criminal justice — in the last eight (8) years for a total of five (5) years; or~~

~~(v) — Five (5) years of full-time work experience accrued in the occupational area of endorsement within the last eight (8) years.~~

~~(vi) — A master's degree or higher in criminal justice may be substituted for the five (5) years of work experience in criminal justice.~~

~~(vii)(iii) A trade and industry teacher shall be a high school graduate or the equivalent, as determined by the General Education Development (GED) test.~~

~~(viii)(iv) Cosmetology and barbering teachers must hold current licensure issued by the respective state licensing board to instruct in Tennessee.~~

(b) Validity of License.

The apprentice occupational education license shall be valid for five (5) years; except that when a teacher becomes employed in a Tennessee public school, the license shall be valid until the teacher has been employed three (3) years at the apprentice level.

(c) Renewal of License.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers	X				
Edwards	X				
Chancey	X				
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 01/31/2014, 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 4-9-14

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



MY COMMISSION EXPIRES:
January 9, 2016

Subscribed and sworn to before me on: 4/9/14

Notary Public Signature: Phyllis E. Childress

My commission expires on: _____

All proposed 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.

RE Cooper, Jr.

Robert E. Cooper, Jr.
Attorney General and Reporter

4-29-14

Date

Department of State Use Only

Filed with the Department of State on: 5/8/14

Effective on: 10/29/14



Tre Hargett
Secretary of State

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SECRETARY OF STATE

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: State Board of Education

DIVISION:

SUBJECT: Library Information Centers

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 49-1-302 and 49-3-305

EFFECTIVE DATES: October 29, 2014 through June 30, 2015

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The proposed rule repeals and modifies current language in Chapter 0520-01-03 of the State Board of Education rule and replaces it with the text included herein. The proposed change updates the language associated with Internet access and electronic library collections to reflect the realities of a 21st century information center. The new language reflects the conditions necessary to create a successful learning environment in a school library information center. It addresses collections in school library information centers; specifically the type, age, and condition of the media. These rules do not address the content of the collection, which is at the sole discretion of the local education agency that oversees the school library information center.

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.

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)

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Sequence Number: 08-10-14
Rule ID(s): 5707
File Date: 5/16/14
Effective Date: 10/29/14

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:	State Board of Education
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 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
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.07	Library Information Center, Requirement F

Chapter 0520-01-03
Minimum Requirements for the Approval of Public Schools
Amendment

(1) School Library Information Center

- (a) All school libraries shall serve as resources for students, teachers, and community members to strengthen student learning. School library information specialists shall work collaboratively with classroom teachers and school administrators to integrate both curricular concepts and information skills that assist research and other learning activities. The collection and the services of the library shall adequately support the curricular priorities within the school.
- (b) School libraries shall provide an environment that allows efficient access to resources, including both print and electronic. Schools must be organized to allow the library program to operate a flexible schedule that allows students and teachers to access resources at the point of need.
- (c) School libraries shall provide parents and community members access to resources, so that the school library information center serves as a community resource.

(2) Library Information Center Personnel

- (a) Elementary/Middle Schools: Schools including grades K-8 or any combination thereof shall provide library information personnel as follows:
 - 1. A school having a current average daily membership of five hundred fifty (550) or more students shall have a full-time library information specialist with endorsement as a library information specialist.
 - 2. A school with a current average daily membership of four hundred (400) to five hundred forty-nine (549) students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
 - 3. In a school with fewer than four hundred (400) students, a faculty member shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, staff member(s) shall be designated to provide supervision to students in the library.
 - 4. It is optimal to have the library open outside the regularly scheduled school day and if library personnel specialist or coordinator is not present, appropriate supervision shall be provided to the students in the library.

(b) High Schools: Schools including any high school grade shall provide library information personnel as follows:

1. A school with a current average daily membership of one thousand five hundred (1,500) or more students shall have two (2) full-time library information specialists, each with endorsement as a library information specialist.
2. A school with a current average daily membership of more than three hundred (300) but less than one thousand five hundred (1,500) students shall have a full-time library information specialist with endorsement as a library information specialist.
3. A school with a current average daily membership of fewer than three hundred (300) students shall have a half-time library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
4. It is optimal to have the library open outside the regularly scheduled school day and if the library information specialist is not present, appropriate supervision shall be provided to the students in the library.

(3) Library Information Center Collection

The three (3) levels of collection standards for Tennessee school libraries are: Basic, Standard, and Exemplary. The criteria by which school library collections are evaluated are listed below:

(a) Item Count

Basic collection - Contains a minimum of twelve (12) items per student in Average Daily Membership (ADM);

Standard collection - Contains fifteen (15) items per student in ADM; and

Exemplary collection - Contains eighteen (18) items per students in ADM.

(b) Collection Compilation

1. Pamphlets, textbooks, class sets, periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection. No more than five (5) copies of the same print title may be counted to meet standards for a minimum number of items per student.
2. Digital resources should be accessible through a school library webpage or Online Public Access Catalog (OPAC) and may comprise fifty percent (50%) of the collection.
3. The library shall provide access to the virtual library administered by the Tennessee State Library and Archives and the library personnel should receive

training. These resources may count for up to twenty percent (20%) of the overall collection or, in schools in which the librarian has received official training within the last five (5) years, they may count for up to thirty percent (30%) of the overall collection.

4. The collection shall include access to a current, complete encyclopedia in any format. In secondary schools, the collection shall also include an unabridged dictionary, one (1) foreign language dictionary in the native language of ESL students in attendance at the school, a local newspaper, and one (1) daily newspaper presenting news on both state and national levels. For digital materials, only full text should be counted in the total.
5. The collection should include a balance of fiction and nonfiction with an appropriate level of text complexity. The resources in the collection should be chosen to: complement and augment the most recently adopted curriculum standards, be a motivational springboard for student research, and encourage self-expression and curiosity by offering a variety of recreational reading material.

(c) Age

Collections meeting the compilation standards are evaluated based on age of the collection as measured in years from the current year:

Basic collection – sixteen (16) years and older;

Standard collection – fifteen (15) years; and

Exemplary collection – fourteen (14) years or less.

(d) Technology - Access to Digital Materials

1. Workstations with Internet access in the library information center are sufficient to provide access for students. The number of workstations should be no less than the maximum average class size allowable by the state. A workstation may be a desktop, laptop, tablet or similar device, but devices available for checkout should not be counted in the total.
2. School libraries should be equipped with instructional technology, including, but not limited to, LCD projector, screen and/or interactive smart board, document camera, computer, etc., and provide user training for such devices.
3. Separate computers must be maintained for both the library management system/circulation and for the library personnel.

(1) School library information center.

- (a) All school library information centers shall serve as resources for students, teachers and community members to strengthen student learning. School library information specialists

~~shall work closely with classroom teachers to integrate both curricular concepts and information skills that assist research and other learning activities. The collection and the services of the library information center shall adequately support the curricular priorities within the school.~~

- ~~(b) School library information centers shall create an environment that allows efficient access to both print and electronic resources. Schools must be organized to allow the library program to operate a flexible schedule that allows students and teachers to access resources at the point of need.~~
- ~~(c) School library information centers shall provide access to parents and community members, so that the school library information center serves as a community resource.~~

~~(2) Library Information Center Personnel~~

- ~~(a) Schools including grades K-8 or any combination thereof shall provide library information personnel as follows:
 - ~~1. A school having a current average daily membership of 550 or more students shall have a full-time library information specialist with endorsement as a library information specialist.~~
 - ~~2. A school with a current average daily membership of 400 to 549 students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, the principal shall designate staff member(s) to provide supervision to the students in the library.~~
 - ~~3. In a school with fewer than 400 students, the principal or staff member designated by the principal, shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, the principal shall designate staff member(s) to provide supervision to students in the library.~~
 - ~~4. When a library is open outside the regularly scheduled school day and the library information specialist is not present, the principal shall designate staff member(s) to provide supervision to students in the library. School boards may develop policies regarding the appropriate use and training of volunteers.~~~~
- ~~(b) Schools including any high school grade shall provide library information personnel as follows:
 - ~~1. A school with a current average daily membership of more than 300 but less than 1,500 students shall have a full-time library information specialist with endorsement as a library information specialist.~~
 - ~~2. A school with a current average daily membership of few than 300 students shall have a half-time library information specialist. During the time that the library is open during~~~~

~~regular school hours and the library information specialist is not present, the principal shall designate staff member(s) to provide supervision to students in the library.~~

- ~~3. A school with a current average daily membership of 1500 or more students shall have two full-time library information specialists, each with endorsement as a library information specialist.~~
- ~~4. When the library is open outside the regularly scheduled school day and the library information specialist is not present, the principal shall designate staff member(s) to provide supervision to the students in the library. School boards may develop policies regarding the appropriate use and training of volunteers.~~

~~(3) Library information center collection.~~

- ~~(a) Print Collection. The collection shall average at least 12 items per student in average daily membership. Pamphlets, textbooks, unbound periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection. The collection shall include at least one set of encyclopedia copyrighted within the last 5 years. In secondary schools, the collection shall also include an unabridged dictionary, a local newspaper, and one daily newspaper presenting news on both state and national levels.~~
- ~~(b) Software Based Collection. Individual CD-ROM discs may be counted as the number of eligible hardbound units they replace. For example, one CD-ROM disc that contains the equivalent of a twenty-volume set of encyclopedias or other reference books may be counted as 20 units. A disc containing the complete works of Shakespeare equivalent to three hardbound volumes may count as three units. Such collections may count no more than 20% of the total collection.~~
- ~~(c) Internet-Based Collection. Internet-based collections and subscriptions may be counted provided the following criteria are met:
 - ~~1. Internet-based connections in the library information center are sufficient to provide access to students at a ratio of a minimum of 100:1.~~
 - ~~2. Internet-based materials count no more than 20% of the collection or subscription requirement. Only full text may count toward the collection total.~~
 - ~~3.1. Internet-based materials may count up to 30% in schools in which the library media specialist has received the Tennessee Electronic Library training.~~~~

Chapter 0520-01-03
Minimum Requirements for the Approval of Public Schools
Amendment

(1) School Library Information Center

- (a) All school libraries shall serve as resources for students, teachers, and community members to strengthen student learning. School library information specialists shall work collaboratively with classroom teachers and school administrators to integrate both curricular concepts and information skills that assist research and other learning activities. The collection and the services of the library shall adequately support the curricular priorities within the school.
- (b) School libraries shall provide an environment that allows efficient access to resources, including both print and electronic. Schools must be organized to allow the library program to operate a flexible schedule that allows students and teachers to access resources at the point of need.
- (c) School libraries shall provide parents and community members access to resources, so that the school library information center serves as a community resource.

(2) Library Information Center Personnel

- (a) Elementary/Middle Schools: Schools including grades K-8 or any combination thereof shall provide library information personnel as follows:
 - 1. A school having a current average daily membership of five hundred fifty (550) or more students shall have a full-time library information specialist with endorsement as a library information specialist.
 - 2. A school with a current average daily membership of four hundred (400) to five hundred forty-nine (549) students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
 - 3. In a school with fewer than four hundred (400) students, a faculty member shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, staff member(s) shall be designated to provide supervision to students in the library.
 - 4. It is optimal to have the library open outside the regularly scheduled school day and if library personnel specialist or coordinator is not present, appropriate supervision shall be provided to the students in the library.

(b) High Schools: Schools including any high school grade shall provide library information personnel as follows:

1. A school with a current average daily membership of one thousand five hundred (1,500) or more students shall have two (2) full-time library information specialists, each with endorsement as a library information specialist.
2. A school with a current average daily membership of more than three hundred (300) but less than one thousand five hundred (1,500) students shall have a full-time library information specialist with endorsement as a library information specialist.
3. A school with a current average daily membership of fewer than three hundred (300) students shall have a half-time library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
4. It is optimal to have the library open outside the regularly scheduled school day and if the library information specialist is not present, appropriate supervision shall be provided to the students in the library.

(3) Library Information Center Collection

The three (3) levels of collection standards for Tennessee school libraries are: Basic, Standard, and Exemplary. The criteria by which school library collections are evaluated are listed below:

(a) Item Count

Basic collection - Contains a minimum of twelve (12) items per student in Average Daily Membership (ADM);

Standard collection - Contains fifteen (15) items per student in ADM; and

Exemplary collection - Contains eighteen (18) items per students in ADM.

(b) Collection Compilation

1. Pamphlets, textbooks, class sets, periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection. No more than five (5) copies of the same print title may be counted to meet standards for a minimum number of items per student.
2. Digital resources should be accessible through a school library webpage or Online Public Access Catalog (OPAC) and may comprise fifty percent (50%) of the collection.
3. The library shall provide access to the virtual library administered by the Tennessee State Library and Archives and the library personnel should receive

training. These resources may count for up to twenty percent (20%) of the overall collection or, in schools in which the librarian has received official training within the last five (5) years, they may count for up to thirty percent (30%) of the overall collection.

4. The collection shall include access to a current, complete encyclopedia in any format. In secondary schools, the collection shall also include an unabridged dictionary, one (1) foreign language dictionary in the native language of ESL students in attendance at the school, a local newspaper, and one (1) daily newspaper presenting news on both state and national levels. For digital materials, only full text should be counted in the total.
5. The collection should include a balance of fiction and nonfiction with an appropriate level of text complexity. The resources in the collection should be chosen to: complement and augment the most recently adopted curriculum standards, be a motivational springboard for student research, and encourage self-expression and curiosity by offering a variety of recreational reading material.

(c) Age

Collections meeting the compilation standards are evaluated based on age of the collection as measured in years from the current year:

Basic collection – sixteen (16) years and older;

Standard collection – fifteen (15) years; and

Exemplary collection – fourteen (14) years or less.

(d) Technology - Access to Digital Materials

1. Workstations with Internet access in the library information center are sufficient to provide access for students. The number of workstations should be no less than the maximum average class size allowable by the state. A workstation may be a desktop, laptop, tablet or similar device, but devices available for checkout should not be counted in the total.
2. School libraries should be equipped with instructional technology, including, but not limited to, LCD projector, screen and/or interactive smart board, document camera, computer, etc., and provide user training for such devices.
3. Separate computers must be maintained for both the library management system/circulation and for the library personnel.

(1) School library information center.

- (a) All school library information centers shall serve as resources for students, teachers and community members to strengthen student learning. School library information specialists

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~~(a) Schools including grades K-8 or any combination thereof shall provide library information personnel as follows:~~

~~1. A school having a current average daily membership of 550 or more students shall have a full-time library information specialist with endorsement as a library information specialist.~~

~~2. A school with a current average daily membership of 400 to 549 students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, the principal shall designate staff member(s) to provide supervision to the students in the library.~~

~~3. In a school with fewer than 400 students, the principal or staff member designated by the principal, shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, the principal shall designate staff member(s) to provide supervision to students in the library.~~

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~~(b) Schools including any high school grade shall provide library information personnel as follows:~~

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~~(a) Print Collection.—The collection shall average at least 12 items per student in average daily membership. Pamphlets, textbooks, unbound periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection. The collection shall include at least one set of encyclopedia copyrighted within the last 5 years. In secondary schools, the collection shall also include an unabridged dictionary, a local newspaper, and one daily newspaper presenting news on both state and national levels.~~

~~(b) Software Based Collection.—Individual CD-ROM discs may be counted as the number of eligible hardbound units they replace. For example, one CD-ROM disc that contains the equivalent of a twenty-volume set of encyclopedias or other reference books may be counted as 20 units. A disc containing the complete works of Shakespeare equivalent to three hardbound volumes may count as three units. Such collections may count no more than 20% of the total collection.~~

~~(c) Internet-Based Collection.—Internet-based collections and subscriptions may be counted provided the following criteria are met:~~

~~1.—Internet-based connections in the library information center are sufficient to provide access to students at a ratio of a minimum of 100:1.~~

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Chapter 0520-01-03
Minimum Requirements for the Approval of Public Schools
Amendment

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers	X				
Edwards	X				
Chancey	X				
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 01/31/2014, 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 5/1/14

Signature: [Handwritten Signature]

Name of Officer: Dannelle F. Walker

Title of Officer: General Counsel



Subscribed and sworn to before me on: 5/1/14

Notary Public Signature: [Handwritten Signature]

My commission expires on: _____

All proposed 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
5-9-14
 Date

Department of State Use Only

Filed with the Department of State on: 5/16/14

Effective on: 10/29/14



Tre Hargett
Secretary of State

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G.O.C. STAFF RULE ABSTRACT

AGENCY/BOARD/COMMISSION: Department of Environment and Conservation

DIVISION: Water Resources

SUBJECT: Water and Wastewater Operator Certification

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 4-5-201 *et seq.*, 68-203-101 *et seq.*, and 68-221-901 *et seq.*

EFFECTIVE DATES: August 19, 2014 through June 30, 2015

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The Water and Wastewater Operator Certification Act (formally known as the Water Environmental Health Act), §§ 68-221-901 *et seq.*, authorizes a system of certification of operators and penalties for noncompliance. The purpose of the Act is to prevent inadequate operation of water and wastewater systems. The Act was amended in 2013 (2013 Tenn. Pub. Acts 362) to change, among other things, the procedure for revocation of an operator's certification. Currently, Rule 1200-05-03-.11 conflicts with the Act as amended. This rulemaking resolves this conflict and outlines a procedure that complies with the Act and § 4-5-320.

This rulemaking also amends the rules to authorize the Board to approve each one semester hour, instead of two semester hours, or one and one-half quarter hours, instead of three-quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified water treatment plant operator, water distribution system operator and wastewater treatment plant operator. In addition, this rulemaking amends Rule 0400-49-01-.06(3)(d) to include transient non-community water systems that have a ground water source not under the direct influence of surface water and serve less than one hundred (100) service connections as small water systems, provided the system does not use any treatment other than disinfection or cartridge filtration. The Board believes that to protect public health and the environment operators of these transient systems must receive the

appropriate level of training. Based on the Department and Board's experience, the level of training required by this amendment, though it is a reduced level, will continue to adequately protect public health and the environment. Prior to this rulemaking, these operators were required to receive a greater level of training.

This rulemaking is also intended to move the rules from Chapter 1200-05-03 to Chapter 0400-49-01, to repeal Chapter 1200-05-06, which is no longer needed, and to edit the document to correct typos and incorrect references.

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.

Comment: A commenter stated that the Tennessee Association of Utility Districts (TAUD) supports the proposed changes.

Response: The Tennessee Water and Wastewater Operator Certification Board acknowledges TAUD's support.

Comment: A commenter brought to the division's attention a problem with language for the classification of Small Water Systems. The language as written requires transient systems with over 50 service connections to obtain a Water Treatment 1 and Distribution 1 license or higher.

Health risk associated with transient systems is usually relatively low due to the number of persons served and the relative exposure (i.e., rest areas, country stores, campgrounds do not serve the same people repeatedly and any exposure is generally of short duration). Additionally, if the transient systems are using ground water sources not under the direct influence of surface water the biggest health risk is from low levels of pathogenic organisms that can easily be controlled with disinfection and physical barriers. Neither disinfection nor cartridge filters are considered complex treatment.

Transient Non-Community Water Systems (TNCWS) are overwhelmingly small businesses, usually owner operated, and typically discover that they are a regulated entity after the business has been in operation. They generally do not possess the desire, experience, or technical ability to qualify to sit for advanced licensing tests.

Because the typical TNCWS owner operator will not possess a Water Treatment 1 or Distribution 1 license or higher and because they will not be able to sit for the test(s) for at least one year, they would most likely have to hire a part time contract operator to represent the system and sign MORs. The reality is that the owner operator will still be the person conducting the daily monitoring and maintenance of the system. Money will be spent by an often struggling start up business for someone to simply sign a report.

Water Treatment 1 and Distribution 1 licenses are not reflective of a typical TNCWS structure, which can be as simple as a well with minimal treatment and internal building plumbing supplying water to a kitchen and bathrooms.

Additionally, EPA specifically excluded the transient systems from the requirement for States to establish a classification under the certified operator program. Therefore, TDEC should have some flexibility to modify the rules to account for the special circumstances for TNCWS.

Response: Although EPA has not specifically dictated the training requirement for operators of transient systems, some level of training is required. The board agrees that training is necessary for these systems and that the level of training must be commensurate with the knowledge and skill necessary to protect public health and the environment. Subparagraph (3)(d) of Rule 0400-49-01-.06 has been amended to include transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than one-hundred (100) service connections as small water systems, provided the system does not use any treatment other than disinfection and/or cartridge filtration. This classification requires operators of these Transient Non-Community Water Systems to receive the correct amount of training and not a greater level of training that is not justified in these cases.

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.

The Water and Wastewater Operator Certification Act (Act) (formally known as the "Water Environmental Health Act"), T.C.A. §§ 68-221-901 et seq., authorizes a system of certification of operators and penalties for non-compliance. The purpose of the Act is to prevent inadequate operation of water and wastewater systems. The Act was amended in 2013 (2013 Tenn. Pub. Acts 362) to change, among other things, the procedure for revocation of an operator's certification. Currently, Rule 1200-05-03-.11 conflicts with the Act as amended. This rulemaking resolves this conflict and outlines a procedure that complies with the Act and the Uniform Administrative Procedures Act, T.C.A. § 4-5-320 Proceedings Affecting Licenses.

This rulemaking also amends the rules to authorize the Board to approve each one semester hour, instead of two semester hours, or one and one half quarter hours, instead of three quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified water treatment plant operator, water distribution system operator and wastewater treatment plant operator. In addition, this rulemaking amends Rule 0400-49-01-.06(3)(d) to include transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than one-hundred (100) service connections as small water systems, provided the system does not use any treatment other than disinfection and/or cartridge filtration. The board believes that to protect public health and the environment that operators of these transient systems must receive the appropriate level of training. Based on the Department and Board's experience, the level of training required by this amendment, though it is a reduced level, will continue to adequately protect public health and the environment. Prior to this rulemaking, these operators were required to receive a greater level of training.

This rulemaking is also intended to move the rules from Chapter 1200-05-03 to Chapter 0400-49-01, to repeal Chapter 1200-05-06, which is no longer needed, and to edit the document to correct typos and incorrect references.

- (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.

Public Water Systems and Wastewater Treatment and Collection systems together with Certified Water and Wastewater Operators would be directly affected by this rule.

- (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.

There are no additional costs associated with this rulemaking.

- (3) A statement of the probable effect on impacted small businesses and consumers.

There is no impact on consumers resulting from this rulemaking. This rulemaking will impact the process that is followed to revoke or suspend a certificate issued to water and wastewater operators and allows the Board to adjust the qualification criteria with regard academic study and job experience, and bring regulatory relief to owners and operators of transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than one-hundred (100) service connections as small water systems, provided the system does not use any treatment other than disinfection and/or cartridge filtration.

- (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.

There are no alternative methods available.

- (5) A comparison of the proposed rule with any federal or state counterparts.

Federal law does not specify the training required for operators of transient systems, but does require the states to establish an appropriate training program.

- (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.

To accomplish the goal of this rulemaking an exemption of small businesses is not possible.

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 this rulemaking will have an impact on local governments.

Department of State
Division of Publications
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 Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 05-15-14
 Rule ID(s): 5709-5711
 File Date: 5/21/14
 Effective Date: 9/19/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Environment and Conservation
Division:	Water Resources
Contact Person:	Sherry Messick
Address:	J. R. Fleming Environmental Training Center 2022 Blanton Drive Murfreesboro, Tennessee
Zip:	37129
Phone:	(615) 898-8090
Email:	Sherry.Messick@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
0400-49-01	Rules Governing Water and Wastewater Operator Certification
Rule Number	Rule Title
0400-49-01-.01	Application for Certificate
0400-49-01-.02	Examinations
0400-49-01-.03	Fees
0400-49-01-.04	General
0400-49-01-.05	Definitions
0400-49-01-.06	Classifications of Water Treatment Plants and Water Distribution Systems
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1200-05-03-.12	Civil Penalties
1200-05-03-.13	Repealed

Chapter Number	Chapter Title
1200-05-06	Rules of Procedure for Hearing Contested Cases before the Water and Wastewater Operations Board of Certification

(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>)

Repeals

Chapter 1200-05-03 Rules Governing Water and Wastewater Operator Certification is repealed.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

Chapter 1200-05-06 Rules of Procedure for Hearing Contested Cases before the Water and Wastewater Operations Board of Certification is repealed.

Authority: T.C.A. § 68-221-901 et seq. and 4-5-201 et seq.

New Rules

Chapter 0400-49-01 Rules Governing Water and Wastewater Operator Certification

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~~1200-05-03-.01~~ 0400-49-01-.01 Application for Certificate.

- (1) Application for certification by examination.
 - (a) A separate application for each certification shall be made on an original form approved by the Board for that purpose and available upon request from the Secretary of the Board.
 - (b) An application for certification must be submitted to the Secretary of the Board and include the following items:
 1. A sworn and notarized application signed by the applicant.
 2. Payment of a non-refundable \$100.00 fee for each application for examination.
 3. A copy of any verifying document in support of an application must be submitted with the application unless the applicant has previously provided such documentation to the Secretary of the Board. This includes, but is not limited to, proof of high school education or equivalent of the applicant. College transcripts, if needed to document experience credit, must be submitted directly from the college and/or university to the Secretary to the Board. Credit for enrollment in special training courses and programs will only be granted to an applicant upon verification that he/she satisfactorily completed all course or program requirements. If training credit is requested, a copy of a course attendance card, a class roster, or a certificate of completion must be submitted to the Secretary. Verification of work experience must be provided in a written document signed by a certified operator of a similar or higher classification, familiar with the applicant's work experience. However, if no such person is available, it may be documented by a person

in authority with the system. The Board may exempt applicants from the verification of work experience requirement where there are unusual circumstances.

- (c) A complete application must be received by the Secretary sixty (60) days or more in advance of the scheduled examination date for consideration. Applications received less than sixty (60) days prior to an examination date will be reviewed for the next examination. Upon written request by an applicant, the Board may choose to review, at the next Board meeting, a late exam application where extenuating circumstances contribute to the delay.
 - (d) Applications will be reviewed for completeness and for compliance with the requirements of Rules ~~1200-05-03-07~~ 0400-49-01-07 and ~~1200-05-03-09~~ 0400-49-01-09 for education and experience by staff of the Board under the supervision of the Secretary. The operating experience of an applicant will be determined through the end of the month in which the examination for the operator classification desired is given.
 - 1. Applications which are not complete or which provide inadequate information to allow a reasonable judgment of experience and/or education shall either be returned to the applicant by the Secretary for amendment or the Secretary may request additional information from the applicant. Upon notification of a deficiency in an application by the Secretary, the applicant shall have ten (10) days or up to the Board meeting date, whichever date comes first, to submit the required information. If an amendment to the application is not received by the aforementioned date, the application will be denied, and the applicant must submit a new application and fees for further consideration.
 - 2. The staff of the Board under the supervision of the Secretary shall make a recommendation to approve, disapprove, or refer to the Board each applicant with a complete application.
 - 3. Upon consideration of the recommendation of the Secretary and after any evaluation considered desirable by the Board, the Board shall act to approve or disapprove all applicants with complete applications.
 - 4. If an application for examination is denied, the applicant must submit a new application with fees for consideration for any future examination.
- (2) Application for certification by reciprocity.
- (a) A separate application for each certification shall be made on an original form approved by the Board for that purpose and available upon request from the Secretary of the Board.
 - (b) An application for certification must be submitted to the Secretary of the Board and include the following items:
 - 1. A sworn and notarized application signed by the applicant.
 - 2. Payment of a non-refundable \$100.00 for each application for reciprocity.
 - 3. A copy of any verifying document in support of an application must be submitted with the application unless the applicant has previously provided such documentation to the Secretary of the Board. This includes, but is not limited to, proof of high school education or equivalent of the applicant. College transcripts, if needed to document experience credit, must be submitted directly from the college and/or university to the Secretary to the Board. Credit for enrollment in special training courses and programs will only be granted to an applicant upon verification that he/she satisfactorily completed all course or program requirements. If training credit is requested, a copy of a course attendance card, a class roster, or a certificate of completion must be submitted to the Secretary.
 - (c) A complete application must be received by the Secretary sixty (60) days or more in advance of the scheduled Board meeting date for consideration. Applications received less than sixty (60) days prior to the Board meeting date will be reviewed at the next Board meeting. Upon written

request by an applicant, the Board may choose to review a late reciprocity application where extenuating circumstances occur.

- (d) Applications will be reviewed for completeness and for compliance with the requirements of Rules ~~1200-05-03-.07~~ 0400-49-01-.07 and ~~1200-05-03-.09~~ 0400-49-01-.09 for education and experience by staff of the Board under the supervision of the Secretary.
1. Applications which are not complete or which provide inadequate information to allow a reasonable judgment of experience and/or education shall either be returned to the applicant by the Secretary for amendment or the Secretary may request additional information from the applicant. Upon notification of a deficiency in an application by the Secretary, the applicant shall have ten (10) days or up to the Board meeting date, whichever date comes first, to submit the deficient information. If an amendment to the application is not received by the aforementioned date, the application will be denied, and the applicant must submit a new application with fees for further consideration.
 2. Verification of certification from the reciprocating state must be received before staff of the Board can make a recommendation and before the application can be offered to the Board for review.
 3. The staff of the Board under the supervision of the Secretary shall make a recommendation to approve, disapprove, or refer to the Board each applicant with a complete application.
 4. Upon consideration of the recommendation of the Secretary and after any evaluation considered desirable by the Board, the Board shall act to approve or disapprove all applicants with complete applications.
 5. If an application for reciprocity is denied, the applicant must submit a new application with fees for consideration for any future reciprocity requests.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.02~~ 0400-49-01-.02 Examinations.

- (1) All examinations shall be written except that the Board may approve alternate examination methods if an applicant has a disability which would prevent him/her from taking a written examination.
- (2) All examinations shall be taken by the applicant without the assistance of course text materials, student notes, computer stored materials, or other materials.
- (3) The examination may contain one or more of the following type questions: matching, multiple choice, true-false, discussion, short answer, and problems.
- (4) An applicant who correctly scores at least seventy percent (70%) on a written examination, and who is otherwise eligible, shall receive a certificate of competency.
- (5) An applicant shall be notified in writing whether his/her examination score was satisfactory for the issuance of a certificate.
- (6) An applicant who fails to achieve a satisfactory score may reapply for the next examination by submitting an abbreviated application for examination with fees, but he/she shall not be eligible to take another examination for the particular operator classification which he/she failed until five months have elapsed from the date that examination was taken.
- (7) All examinations shall be administered by the Board or its authorized representatives who are empowered to maintain the integrity of all examinations.
- (8) (a) An applicant shall be guilty of cheating upon a written examination who does an act including, but not limited to, the following:

1. violates paragraph (2) of this rule; or
 2. without express authorization from examination officials,
 - (i) removes examination materials furnished by the Board or the written examination itself, in whole or in part, from the examination room, or
 - (ii) aids another applicant in answering examination questions during a written examination; or
 3. violates the examination rules.
- (b) Upon a determination by the Commissioner that an applicant is guilty of cheating upon a written examination for a particular operator classification, the applicant shall not be issued an initial certificate of competency for that classification.
- (c) An applicant shall be ineligible to again apply for certification in that same operator classification for one year from the date the determination of cheating becomes final.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.03~~ 0400-49-01-.03 Fees.

(1) Fees for Certification

- (a) Fees for certification shall be required of each applicant and paid in advance as follows:
1. Application fee for each operator examination or reciprocity request applied for..... \$100.~~00~~
 2. Discount annual renewal fee for each operator certificate:
(Payment prior to February 1)..... \$30.~~00~~
 3. Standard annual renewal fee for each operator certificate:
(Payment from February 1 through June 30.)..... \$60.~~00~~
- (b) No application fee will be returned.
- (c) Upon payment of an application fee and approval by the Board, an applicant may take any one scheduled examination during the following twelve (12) months. If an applicant chooses not to take or fails to appear for, the first examination offered after receiving approval, the applicant must register on a form approved by the Board to be scheduled for a subsequent exam within the established time. The registration must occur sixty (60) days in advance of the examination he/she wishes to take. If an applicant does not take the examination within twelve (12) months of the Board's approval, he/she must reapply by submitting a new application with fees in order to be considered to take a subsequent examination.
- (d) Each year a certified operator shall submit to the Board for the following year a completed certificate renewal application and a fee for the renewal of each operator certificate he/she possesses. Applications received prior to February 1 of each year shall be subject to discount renewal fees. Applications received February 1 through June 30 of each year shall be subject to standard renewal fees. Any person failing to meet the June 30 deadline may, within sixty (60) days of the deadline, request that the Board grant a variance. A variance may be granted when the delay was caused by Board or staff error, Board action, or documented postal error. A completed certificate renewal application or appropriate annual renewal fee for an expired certificate not received by the Board by June 30 shall preclude the recertification of the operator in his/her expired classification until he/she shall have fulfilled all the requirements for the issuance of an initial certificate in that classification, including the satisfactory completion of a

written examination. When an operator classification is upgraded, the certificate he/she was upgraded from becomes void; and no additional fee payment is necessary until renewal.

(2) Fees for Cross Connection Control Training Registration

(a) Fees for Cross Connection Control Training registration shall be required of each person and paid in advance as follows:

1. Registration fee for a Cross Connection Control Basic Class (full time employees of public water systems as defined in T.C.A. § 68-221-703 and Department employees who assist with cross connection control training or testing classes are exempt) \$275.00
2. Registration fee for a Cross Connection Control Renewal Class (full time employees of public water systems as defined in T.C.A. § 68-221-703 and Department employees who assist with cross connection control training or testing classes are exempt)\$110.00

(b) No registration fee will be returned.

(c) The registration fee must be received thirty (30) days in advance of the class he/she wishes to take.

(3) Fees for Cross Connection Control Testing Application

(a) Fees for Cross Connection Control Testing Application shall be required of each person and paid in advance as follows:

1. Application for a Cross Connection ~~e~~Control Basic Test (Department employees who assist with cross connection control training or testing are exempt)\$60.00
2. Application fee for Cross Connection Control Renewal Test (Department employees who assist with cross connection control training or testing are exempt) \$60.00

(b) Application fees are not refundable or transferable.

(c) The application for testing conducted by the Department must be received a minimum of thirty (30) days in advance of the test he/she wishes to take, however, applications from private institutions may be received the day the test materials are submitted to the Fleming Training Center.

(d) Prior to sitting for a test, an applicant must present proof of completion of training accepted by the Department for the appropriate test. Basic training may be accepted by the Department if it has a minimum class length of 480 minutes (300 minutes minimum in classroom), including but not limited to the following topics: hydraulic and backflow principles, theory of backflow and cross connection, codes and regulations of a cross connection control program, responsibilities and actions in a cross connection control program and mechanical equipment for cross connection control. Acceptable training must also provide a minimum of one working practice station and test kit for each three students. Renewal training may be accepted by the Department if it has a minimum class length of 300 minutes (180 minutes minimum in classroom) including but not limited to the following topics: hydraulic and backflow principles, theory of backflow and cross connection, codes and regulations of a cross connection control program, responsibilities and actions in a cross connection control program and mechanical equipment for cross connection control. Acceptable training must also provide a minimum of one working station and test kit for each three students.

(e) An applicant must take the test within twelve (12) months of receipt of the training certificate.

Authority: T.C.A. §§ 68-203-101 et seq., 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.04~~ 0400-49-01-.04 General.

- (1) Certification under ~~Tennessee Code Annotated T.C.A. §§~~ 68-221-901 et seq., being the “Water ~~Environmental Health and Wastewater Operator Certification~~ Act,” is available to any operator of a water treatment plant, a wastewater treatment plant, a water distribution system, or a wastewater collection system who meets the minimum qualifications of a given classification.
- (2) Each person in direct charge at a water treatment plant, a wastewater treatment plant, a water distribution system, or a wastewater collection system shall hold a certificate in a grade equal to or higher than the grade of the treatment plant, distribution system, or collection system he/she operates. The grade of a facility will be established by the criteria set forth in this chapter of rules.
- (3) All operating personnel making process control/system integrity decisions about water quality or quantity that affect public health must be certified. A designated certified operator must be available for each operating shift.
- (4) Each water supply system and wastewater system required to have a certified operator shall, no later than the first day of August annually, inform the Board, through its designated ~~agents agent~~, the Division of Water ~~Supply Resources for water and distribution operators and the Division of Water Pollution Control for wastewater and collection operators~~, in writing of the name of each person who is a certified operator in direct charge of any water treatment plant, wastewater treatment plant, water distribution system or wastewater collection system it operates. A system shall notify the Division of Water ~~Supply Resources for water treatment plant and distribution system operators and the Division of Water Pollution Control for wastewater treatment plant and collection system operators~~ in writing within thirty (30) days of its loss of the services of a certified operator in direct charge.
- (5) A certified operator shall be responsible for keeping the Board Secretary informed of his/her current address.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.05~~ 0400-49-01-.05 Definitions.

- (1) “Available” means that a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner, based on system size, complexity and the quality of either the source water or the receiving stream.
- (2) “Board” means the board of certification as described in T.C.A. § 68-221-905.
- (3) “Commissioner” and “Department” mean the Commissioner of the ~~Tennessee~~ Department of Environment and Conservation ~~of the State of Tennessee~~ or his/her duly authorized representative.
- (4) “Operating Shift” is that period of time during which operator decisions that affect public health are necessary for proper operation of the system.
- (5) “Process control/system integrity decisions” means decisions regarding the manipulation of equipment, chemicals or processes that determine the quality and quantity of the water supplied by a water treatment plant or a water distribution system, or the quality of the effluent from a wastewater treatment plant or the integrity of a wastewater collection system.
- (6) “Person in direct charge” as used in these rules means the person or persons expressly designated to be in direct charge and so named in writing to the Board’s authorized representative by each water supply system and wastewater system, whose decisions and directions to system personnel control the manipulation of equipment and thereby determine the quality and quantity of the water supplied by a water treatment plant or a water distribution system, or the quality of the effluent from a wastewater treatment plant or the integrity of a wastewater collection system.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.06~~ 0400-49-01-.06 Classification of Water Treatment Plants and Water Distribution Systems.

- (1) Water treatment plants shall be classified by the Board or its authorized representative into one of five groups, designated either as Small Water, Grade I, II, III, or IV. These classifications shall be made according to the number of population served, the type of treatment plant, and the complexity of treatment required for a particular water.
- (2) The classification of a water treatment plant or a water distribution system may be changed by the Board or its authorized representative because of changes in the conditions or the circumstances upon which the original classification was based. Notice of such a classification change shall be given to the management officers of the plant or system.
- (3) Types of Water Systems:

(a) Water Treatment. A water treatment plant using filtration, iron removal, and/or lime-soda softening processes or requiring chemical or bacteriological control of operation will be classified in accordance with the following point totals:

Grade IV	61 or more points
Grade III	35 to 60 points
Grade II	16 to 34 points
Grade I	15 or less points

Point totals for plant classification shall be computed in accordance with the following rating value criteria:

Rating Value
Points

Design Flow - For every one million gallons per day design capacity, or fraction thereof, a plant will be awarded a rating value of: 1 pt.

Water Supply Source - Based upon the type and quality of the raw water source, a plant will be awarded rating values of:

Groundwater	3 pts.
Ground water under the direct influence of surface water.....	5 pts.
Surface water.....	5 pts.
Average raw water quality.....	0-10 pts.*

Treatment Process - A plant employing any of the following treatment processes will be awarded rating values of:

Aeration	4 pts.
Presettling	2 pts.
Flash mix	2 pts.
Coagulation.....	6 pts.
Flocculation	5 pts.
Settling	5 pts.
Upflow Solids Contact	8 pts.
Lime softening	5 pts.
Gravity Filtration	
slow sand	2 pts.
rapid	6 pts.
Pressure Filtration	3 pts.
Recarbonation	3 pts.
Membrane Filtration	20 pts.
Activated alumina	10 pts.
Ion Exchange	5 pts.

Chemical Treatment - A plant utilizing any of the following chemicals or chemical treatment processes will be awarded rating values of:

Fluoridation	3 pts.	
Disinfection		
Gaseous chlorine	5 pts.	
Liquid or powdered chlorine	3 pts.	
Chlorine dioxide	7 pts.	
Ozonization (on-site generation)	10 pts.	
On-site generation of Chlorine	5 pts.	
Mixed Oxidants	7 pts.	
UV Light	3 pts.	
Taste and Odor Control		
Peroxide	3 pts.	
Potassium Permanganate	2 pts.	
Powdered activated carbon	4 pts.	
Activated carbon columns	6 pts.	
Activated carbon slurry	8 pts.	
Chemical Stabilization (polyphosphate, Soda Ash, etc.)		4 pts.

Laboratory Control by Plant Personnel - Based upon the type and the difficulty of the laboratory work performed at a plant, a plant will be awarded rating values of:

Bacteriological	0-10 pts.*
Chemical	0-10 pts.*

Total Points **

* See Table 1

** If a rating value points total would not accurately reflect special conditions at a plant and a material distortion in its rating would occur, the Board will establish the classification of the plant after a review of its special conditions.

Table 1

*Average Raw Water Quality - Points are assigned to a plant as follows:

Raw water quality varies enough to require treatment process changes less than thirty-six (36) days each calendar year	2 pts.
Raw water quality varies enough to require treatment process changes thirty-six (36) days or more each calendar year	5 pts.
Raw water quality varies enough to require treatment process changes due to existing industrial waste pollution sources	10 pts.

*Laboratory Control by Plant Personnel (Bacteriological) - Points are assigned in accordance with the type of laboratory control performed at the plant:

Lab work done outside of plant	0 pts.
Enzyme Substrate Method	4 pts.
Membrane filter procedure	5 pts.
Fermentation tubes or any dilution method	7 pts.
Biological identification	10 pts.

*Laboratory Control by Plant Personnel (Chemical) - Points are assigned in accordance with the type of laboratory control performed at the plant:

Lab work done outside the plant	0 pts.
---------------------------------------	--------

Colorimetric methods for simple tests such as chlorine, pH	3 pts.
Procedures such as titration, jar tests	5 pts.
More advanced determinations including inorganics	7 pts.
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10 pts.

- (b) Grade I Distribution. This classification is for a water distribution system that serves at least fifty (50) service connections but no more than five thousand (5,000) service connections. This classification serves as a certificate to operate a small water system.
- (c) Grade II Distribution. This classification is for a water distribution system that serves more than five thousand (5,000) service connections. This classification serves as a certificate to operate a small water system.
- (d) Small Water Systems. This classification includes:
 - 1. all All community and non-transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than fifty (50) service connections, provided the system does not use any treatment other than disinfection, and those systems which purchase water for resale and serve less than fifty (50) service connections; and
 - 2. Transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than one-hundred (100) service connections, provided the system does not use any treatment other than disinfection and/or cartridge filtration.

This classification serves as a distribution system certification for those systems meeting the definition of a small water system.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-07~~ ~~0400-49-01-07~~ Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators.

- (1) (a) Grade IV Water Treatment Plant Operator - Certification as an operator in this classification will be made only upon the satisfactory completion by the applicant of the requirements of either subparagraph part ~~(1)(a)~~1 or ~~(1)(a)~~2 of this rule subparagraph.
 - 1. An applicant must have a bachelor degree in engineering, chemistry or a related science from an accredited college or university, must have twelve (12) months of operating experience at a Grade III or a Grade IV Water Treatment plant, and must satisfactorily complete a written examination.
 - 2. An applicant must have a high school education or equivalent, must have sixty (60) months of operating experience at a Grade III or a Grade IV Water Treatment plant, and must satisfactorily complete a written examination. Within the discretion of the Board, college course work in related science or engineering courses satisfactorily completed or Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training may be credited toward the required operating experience to a maximum equivalency of thirty-six (36) months.
 - 3. To receive full time operating experience credit, a minimum of 100% of the activities must be work experience duties. The Board reserves the right to adjust calendar months of experience to a reduced number of months of experience where it is obvious that an applicant's experience routinely includes other duties. The Board encourages documented apprenticeship training programs and classroom training provided by the employer to better prepare an operator to make decisions in plant operation to assure public health protection.

(b) Grade III Water Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade III water treatment plant or twelve (12) months at a Grade II and six months at a Grade III, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(c) Grade II Water Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade I or a Grade II Water Treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(d) Grade I Water Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade I water treatment plant or a small water system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(e) Small Water System Operator - An applicant must have a high school education or equivalent, and must have three (3) months of experience in a water system classified as a "small water system" and must satisfactorily complete a written examination.

(f) Grades I & II Water Distribution System Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a water distribution system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training including installation, operation, maintenance and repair of distribution systems, satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(2) Initial Reclassifications under Resulting from Amendments to this Chapter of Rules

- (a) The reclassification of a water treatment plant or a water distribution system that immediately occurs as a result of amendments to this chapter ~~of rules~~ shall not reduce the operator classification of a certified operator then employed at that plant or system to a lower operator classification.
 - (b) The reclassification of a water treatment plant or a water distribution system that immediately occurs as a result of amendments to this chapter ~~of rules~~ shall raise the operator classification of a certified operator then employed at that plant or system to a higher operator classification equivalent with the new classification of the plant or system. This subparagraph shall apply only to a certified operator whose operator classification, immediately prior to reclassification of the plant or system pursuant to amendments to this chapter ~~of rules~~, is at least equivalent with the classification of the plant or system at which he/she is employed.
 - (c) An applicant for examination who is employed at a water treatment plant or a water distribution system that has been reclassified by the Department and certified at the appropriate level may have his/her experience at the facility applied at a rate equal to the level of the reclassified facility.
 - (d) An operator classification authorized under prior rules that is eliminated upon amendments to this chapter ~~of rules~~ becoming effective shall be reclassified to the highest comparable operator classification authorized under these rules.
 - (e) An operator's classification may be changed by the Board if the operator is employed at a water plant or distribution system that has been incorrectly classified by the Department for one year or more. The operator must hold a valid certificate equal to the incorrect plant or system classification and must have applied for and achieved the certificate based on the incorrect classification.
- (3) Operating Experience Credit for Approved Study
- (a) For part (1)(a)2 of this rule, the Board may approve for each ~~two one (1)~~ semester ~~hours hour~~, or three one and one half (1½) quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.
 - (b) For parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, and (1)(f)1 of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence courses, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.
- (4) Work Experience
- (a) The Board may approve the water treatment operating experience required in parts (1)(a)1, (1)(a)2, (1)(b)1, (1)(c)1, and (1)(d)1 of this rule in two (2) or more of the following work experience duties:

Operation and/or maintenance of:

- Pretreatment systems
- Coagulant feed systems
- Filtration systems
- Fluoride feed systems
- Stabilization feed systems
- Hypochlorination systems
- Gas chlorination systems
- Pumps and/or motors
- Laboratory Control Tests
- Interpretation and plant adjustments

- (b) An operator applying for a Grade IV water treatment system certification may be granted partial credit by the Board for up to sixty percent (60%) of any approved operating experience obtained in a wastewater system.
- (c) The Board may approve the distribution system operating experience required in part (1)(f)1 of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pumps
- Booster stations
- Fire hydrants
- Valves
- Storage tanks
- Distribution system flushing
- Pipeline installation
- Tap installation
- Leak detection
- Leak repairs
- Cross connection control

(5) Summary of Water Treatment Plant and Distribution System Operator Education and Experience Requirements

Water Treatment Plant Operators

Classification	Experience			Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education	BS Degree		
Grade IV	Gained at a Grade III or IV Water Plant	*60 months	12 Months	36 Months	36 Months
*Regardless of the substitution allowances, a minimum of 1 year of actual work experience is required					
Grade III	Gained at a Grade III Water Plant	12 Months		3 Months	
	Gained at a Grade II and Gained at a Grade III	12 Months 6 Months		3 Months	
Grade II	Gained at a Grade I or II Water Plant	12 Months		3 Months	
Grade I	Gained at a Grade I Water Plant or SWS	12 Months		3 Months	
Grade SWS	Gained at a Small Water System (SWS)	3 Months			

Distribution System Operators

Classification	Experience		Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education		
Grade II	Gained at a Distribution I or II System	12 Months	3 Months	
Grade I	Gained at a Distribution I or II System	12 Months	3 Months	

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.08~~ 0400-49-01-.08 Classification of Wastewater Treatment Plants and Wastewater Collection Systems.

- (1) Wastewater treatment plants shall be classified by the Board or its authorized representative into one of five groups, designated either as Biological/Natural, Grade I, II, III, or IV. These classifications shall be made in accordance with the point total scheme below which takes into account the design flow of the plant, its type of unit processes, its character, and the volume of wastewater it treats.
- (2) The term "collection system" means a system for the collection and transmission of wastewater to a treatment plant.
- (3) The classification of a wastewater treatment plant or a wastewater collection system may be changed by the Board or its authorized representative because of changes in the conditions or the circumstances upon which the original classification was based. Notice of such a classification change shall be given to the management officers of the plant or system.

(4) Types of Wastewater Systems:

- (a) A wastewater treatment plant, except Biological/Natural, will be classified either as Grade I, II, III or IV in accordance with the following point totals:

Grade IV	76 or more points
Grade III	56 to 75 points
Grade II	55 points or less
Grade I.....	This classification is for a wastewater treatment plant with a capacity of seventy-five thousand (75,000) gallons per day or less. This classification serves as a Collection System certification for Grade I Collection Systems with less than fifteen (15) service connections.

Biological/Natural This classification is for wastewater systems using natural biological treatment as the predominant means for treatment. This includes stabilization ponds, intermittent sand filters, recirculating sand filters, spray-irrigation, constructed wetlands, aerated lagoons, and overland flow systems. This classification serves as a Collection System certification for Grade I Collection Systems with less than fifteen (15) service connections.

Point totals for plant classification shall be computed in accordance with the following rating value criteria:

	Rating Value Points
Design Flow - For every one million (1,000,000) gallons per day design capacity, fraction thereof, a plant will be awarded rating value of:	2 pts.
(30 points maximum)	

Effluent Discharge - Based upon the following factors, a plant will be awarded rating values of:

Receiving stream (sensitivity)	0-7 pts.*
Land disposal – evaporation	2 pts.
Subsurface disposal	4 pts.

Variation in Raw Wastes - Based upon the variation in the quality of the raw wastes, plant will be awarded a rating value of: 0-6 pts.*

Preliminary Treatment Units - A plant employing any of the following preliminary treatment processes will be awarded rating values of:

Manually cleaned screens	2 pts.
Mechanically cleaned screens	3 pts.
Preaeration	2 pts.
Comminutor, barminutor, grinders, etc	3 pts.
Grit removal	3 pts.

Raw sewage pumping	3 pts.
Flow equalization basins (Aerated)	5 pts.
Flow equalization basins (Unaerated)	2 pts.
Fine screens	3 pts.

Primary Treatment Units - A plant employing any of the following primary treatment processes will be awarded rating values of:

Pre-chlorination	3 pts.
Primary Clarifiers	5 pts.
Primary Clarifiers with chemical settling aid	7 pts.
Swirl system	3 pts.

Secondary Treatment Units - A plant employing any of the following secondary treatment processes will be awarded rating values of:

Secondary Clarifiers	5 pts.
Flocculation with or without chemical aid	7 pts.
Trickling Filter without recirculation	6 pts.
Trickling Filter with recirculation	8 pts.
Activated Sludge+	
Oxidation ditch	8 pts.
Mechanical aeration	9 pts.
Diffused or dispersed aeration	10 pts.
Batch Treatment (ICEAS, etc)	10 pts.
Pure oxygen	15 pts.

+ Add ten (10) additional points for a two-stage activated sludge facility

Tertiary Treatment Units/Advanced Treatment - A plant employing any of the following tertiary, or advanced, treatment processes will be awarded rating values of:

Polishing pond or Effluent flow equalization	2 pts.
Land application of treated effluent	5 pts.
Chemical treatment removal	6 pts.
Denitrification	10 pts.
Sand or mixed media filters	8 pts.
Activated Carbon Beds	10 pts.
Nitrification required by permit	
By Activated Sludge	6 pts.
Nitrification by other process	5 pts.

Disinfection - Based upon the type of disinfection process employed, a plant will be awarded rating values of:

Chlorination	5 pts.
Dechlorination	5 pts.
Ozonization	10 pts.
Ultraviolet	5 pts.

Sludge Treatment and Handling - A plant employing any of the following sludge treatment and handling facilities will be awarded rating values of:

Anaerobic digestion	
Unheated	5 pts.
Heated	10 pts.
Aerobic digestion	7 pts.
Drying beds	3 pts.
Sand bed with polymer added	5 pts.
Gravity thickener	5 pts.

Dissolved air floatation thickener	8 pts.
Vacuum filter	8 pts.
Centrifuge	8 pts.
Belt Press, Plate & Frame	8 pts.
Solids reduction (Incinerator, wet oxidation, etc.)	15 pts.
Land application	5 pts.
Chemical stabilization with lime	8 pts.
All other dewatering units including wedgewire and vacuum beds, both with polymers	5 pts.
Composting: In vessel	10 pts.
Composting: Static Pile	5 pts.
Sludge Lagoon	3 pts.

Laboratory Control by Plant Personnel - Based upon the type and difficulty of laboratory work performed at a plant, a plant will be awarded rating values of:

Bacteriological (Complexity)	0-10 pts.*
Chemical/Physical (Complexity)	0-10 pts.*

Total Points **

* See Table 2

** If a rating value points total would not accurately reflect special conditions at a plant and a material distortion in its rating would occur, the Board will establish the classification of the plant after a review of its special conditions.

Table 2

Effluent Discharge - Points are assigned to a plant based upon the following receiving stream sensitivity criteria 0-7 pts.*

The key concept is the degree of dilution provided under low flow conditions. Assigned point values are:

Secondary, or equivalent to secondary, wastewater treatment only is required	1 pt.
Advanced secondary treatment	3 pts.
Tertiary treatment	5 pts.
Effluent used in a direct reuse system	7 pts.

Variation in Raw Wastes - Points are assigned to a plant based upon the variation from slight to extreme of the following factors: 0-6 pts.*

The key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation can be in terms of strength, toxicity, shock.

Recurring deviations or excessive variations in strength and/or flow less than 100 percent	0 pts.
Recurring deviations or excessive variations in strength and/or flow from 100 to 200 percent	2 pts.
Recurring deviations or excessive variations in strength and/or flow of more than 200 percent	4 pts.
Raw wastes subject to toxic waste discharges	6 pts.

Laboratory Control by Plant Personnel - Points are assigned in accordance with the type of laboratory control performed at the plant:

Bacteriological/biological (complexity)	0-10 pts.*
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The key concept is to credit bacteriological/biological lab work done on-site by plant personnel. Assigned point values are:

Lab work done outside the plant	0 pts.
Membrane filter procedures	3 pts.
Use of fermentation tubes or any dilution method	5 pts.
Biological identification	7 pts.

Chemical/physical (complexity) 0-10 pts.*

The key concept is to credit chemical/ physical lab work done on-site by plant personnel.

Lab work done outside the plant	0 pts.
Push-button or visual methods for simple tests such as pH, settleable solids	3 pts.
Additional procedures such as DO, COD, BOD, gas analysis, titrations, solids, volatile content	5 pts.
More advanced determinations such as specific nutrients, total oils, phenols, etc	7 pts.
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10 pts.

These terms describe the minimum level of effluent quality attainable for treated wastewater under standard design conditions in terms of the arithmetic mean of the values for effluent samples collected in a period of thirty (30) consecutive days for the following parameters: five-day biochemical oxygen demand (BOD₅); total suspended solids (TSS); and acidity/alkalinity (pH).

1. "Equivalent to secondary wastewater treatment" means the 30-day average for BOD₅ does not exceed 45 mg/l and there is no ammonia limit.
 2. "Secondary wastewater treatment" means the 30-day average for BOD₅ does not exceed 30 mg/l and there is no ammonia limit.
 3. "Advanced secondary wastewater treatment" means that the biochemical oxygen demand is expressed as the carbonaceous form (CBOD₅) that is equal to or greater than 10 mg/l and is equal to or less than 25 mg/l; and there is an ammonia limit.
 4. "Tertiary wastewater treatment" means that the CBOD₅ is less than 10 mg/l and there is an ammonia limit.
- (b) Grade I Collection System. This classification is for a wastewater collection system that uses collector and/or transmission lines to transport wastewater to a treatment plant and which serves no more than five thousand (5,000) service connections.
- (c) Grade II Collection System. This classification is for a wastewater collection system that uses collector and/or transmission lines to transport wastewater to a treatment plant and which serves more than five thousand (5,000) service connections.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.09~~ 0400-49-01-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators.

- (1) (a) Grade IV Wastewater Treatment Plant Operator

Certification as an operator in this classification will be made only upon the satisfactory completion by the applicant of the requirements of either subparagraph parts 1 or 2 of this rule subparagraph.

1. An applicant must have a bachelor degree in engineering, chemistry or a related science from an accredited college or university, must have twelve (12) months of operating experience at a Grade III or a Grade IV Wastewater Treatment plant, and must satisfactorily complete a written examination.
2. An applicant must have a high school education or equivalent, must have sixty (60) months of operating experience at a Grade III or a Grade IV Wastewater Treatment plant, and must satisfactorily complete a written examination. Within the discretion of the Board, college course work in related science or engineering courses satisfactorily completed, or Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training, may be credited toward the required operating experience to a maximum equivalency of thirty-six (36) months.
3. To receive full time operating experience credit, a minimum of 100% of the activities must be work experience duties. The Board reserves the right to adjust calendar months of experience to a reduced number of months of experience where it is obvious that an applicant's experience routinely includes other duties. The Board encourages documented apprenticeship training programs and classroom training provided by the employer to better prepare an operator to make decisions in plant operation to assure public health protection.

(b) Grade III Wastewater Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade II wastewater treatment plant or a Grade III wastewater treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(c) Grade II Wastewater Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade I wastewater treatment plant or a Grade II wastewater treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(d) Grade I Wastewater Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience in a Grade I wastewater treatment plant or twelve (12) months operating experience at a biological/natural system and six (6) months at a Grade 4 I wastewater treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for

operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.

2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(e) Biological/Natural System Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience in a wastewater system classified as a biological/natural system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(f) Grades I & II Wastewater Collection System Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a wastewater collection system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training including installation, operation, maintenance and repair of collection systems, satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(2) ~~Initial~~ Reclassifications ~~under~~ Resulting from Amendments of this Chapter ~~of Rules~~

- (a) The reclassification of a wastewater treatment plant or a wastewater collection system that immediately occurs as a result of amendments to this chapter ~~of rules~~ shall not reduce the operator classification of a certified operator then employed at that plant or system to a lower operator classification.
- (b) The reclassification of a wastewater treatment plant or a wastewater collection system that immediately occurs as a result of amendments to this chapter ~~of rules~~ shall raise the operator classification of a certified operator then employed at that plant or system to a higher operator classification equivalent with the new classification of the plant or system. This subparagraph shall apply only to a certified operator whose operator classification, immediately prior to reclassification of the plant or system pursuant to amendments to this chapter ~~of rules~~, is at least equivalent with the classification of the plant or system at which he/she is employed.
- (c) An applicant for examination who is employed at a wastewater treatment plant or a wastewater collection system that has been reclassified by the Department, and certified at the appropriate level, may have his/her experience at the facility applied at a rate equal to the level of the reclassified facility.
- (d) An operator classification authorized under prior rules that is eliminated upon amendments to this chapter ~~of rules~~ becoming effective shall be reclassified to the highest comparable operator classification authorized under these rules. (Industrial Biological Waste Treatment certificates become Grade IV Wastewater certificates).
- (e) An operator's classification may be changed by the Board if the operator is employed at a wastewater plant or collection system that has been incorrectly classified by the Department for one (1) year or more. The operator must hold a valid certificate equal to the incorrect plant or

system classification and the operator must have applied for and achieved the certificate based on the incorrect classification.

(3) Operating Experience Credit for Approved Study

- (a) For part (1)(a)2 of this rule, the Board may approve each ~~two one (1)~~ semester ~~hours hour~~, or ~~three one and one half (1½)~~ quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.
- (b) For parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, (1)(e)1, and (1)(f)1 of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence courses, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.

(4) Work Experience

- (a) The Board may approve the wastewater treatment operating experience required in parts (1)(a)1, (1)(a)2, (1)(a)3, (1)(b)1, (1)(c)1, (1)(d)1, and (1)(e)1 of this rule in two (2) or more of the following work experience duties:

Control of:

- Solids pumping from clarifiers
- Scum removal in clarifiers
- Return and waste sludge rates
- Aeration rates
- Recirculation rates to trickling filter or rotating biological contactor (RBC)

Operation of:

- Disinfection system feed rates
- Digesters and/or solids conditioning processes

Performance of:

- Calculations and plant control
- Interpretation of laboratory test results
- Interpretation of process control data
- Cleaning and maintenance of preliminary treatment
- Adjustment of wastewater levels or flow through a lagoon system

- (b) An operator applying for a Grade IV wastewater system certification may be granted partial credit by the Board for up to forty percent (40%) of any approved operating experience obtained in a water supply system.
- (c) The Board may approve the collection system operating experience required in part (1)(f)1 of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pumps
- Lift stations
- Valves
- Lines and equipment
- Pipeline installation
- Service connection installation
- Leak detection
- TV crew activities
- Line repairs
- Line cleaning
- Manhole maintenance
- Pretreatment

(5) Summary of Wastewater Treatment Plant and Collection System Operator Education and Experience

Wastewater Treatment Plant Operators

Classification	Experience			Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education	BS Degree		
Grade IV	Gained at a Grade III or IV Wastewater Plant	*60 months	12 Months	36 Months	24 Months
*Regardless of the substitution allowances, a minimum of 1 year of actual work experience is required					
Grade III	Gained at a Grade II or III Wastewater Plant	12 Months		3 Months	
Grade II	Gained at a Grade I or II Wastewater Plant	12 Months		3 Months	
Grade I	Gained at a Grade I Wastewater Plant	12 Months		3 Months	
	Gained at Biological/Natural and Grade I Wastewater Plant	12 Months 6 Months			
Grade BNS	Gained at a BNS Wastewater Plant	12 Months		3 Months	

COLLECTION SYSTEM OPERATORS

Classification	Experience		Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education		
Grade II	Gained at a Collection I or II System	12 Months	3 Months	
Grade I	Gained at a Collection I or II System	12 Months	3 Months	

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.10~~ 0400-49-01-.10 Continuing Education.

At least once during every continuing education period each certified operator shall satisfactorily complete the required number of continuing education hours approved by the Board for the particular type of certificate he/she holds. The continuing education period for a certified operator shall begin either with the date the certified operator obtained his/her certificate or the date the certified operator last satisfactorily completed the required number of continuing education hours and shall end at the conclusion of the annual continuing education term three (3) calendar years thereafter. An annual continuing education term shall begin each year on October 1 and shall end on September 30 of the following year. The failure of an operator to satisfactorily complete the required number of continuing education hours approved by the Board Secretary during his/her continuing education period shall be grounds for the denial of his/her application for the renewal of his/her certificate. An operator shall notify the Board Secretary upon his/her satisfactory completion of the continuing education requirement by furnishing appropriate documentation of course completion. Notification by the operator is not necessary in those cases where an agency notifies the Board Secretary of such activity. An operator that fails to satisfactorily complete the required number of continuing education hours during his/her continuing education period due to an unusual event such as an incapacitating illness or similar unavoidable circumstances may make a written request to the Board for an extension of time to do so. All requests by an operator for an extension of time to meet the continuing education requirement must be made in writing to the Board either within two (2) months of the elapsed continuing education period or by the date of return of the operator to active employment, whichever is later. All such requests must be accompanied by complete supporting documentation of the circumstances causing the failure to meet the continuing education requirement.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.11~~ 0400-49-01-.11 Summary Suspension and Revocation of Certificate.

- (1) ~~The Commissioner may issue an order to revoke the certificate of an operator when he/she determines that the An operator's certificate may be revoked when:~~
- ~~(a) In accordance with paragraph (2) of this rule, an operator has not used reasonable care, judgment, or the application of his/her knowledge in the performance of his/her duties as a certified operator, or~~
 - ~~(b) In accordance with paragraph (3) of this rule, when the Commissioner determines that the an operator is incompetent to perform those duties properly; or~~
 - ~~(c) In accordance with paragraph (4) of this rule, an operator has practiced fraud or deception.~~
- (2) An operator shall be deemed to have not used reasonable care, judgment, or the application of his/her knowledge in the performance of his/her duties if he/she does not comply with the laws, rules, permit requirements, or orders of any governmental agency or court which govern the water supply system or the wastewater system he/she operates. Such acts of noncompliance include but are not limited to the following:
- (a) The intentional or the negligent failure by the operator or persons under his/her supervision to act that results in a water supply system facility or a wastewater system facility not operating in the manner in which it is capable of being operated for the performance of its designed function.
 - (b) The intentional or the negligent failure by the operator or persons under his/her supervision to comply with the monitoring, sampling, analysis, or reporting requirements for a water supply system facility or a wastewater system facility.
 - (c) The intentional or the negligent unlawful discharge of wastes from a water supply system facility or a wastewater system facility.
 - (d) The intentional or the negligent failure by the operator or persons under his/her supervision to notify the Department of conditions: which may affect the quantity or quality of water being supplied to the customers of a water supply system; which cause the pollution of the waters of the State of Tennessee; or, which are violative of a standard of water quality promulgated by any governmental agency.
- (3) An operator shall be deemed to be incompetent to perform his/her duties properly when he/she does not possess the basic skills and knowledge necessary to operate a water supply system facility or a wastewater system facility including laboratory functions or if he/she fails to have a system of verification and oversight of employees under his/her charge. Incompetency shall be determined by examining the technical skills of the operator in operating the type of facility of which he/she is in direct charge.
- (4) ~~The Commissioner may issue an order to revoke the certificate of an operator when he/she determines that the operator obtained An operator shall be deemed to have practiced fraud or deception as follows:~~
- ~~(a) Obtained his/her certificate through fraud, deceit, or the submission of inaccurate data regarding his/her qualifications upon his/her application for a certificate;:~~
 - ~~(5)(b) The Commissioner may issue an order to revoke the certificate of an operator when he/she determines that the operator has Has practiced fraud or deception during the performance of his/her duties as a certified operator;: or~~
 - ~~(6)(c) The Commissioner may issue an order to revoke the certificate of an operator who performs laboratory analytical services for a water supply system or a wastewater system when he/she determines that the operator has Has prepared and/or signed reports of laboratory analysis results for the system that:~~
 - ~~(a)1. contain Contain inaccurate data and are known or should be known by the operator to be false; or,~~

- ~~(b)2.~~ ~~contain~~ Contain inaccurate data because the operator has not used reasonable care, judgment, or the application of his/her knowledge either in the performance of the laboratory analysis or in the preparation of the laboratory analytical reports.

(5) Revocation

- (a) The Commissioner may initiate the process to revoke a certificate when he/she believes an operator has engaged in any of the activities set forth in paragraph (1) of this rule.
- (b) The Commissioner shall give notice by mail to the affected operator of facts or conduct that warrants revocation of the certificate and give the affected operator an opportunity to show compliance with these rules by conducting an informal hearing as provided in T.C.A. § 4-5-320(c).
- (c) After the T.C.A. § 4-5-320(c) informal hearing, if the Commissioner determines that the affected operator has failed to demonstrate compliance, the Commissioner shall issue a notice of hearing for revocation and include a recommendation to the Board to revoke and reinstate or not to reinstate the certificate. Any recommendation of reinstatement of the certificate shall include terms for such reinstatement.
- (d) The notice of hearing for revocation shall contain the information required by part 1 of this subparagraph and be served in accordance with part 2 of this subparagraph.

1. The notice shall include:

- (i) A statement of the time, place, nature of the hearing, and the right to be represented by counsel;
- (ii) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statute and rules involved; and
- (iii) A short and plain statement of the facts or conduct that warrant a revocation. (If the Commissioner is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) days prior to the time set the hearing.)

2. A copy of the notice of hearing shall be:

- (i) Served upon the operator no later than thirty (30) days prior to the hearing date; and
- (ii) Served by personal service, return receipt mail or equivalent carrier with a return receipt.

A person making personal service on the operator affected shall return a statement indicating the time and place of service, and a return receipt must be signed by the operator affected. However, if the affected operator evades or attempts to evade service, service may be made by leaving the notice or a copy of the notice at the affected operator's dwelling house or usual place of abode with some person of suitable age and discretion residing therein, whose name shall appear on the proof of service or return receipt card. Service may also be made by delivering the notice or copy to an agent authorized by appointment or by law to receive service on behalf of the affected operator, or by any other method allowed by law in judicial proceedings.

(6) Summary Suspension and Revocation

- (a) The Commissioner may initiate the process of summary suspension and revocation of the certificate when the Commissioner believes that an emergency action is needed to protect the public health, safety or welfare.

- (b) The Commissioner shall give a notice to the affected operator by any reasonable means and shall inform the affected operator of the intended action, the acts or conduct that warrants summary suspension and revocation of the certificate and hold an informal hearing, as provided in T.C.A. § 4-5-320(d), to give the operator an opportunity to address the issue of whether there is an emergency.
- (c) The Commissioner shall appoint a hearing officer to conduct this T.C.A. § 4-5-320(d) hearing and the hearing shall be recorded and transcribed.
- (d) After the informal hearing as provided in T.C.A. § 4-5-320(d), if the Commissioner determines that an emergency action is warranted, the Commissioner shall issue an Order of Summary Suspension and a notice of hearing for revocation and include a recommendation to the Board to reinstate or not to reinstate the certificate. Any recommendation of reinstatement of the certificate shall include terms for such reinstatement.
- (e) The Order of Summary Suspension and the notice for revocation shall contain the information required by part (5)(d)1 of this rule and be served in accordance with part (5)(d)2 of this rule.
- (f) When the Commissioner has issued an Order of Summary Suspension and Notice of Revocation, the Board shall conduct its revocation hearing and render a decision within ninety (90) days of the operator's summary suspension. In the event the Board does not render its decision within ninety (90) days of the operator's summary suspension, the Order of Summary Suspension shall expire and no longer be in force or effect. However, the Commissioner may reissue an Order of Summary Suspension in accordance with this paragraph, for a period not to exceed ninety (90) days.
- (7) The revocation hearing before the Board shall be held in accordance with T.C.A. §§ 4-5-301 et seq. and Rule Chapter 1360-04-01 Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies.
- (8) The Board may revoke the certificate of an operator when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of such operator's knowledge was not used in performance of such operator's duties; or that the operator is incompetent to properly perform such operator's duties. If the certificate is revoked and is to be reinstated, the Board shall determine the timing, terms and conditions for reinstatement.
- (7)(9) An operator who receives an order of the ~~Commissioner~~ Board for the revocation of his/her certificate may appeal the order to the ~~Board as provided by statute~~ Chancery Court of Davidson County within sixty (60) days.
- (8)(10) An operator whose certificate is revoked for failure to use reasonable care, judgment or the application of operator knowledge in performing the operator's duties or for incompetency shall be ineligible to again apply for certification as an operator for a minimum of one (1) year. An operator whose certificate is revoked for practicing fraud or deception, willfully violating regulations or permit conditions, or falsifying records and reports shall be ineligible to again apply for certification as an operator for a minimum of five years. When an operator whose certificate has been revoked has applied for a certificate after the minimum time has passed, the Board shall determine whether the operator has taken appropriate action to address the circumstances that were the cause of the revocation. The Board may request records and review his/her experience, education, training and past performance. The Board may request the former operator's presence at a meeting of the Board and interview him/her to assess the potential of future violations. After the reviews, the Board shall decide to accept or refuse the application.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

~~1200-05-03-.12~~ ~~0400-49-01-.12~~ Civil Penalties.

- (1) The Commissioner may assess the civil penalty authorized by law against a municipality, utility district, corporation, or any person operating a water supply system or a wastewater system if the competency of the person in direct charge of a system facility has not first been certified in

accordance with these rules.

- (2) A certified operator may be assessed the civil penalty authorized by law for the same acts and omissions that would constitute grounds for the revocation of his/her certificate by the Commissioner Board.
- (3) Prior to issuing an order that assess a civil penalty, in accordance with paragraphs (1) and (2) of this rule the Commissioner may hold a show cause meeting with the person or entity to whom the order is proposed to be issued.

Authority: T.C.A. §§ 68-221-901 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)
Randal L. Braker	X				<i>Randal L. Braker</i>
Alan C. Cranford	X				<i>Alan C. Cranford</i>
J. Darryl Green	X				<i>J. Darryl Green</i>
Dr. Larry W. Moore				X	
Jennifer Dodd	X				<i>Jennifer Dodd</i>

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Water and Wastewater Operator Certification Board on 04/22/2014, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 02/14/14

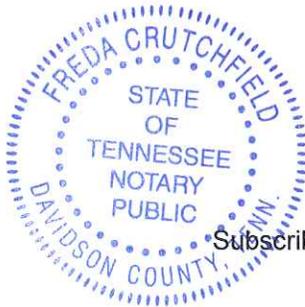
Rulemaking Hearing(s) Conducted on: (add more dates). 04/08/14

Date: April 22, 2014

Signature: *Alan C. Cranford*

Name of Officer: Alan C. Cranford

Title of Officer: Chairman



Subscribed and sworn to before me on: April 22, 2014

Notary Public Signature: *Freda Crutchfield*

My commission expires on: May 03, 2016

All rulemaking hearing 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.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
5-19-14

Date

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Filed with the Department of State on: 5/21/14

Effective on: 8/19/14

Tre Hargett

Tre Hargett
 Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Alcoholic Beverage Commission

DIVISION:

SUBJECT: Rules for the Sale of Liquor by the Drink: Happy Hour, Seating, and Application Process

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 57-3-406(b), 4-58-103, 57-1-209 and 57-4-102

EFFECTIVE DATES: August 20, 2014 through June 30, 2015

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This rule amendment deletes the prohibition against offering promotions or sales on alcoholic beverages between 10:00 p.m. and closing at establishments selling alcohol for consumption on the premises.

This rule amendment decreases from seventy-five (75) to forty (40) the minimum seating requirement at tables for licensed restaurants.

This rule amendment requires an applicant for a license issued by the alcoholic beverage commission to complete a declaration of citizenship form.

This rule amendment requires an applicant for a license issued by the alcoholic beverage commission to submit a certificate of existence, authorization, or good standing from the Secretary of State prior to the issuance of a new license or prior to the renewal of an existing license.

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 public comments on these rules.

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.

Exemptions from requirements of T.C.A. § 4-5-401, et seq.: T.C.A. § 4-5-404 states that §4-5-401, et seq. "shall not apply to rules that are adopted on an emergency basis under part 2 of this chapter, that are federally mandated, or that substantially codify existing state or federal law."

Rule 100-01-.03(15) is amended by these proposed rules solely to comply with 2012 Public Chapter 947 and T.C.A. § 57-3-406(b). In 2012, Public Chapter 947 revised T.C.A. § 57-3-406(b) to remove the prohibition against the offering of discounts on alcohol served by establishments licensed to sell alcohol for consumption on the premises, and Rule 0100-01-.03(15) is revised to comply with such Public Chapter. Therefore, the rule is exempt from the requirements of T.C.A. § 4-5-401, et seq. as a substantial codification of existing state law.

Rule 100-01-.03(19) is amended by these proposed rules solely to comply with 2008, Public Chapter 649 and TCA § 57-4-102(29), which lowered the minimum seating requirement for restaurants from at least 75 people seating at tables to at least 40 people seating at tables. Therefore, the rule is exempt from the requirements of T.C.A. § 4-5-401, et seq. as a substantial codification of existing state law.

Rule 100-01-.03(22)(a)(15) is amended by these proposed rules solely to comply with the state Eligibility Verification for Entitlements Act (codified in TCA § 4-58-101, et seq.) which requires that each state governmental entity require that any applicant for a state benefit, including commercial licenses, declare the person's citizenship. Rule 0100-01-.03(22)(a)(15) is added to require applicants to submit a declaration of citizenship form as part of an application for a license, pursuant to the requirements of the state Eligibility Verification for Entitlements Act. Therefore, the rule is exempt from the requirements of T.C.A. § 4-5-401, et seq. as a substantial codification of existing state law.

Economic Impact Statement for amendment to Rule 100-01-.03(22)(a)(9)

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:

Any small business licensed by the commission for the sale of alcoholic beverages for on-premise consumption would be directly affected by the proposed rule. There are approximately 3,100 establishments license to sell alcoholic beverages for on-premise consumption and a significant portion of those would be small businesses.

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:

The reporting, recordkeeping and administrative costs of small businesses complying with the proposed rule is projected to be insignificant.

3. A statement of the probable effect on impacted small businesses and consumers:

Consumers will be reassured that entity applicants for licenses to sell alcohol for consumption on the premises comply with all state law requirements and are authorized to operate as a business in the state as evidenced by a certificate of existence/good standing or a certificate of authorization. The probable effect on impacted small businesses is minimal.

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:

The application requirements of the proposed rule are necessary to ensure that applicants comply with all state law requirements and are authorized to operate as a business in the state, and there are no less burdensome, intrusive, or costly alternative methods to ensure that such requirements are met.

5. A comparison of the proposed rule with any federal or state counterparts:

These proposed rules are comparable to, and not significantly more or less burdensome than, other licensure requirements of the commission or of other state agencies.

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:

An exemption of small businesses would create a disparate and unfair impact on the persons and entities licensed by the commission.

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 rules are not anticipated to have an impact on local governments.

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For Department of State Use Only

Sequence Number: 05-16-14
 Rule ID(s): 5712
 File Date: 5/22/14
 Effective Date: 8/20/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Tennessee Alcoholic Beverage Commission
Division:	
Contact Person:	E. Keith Bell
Address:	Davy Crockett Tower; 500 James Robertson Parkway, 3rd Floor; Nashville, TN 37243
Phone:	615.741.1602
Email:	Keith.Bell@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
0100-01	Rules for the Sale of Liquor by the Drink
Rule Number	Rule Title
0100-01-.03 (15)	Happy Hour Restrictions
0100-01-.03 (19)	Seating
0100-01-.03 (22)	Application Process for On-Premises Consumption Licenses

Substance of Rule Amendments

Rule 100-01-.03(15) Happy Hour Restrictions, is amended by deleting subparagraph (b) in its entirety and by redesignating all subsequent subparagraphs accordingly.

Statutory Authority: T.C.A. §§ 57-4-201(a)(2) and 57-3-406(b).

Rule 100-01-.03(19) Seating, is amended by deleting the language "or hotel" in the first sentence of the subparagraph and by substituting instead the language "shall maintain a minimum seating for forty people at tables and all on-premise consumption licensees licensed as a hotel".

Statutory Authority: §§ 57-4-201(a)(2) and 57-4-102(29); 2008 Public Chapter 649.

Rule 100-01-.03(22) Application Process for On-premise Consumption Licenses, is amended by deleting part (a)(9) in its entirety and by substituting instead the following language:

(a)

9. Proof that applicant entity, if a corporation, LLC, LP, etc., is registered with the Tennessee Secretary of State's office, and the submission by said applicant entity of a Certificate of Existence/Good Standing issued by the Tennessee Secretary of State's Office within thirty (30) days of applicant's application for a new license or renewal of an existing license. If applicant entity was formed in another state or foreign jurisdiction, applicant must submit a Certificate of Authorization issued by the Tennessee Secretary of State's Office within thirty (30) days of applicant's application for a new license or renewal of an existing license.

Statutory Authority: §§ 57-4-104(c) and 57-4-201(a)(2).

Rule 100-01-.03(22) Application Process for On-premise Consumption Licenses, is further amended by adding the following language as a new part (a)(15) and by redesignating all subsequent parts accordingly:

(a)

15. Completed declaration of citizenship form to be submitted by owner(s), officer(s), and/or principal(s) of the applicant or others as required by P.C. 1061 (2012).

Statutory Authority: §§ 57-4-104(c), 57-4-201(a)(2), and 4-58-103.

'REDLINE' DEPICTION OF RULES AS AMENDED, PER TCA 4-5-226(i)

0100-01-.03 CONDUCT OF BUSINESS.

(15) Happy Hour Restrictions. No licensee or employee or agent of a licensee shall engage in any of the following promotional practices during the period beginning with 10:00 p.m., prevailing time, until the time set by law for closing of such licensed establishments:

(a) Serve two or more drinks or containers of alcoholic beverages to a consumer at one time.

~~(b) Sell, offer to sell, or deliver to any person or group of persons any drinks that are priced less than the price regularly charged for that drink in that size during the same calendar week, except at private functions not open to the public; or~~

~~(c)~~ (b) Increase the volume of alcohol contained in any such drink during any calendar week without increasing proportionately the price regularly charged for such drink.

(19) Seating. All on-premise consumption licensees licensed as a restaurant ~~or hotel~~ shall maintain a minimum seating for forty people at tables and all on-premise consumption licensees licensed as a hotel shall maintain a minimum seating for seventy-five people at tables during business hours with the exception of wine-only restaurants as defined at T.C.A. § 57-4-101(c), gourmet restaurants as defined at T.C.A. § 57-4-102(27)(e), or any other statutory exception. Seasonal seating (i.e. outside patio seating) shall count toward total numbers, but not toward the minimum seating requirements at tables. Seats at bars will be counted toward the minimum number of seats at tables if the bar is at least 20 inches in depth and meals may be served and are regularly served at the bar. Those bars containing less than 20 inches in depth will be looked at on a case by case basis with such factors as the type of menu served, placement of the bar, and whether food is regularly served at that bar.

(22) Application Process for On-premise Consumption Licenses.

(a)

9. Proof that Applicant Entity, if a corporation, LLC, LP, etc. is registered with the Tennessee Secretary of State's office; and the submission by said applicant entity of a Certificate of Existence/Good Standing issued by the Tennessee Secretary of State's Office within thirty (30) days of applicant's application for a new license or renewal of an existing license. If applicant entity was formed in another state or foreign jurisdiction, applicant must submit a Certificate of Authorization issued by the Tennessee Secretary of State's Office within thirty (30) days of applicant's application for a new license or renewal of an existing license.

15. Completed declaration of citizenship form to be submitted by owner(s), officer(s), and/or principal(s) of the applicant or others as required by P.C. 1061 (2012).

* 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)
Mary McDaniel	✓				<i>Mary McDaniel</i>
John Jones	✓				<i>John A. Jones</i>
Bryan Kaegi	✓				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Alcoholic Beverage Commission on 03/25/2014, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 1/04/20013

Rulemaking Hearing(s) Conducted on: (add more dates). 02/27/2013

Date: *S. Keith Bell* 3/25/14

Signature: _____

Name of Officer: Keith Bell

Title of Officer: Director of Alcoholic Beverage Commission



Subscribed and sworn to before me on: 3/25/14

Notary Public Signature: *Joyce B. Cathey*

My commission expires on: 7/6/15

All rulemaking hearing 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.

REC Cooper
 Robert E. Cooper, Jr.
 Attorney General and Reporter
5-6-14
 Date

Department of State Use Only

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Filed with the Department of State on: 5/22/14

Effective on: 8/20/14

Tre Hargett

Tre Hargett
 Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Health

DIVISION: Emergency Medical Services

SUBJECT: General Rules, Categories for Ambulance Service and Mobile Pre-hospital Emergency Care, and Ambulance Service Records

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 68-140-304, 68-140-306 and 68-140-307

EFFECTIVE DATES: August 3, 2014 through June 30, 2015

FISCAL IMPACT: None

STAFF RULE ABSTRACT: This rule amendment replaces prior ambulance service licensure classifications by substituting proposed classifications that coordinate with CMS (Centers for Medicare and Medicaid Services) payment structures and language.

This rule amendment adds a definition of "base of operations", which requires an ambulance service to have a county-specific license for each base of operations.

This rule amendment adds a definition of service director and clarifies the role of the service medical director.

Finally, this rule amendment requires each licensed service to report to the division's administrative office any incident that results in serious injury to a patient that would not ordinarily be expected as a result of the patient's condition.

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.

1. Comment: A member of the public asked whether the the proposed amendments to Rule 1200-12-01-.14(7) would require paramedic instructor/coordinators to teach full time in a paramedic program.

Response: No.

2. Comment: A member of the public asked what effect the proposed amendments to Rule 1200-12-01-.14(2)(b) would have on private ambulances that are staged at hospitals for the purpose of expediting inter-facility transfers?

Response: There would be no effect as long as the ambulance service has a license for the county in which the hospital is located and is in compliance with local ordinances or resolutions.

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.

Regulatory Flexibility Analysis

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations. The rules are written to amend ambulance service licensure requirements for Division of Emergency Medical Services.
- (4) The compliance requirements throughout the proposed rules are as “user-friendly” as possible while still allowing the division to achieve its mandated mission in licensing and regulating emergency medical services. There is sufficient notice between the rulemaking hearing and the final promulgation of these rules to allow services and providers to come into compliance with the proposed rules.
- (5) Compliance requirements in the proposed rules are not consolidated or simplified for small businesses for the protection of the health, safety and welfare of Tennesseans.
- (6) The standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation.

STATEMENT OF ECONOMIC IMPACT ON SMALL BUSINESSES

Name of Board, Committee or Council: Tennessee Department of Health, Board of Emergency Medical Services

Rulemaking hearing date:

Types of small businesses that will be directly affected by the proposed rules:

The proposed amendments would only affect EMS ambulance service licensees, some of which are small businesses and some of which are county-run services.

Types of small businesses that will bear the cost of the proposed rules:

The proposed amendments would affect EMS ambulance service licensees only. The economic impact on these licensees was considered when drafting the proposed amendments in an effort to ensure that any cost increases are minimized.

Types of small businesses that will directly benefit from the proposed rules:

The proposed amendments would likely directly benefit small, county-run ambulance services by clarifying the statutory requirement that an ambulance service must have a county-specific license for each base of operations.

Description of how small business will be adversely impacted by the proposed rules:

The proposed amendments are not expected to adversely impact small businesses.

Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:

The Department of Health, Board of Emergency Medical Services does not believe there are less burdensome alternatives to the proposed amendments.

Comparison of the proposed rule with federal or state counterparts:

Federal: None.

State: The proposed amendments will have no state counterpart because the Department of Health, Board of Emergency Medical Services is the only agency in Tennessee charged with regulating licensed EMS ambulance services.

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 proposed amendments will not have an impact on local governments.

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Division of Publications**

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Sequence Number: 05-01-14
Rule ID(s): 5702
File Date: 8/5/14
Effective Date: 8/13/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission: Department of Health
Division: Emergency Medical Services
Contact Person: Keith D. Hodges
Address: 665 Mainstream Drive
Nashville, Tennessee 37243
Phone: (615) 741-1611
Email: keith.d.hodges@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
1200-12-01	General Rules
Rule Number	Rule Title
1200-12-01-.14	Categories for Ambulance Service and Mobile Pre-Hospital Emergency Care
1200-12-01-.15	Ambulance Service Records

(Rule 1200-12-01-.13, continued)

filed October 22, 1993; effective January 5, 1994. Amendment filed August 5, 1996; effective October 19, 1996. Repeal and new rule filed January 11, 2013; effective April 11, 2013.

~~1200-12-01-.14 CATEGORIES FOR AMBULANCE SERVICE AND MOBILE PRE-HOSPITAL EMERGENCY CARE.~~ The following rules are promulgated to establish minimal standards and categorical capabilities for ambulance services licensed in Tennessee and to govern emergency medical services provided to a patient.

~~(1) Definitions as used in this rule, the following definitions shall apply:~~

- ~~(a) "Advanced Life Support" shall mean the treatment of life-threatening medical emergencies by authorized emergency medical technician-paramedics under medical control, pursuant to the rules of the department, or the provision of such treatment by other qualified and licensed medical or nursing personnel.~~
- ~~(b) "Basic Life Support" shall mean the treatment of life-threatening medical emergencies by an emergency medical technician or other qualified and licensed medical and nursing personnel qualified through the use of such techniques as patient assessment basic cardiopulmonary resuscitation, splinting, obstetrical assistance, bandaging, administration of oxygen, application of pneumatic antishock trousers, and other techniques described in the Basic Emergency Medical Technician curriculum or otherwise approved by the Board, pursuant to the rules of the department.~~
- ~~(c) "Emergency Medical Condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could be expected to result in placing the patient's health in serious jeopardy; serious impairment to bodily function; or, serious dysfunction of any body organ or part.~~
- ~~(d) "Emergency Run" means a response "to the perceived need for immediate medical care in order to prevent loss of life or aggravation of illness or injury".~~
- ~~(e) "Extended Life Support" shall mean the treatment of life-threatening medical emergencies by emergency medical technicians, qualified pursuant to the rules of the department, performing under medical control, to include airway retention with an esophageal obturator airway; venipuncture, administration and maintenance of intravenous fluids, and such other procedures as may be approved pursuant to the rules of the department and may include such advanced life support as shall be provided by emergency medical technician-paramedics or other qualified and licensed medical and nursing personnel operating pursuant to the rules of the department.~~
- ~~(f) "Medical Director" shall mean a physician licensed to practice in the State of Tennessee, contracted by an ambulance service to provide medical supervision and assure the provision of quality emergency medical care by the agents of the service.~~
- ~~(g) "Minimum Standards" shall mean the minimum essential requirements for ambulance and emergency medical services established by law, regulation of the department, and such prevailing standards or practices as may be cited within the State.~~
- ~~(h) "Primary Provider" or primary service shall mean the EMS provider within a service area who has contracted or been recognized by the local government to provide the initial response to scene emergencies.~~
- ~~(i) "Occasional use" shall mean the isolated, unplanned use of a vehicle for patient transfer which is not maintained by an ambulance service, when such use is likely to expedite care for the patient.~~

(Rule 1200-12-01-.14, continued)

- (j) ~~“Rescue operation” shall mean the use of specialized equipment and procedures to free persons from confinement entrapment, impingement or the search for and removal or transportation of persons from locations inaccessible to conventional means of vehicle travel.~~
- (k) ~~“Rescue vehicle” shall mean a vehicle operated by an association, squad, service, department, or any other persons equipped to provide extrication, fire suppression, or specialized services, and not maintained with fixed litters for the transport of patients, in accordance with T. C.A. §68-39-516(3).~~
- (l) ~~“Service Area” shall mean the political and geographical area with a population that can be expected to use the services offered by a specific provider.~~
- (m) ~~“Special Ambulance Service” shall mean a service restricting emergency operations to scheduled events or, serving as a relief organizations under the constraint of the main purveyor or governmental Emergency Medical Services provider within a service area.~~
- (2) ~~Classification of Services — The following classes of service shall be recognized by the Department in licensing or authorization of ambulance and/or emergency medical services:~~
- (a) ~~Ambulance Services~~
1. ~~Class A — Advanced Life Support Ambulance Services shall conduct operations of ambulances to provide capabilities for advanced life support or special critical care on ninety five percent (95%) of emergency runs within their service area, staffed to provide twenty four hour service. All ambulances shall be equipped at a minimum as a basic life support unit. Staffed ambulances shall be equipped to provide advanced life support.~~
 2. ~~Class B — Extended Life Support Ambulance Services shall conduct operations of ambulances to provide capabilities for extended life support on ninety five percent (95%) of emergency runs within their service area, staffed to provide twenty four hour service. All ambulances shall be equipped as a minimum as a basic life support unit.~~
 3. ~~Class C — Basic Life Support Ambulance Services shall conduct operations of ambulances to provide capabilities for basic life support on ninety five percent (95%) of emergency runs within their service area, staffed to provide twenty four hour service. All ambulances shall be equipped as a minimum as a basic life support unit.~~
 4. ~~Class D — Minimum Standard Ambulance Services shall conduct operations in compliance with minimum standards for ambulance services, staffed to provide twenty four hour service. All ambulances shall be equipped as a minimum as a basic life support unit.~~
 5. ~~Special Ambulance Services — shall conduct operations only upon a preplanned schedule or as a secondary resource when services classified under 1 through 4, as designated above, are unable to provide service; but shall otherwise comply with all minimum standards as set forth in statute or rule. All ambulances shall be equipped as a minimum as a basic life support unit.~~
 6. ~~Air Ambulance Services — shall constitute a separate class of service for operation under standards established in Rule 1200-12-01-.05.~~

(Rule 1200-12-01-.14, continued)

- ~~(b) Conditional Ambulance Services — Upon issuance of a new service license or finding of deficiencies services may be placed in a conditional license category for up to one year from the date of deficiency or issuance.~~
- ~~(c) Advanced Life Support/Non-Transport Service — Services providing Advanced Life Support response to the public without association as a First Responder to a licensed ambulance service shall be licensed by, the Department as a separate entity.~~
- ~~1. Advanced Life Support/Non-Transport services shall remit a license fee and fees for each specialty vehicle in the same manner as provided for ambulance services in Rule 1200-12-01-.06.~~
 - ~~2. ALS/Non-Transport services shall demonstrate compliance for insurance coverage as required in Rule 1200-12-01-.07.~~
 - ~~3. Mechanical safety of specialty vehicles used for ALS/Non-Transport shall be demonstrated in the same manner as prescribed for ambulance in Rule 1200-12-01-.02(n) except that such forms shall not be submitted to the Division, but shall be retained at the service for inspection by a representative of the Department.~~
 - ~~4. ALS/Non-Transport services shall demonstrate compliance with operational and procedural requirements; destination guidelines and referral for transportation; and records as provided in Rules 1200-12-01-.11 and 1200-12-01-.15.~~
 - ~~5. Each service shall provide sufficient coverage with an Emergency Medical Technician and Emergency Medical Technician-Paramedic as provided in (3)(b).~~
- ~~(3) Personnel. As classified in (1) above, each ambulance or emergency medical service shall insure compliance by assigning persons qualified to perform the following functions:~~
- ~~(a) Medical Director — Each service classified or otherwise providing advanced or extended life support shall retain a medical director to maintain quality control of the care provided, whose functions shall include the following:~~
- ~~1. Quality Assurance of patient care, including development of protocols, standing orders, training, policies, and procedures; and approval of medications and techniques permitted for field use by service personnel in accordance with regulations of the department; quality assurance of field performance as may be provided by direct observation, field instruction, inservice training or other means including, but not limited to:

 - ~~(i) Ambulance Run Report Review~~
 - ~~(ii) Review of field communications tapes~~
 - ~~(iii) Post run interviews and case conferences~~
 - ~~(iv) Critiques of simulated or actual patient presentations~~
 - ~~(v) Investigation of complaints or incident reports~~~~
 - ~~2. The Medical Director shall serve as medical authority for the ambulance service, to perform liaison with the medical community, medical facilities, and governmental entities.~~
 - ~~3. The Medical Director may have disciplinary authority sufficient to oversee quality control as deemed appropriate by the Administrative Director of the Ambulance Service and retain other responsibilities as may be negotiated by agreement with the service.~~

(Rule 1200-12-01-.14, continued)

- ~~(b) — Advanced Life Support Service Personnel — Each service classified for advanced life support shall provide sufficient coverage with a crew comprised of an Emergency Medical Technician and Emergency Medical Technician-Paramedic on ninety-five percent (95%) of all emergency runs staffed to provide twenty-four hour service.~~
- ~~(c) — Extended Life Support Service Personnel — Each service classified for extended life support shall provide sufficient coverage with a crew comprised of two Emergency Medical Technicians on ninety-five percent (95%) of all emergency runs; one of the Emergency Medical Technicians shall hold extended skills certification for Esophageal Airway and Intravenous Therapy, or shall be certified as an EMT-Paramedic; the service shall be staffed to provide twenty-four hour service.~~
- ~~(d) — Basic Life Support Service Personnel — Each service classified for basic life support shall provide sufficient coverage with a crew comprised of two Emergency Medical Technicians on ninety-five percent (95%) of all emergency runs, staffed to provide twenty-four hour service.~~
- ~~(e) — Reserved for future use.~~
- ~~(4) — Each service shall require and document continuing education of at least twelve (12) hours for seventy five percent (75%) of emergency care personnel. In-service training shall be conducted as ordered by the Medical Director for new procedures or remedial instructions.~~
- ~~(5) — No service shall be required to comply with revised classification standards of paragraph (3)(b), (c) and (d); and paragraph (4) until January 1, 1992.~~
- ~~(6) — Each service shall be issued permits identifying the county in which ambulances or response units are based. Records for such operations may be maintained at a central operating base by the service owner but shall be maintained to detail all activities on a county specific basis.~~

1200-12-01-.14 Categories for Emergency Medical Services and/or Ambulance Service and Mobile Pre-Hospital Emergency Care. The following rules are promulgated to establish minimum standards and categorical capabilities for emergency medical services and/or ambulance services licensed in Tennessee and to govern emergency medical services provided to a patient.

(1) Definitions.

- (a) "Advanced Life Support" means advanced emergency medical technicians, or other EMS personnel having a higher level of licensure, who treat life-threatening or aggravating medical emergencies under medical control.
- (b) "Basic Life Support" means EMS personnel, authorized through the appropriate level of licensure, who treat life-threatening medical emergencies under medical control.
- (c) "Base of Operations" means the principal location and physical structure (i.e. building), having a street address, city and zip code, from which ambulances and/or personnel operate to provide ambulance service within a service area.
- (d) "Emergency Medical Condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that it could put the patient's health in serious jeopardy, cause serious impairment to bodily function, or cause serious dysfunction of any body organ, system or part without immediate medical attention.

(Rule 1200-12-01-.14, continued)

- (e) "Emergency Run" means a transport or response, occurring or accomplished without delay, to the perceived need for care for an emergent, trauma or medical condition in order to prevent loss of life or aggravation of illness or injury, including but not limited to the following:
1. Cardiac arrest;
 2. Difficulty breathing/shortness of breath/airway impairment;
 3. Severe chest pain or heart attack;
 4. Severe motor vehicle crashes/entrapment or pin-in;
 5. Decreases in level of consciousness/diabetic emergencies;
 6. Heat emergencies;
 7. Severe lacerations or possible amputations; severe burns (thermal, chemical or electrical);
 8. Possible stroke; and
 9. Complications of childbirth.
- (f) "Emergency Medical Service Director" ("Service Director") means an individual who directs the planning, development, implementation, coordination, administration, monitoring and evaluation of services provided by a licensed ambulance service.
- (g) "Emergency Medical Service Medical Director" ("Medical Director") means an individual who has an active, unencumbered license to engage in the practice of medicine pursuant to title 63, chapter 6, or chapter 9, and who provides medical advice, direction, oversight, quality assurance and authorization to emergency medical services personnel at a licensed ambulance service, and/or emergency medical services educational institution.
- (h) "Medical Control" means the instruction, advice or orders given by a physician in accordance with locally or regionally approved practices.
- (i) "Minimum Standards" means the minimum requirements for ambulance and emergency medical services established by law, regulation, and prevailing standards of care.
- (j) "Primary Service" means the EMS service within a specific area that has contracted with or been recognized by the local government to provide an initial response to scene emergencies.
- (k) "Service Area" means the political and geographical area with a population that can be expected to use the services offered by a specific provider.
- (l) "Specialty Care Transport" ("SCT") means the inter-facility transportation of a critically injured or ill patient by a ground ambulance vehicle, including the provision of medically necessary supplies and services, which requires a level of service beyond the scope of a paramedic.

(Rule 1200-12-01-.14, continued)

(m) "Substation" means the physical structure from which ambulances and personnel operate on a day-to-day basis to provide ambulance services, which are supplementary to the services provided from the base of operations for the specified city or county.

(n) "Volunteer ambulance service" means a not-for-profit service that uses volunteer personnel and restricts emergency operations to scheduled events or serves as a relief organization under the constraint of the main or governmental emergency medical services provider within a service area.

(2) Ambulance Operations.

(a) Each base of operations must hold a State-issued service license for the county in which it is located.

(b) No ambulance service shall position, post, stage or otherwise offer or make an ambulance available within the service area where the county, municipality or special purpose district or authority has current ordinances or resolutions preventing such without prior authorization of the governing body of the service area.

(c) Nothing shall preclude an ambulance provider with federal contracts from providing service as required under those contracts.

(3) Classification of Services.

(a) Each ambulance service license the Division issues must indicate the minimum clinical level of service that the ambulance service can provide.

1. The Division shall grant an ambulance service license only after it verifies that the service is in compliance with Division rules for immediate or scheduled patient transport.

2. The license shall designate the level of service the agency provides.

(i) Based on the result of the application and the applicant's compliance with the Division's rules and regulations throughout the inspection process, the EMS Division shall designate agencies that function at or above the Basic Life Support (BLS) service as a BLS service.

(ii) Based on the result of the application and the applicant's compliance with the Division's rules and regulations throughout the inspection process, the EMS Division shall designate agencies that function at or above the Advanced Life Support (ALS) service level as an ALS service.

(b) The Division shall recognize the following classes of service for licensing or authorization of ambulance and/or emergency medical services:

1. Primary emergency provider. Each ambulance service the local government designates as the primary provider by recognizing it as such or contracting with it to provide initial response to scene emergencies shall operate advanced and/or basic life support ambulances within the service area. The service may also provide ambulance transport services under its license for its county specific service area. It shall coordinate licensed

(Rule 1200-12-01-.14, continued)

- volunteer ambulance services as well as coordinate and oversee emergency medical response agencies within its jurisdiction.
2. Licensed Ambulance Transport Services. Each licensed ambulance service shall operate ambulances for unscheduled or scheduled transportation of patients. The level of the licensed ambulance service must be consistent with their issued service license level.
 3. Volunteer not-for-profit ambulance service using volunteer personnel shall restrict emergency operation to scheduled events or serve as a relief organization under the coordination of the primary emergency provider. Volunteer ambulance services may, in times of disaster, be utilized in their communities as deemed necessary by local authorities and/or primary service providers.
- (c) Conditional Ambulance Services. The Division may place a new service or a service having deficiencies in a conditional license category for up to ninety (90) days from the date of the deficiency or issuance of the license.
- (4) Personnel. Each ambulance or emergency medical service shall assign qualified persons to perform functions to ensure compliance with its licensure as follows:
- (a) Medical Director. Each ambulance service shall retain a medical director who serves as medical authority for the ambulance service and functions as a liaison to the medical community, medical facilities, and governmental entities. His or her duties shall include, but not be limited to, the following:
 1. Quality management and improvement of patient care, including the following:
 - (i) Development of protocols, standing orders, training, procedures, approval of medications and techniques permitted for field use by service personnel in accordance with regulations of the Division;
 - (ii) Quality management and improvement of field performance as may be achieved by direct observation, field instructions, in-service training or other means including, but not limited to:
 - (I) Ambulance run report review;
 - (II) Review of field communications tapes;
 - (III) Post-run interviews and case conferences;
 - (IV) Critiques of simulated or actual patient presentations; and
 - (V) Investigation of complaints or incidents reports.
 2. The medical director shall have disciplinary and/or corrective action authority sufficient to oversee quality management and improvement of patient care as the service director of the ambulance service deems appropriate.
 - (b) Advanced Life Support Service Personnel. Each service licensed to provide advanced life support shall use a crew comprised of an advanced EMT and a paramedic on ninety-five percent (95%) of emergency transports.

(Rule 1200-12-01-.14, continued)

- (c) Basic Life Support Service Personnel. Each service licensed to provide basic life support shall use a crew comprised of two advanced EMTs on ninety-five percent (95%) of all transports.
- (d) Advanced and Basic Life Support Services personnel who hold a current license as an EMT when this rule becomes effective shall be grandfathered. All individuals hired after the effective date of this rule shall comply with the requirements in subparagraphs (b) and (c) above.
- (5) Each ambulance service shall require and document continuing education of at least fifteen (15) contact hours annually for ninety-five percent (95%) of emergency care personnel. Each service shall implement a competency-based evaluation program in accordance with board policy.
- (6) Each ambulance service shall also conduct training for new procedures or remedial instruction as ordered by the medical director and or emergency medical service director.
- (7) EMS/Ambulance Services who do not use educational institutions or other educational accrediting bodies to provide continuing education contact hour credit for in-service training hours for renewal of personnel licenses may count such in-service training hours as continuing education contact hours as required for renewal of personnel licenses, provided the service meets the following requirements:

 - (a) The service must have an individual who maintains at a minimum an authorization of an EMT instructor/coordinator authorized by the Division of EMS to maintain educational records and coordinate in-service education for the service's personnel.
 - (b) The service must maintain all educational records for five (5) years.
 - (c) The service's educational records must contain:

 - 1. A curriculum vitae establishing the instructor's expertise in the content for each lesson plan;
 - 2. Lesson plans shall include, but not be limited to:

 - (i) A list of course objectives, and
 - (ii) A course outline;
 - 3. Course evaluations by students;
 - 4. An evaluation of each student's performance in the course; and
 - 5. A sign-in sheet bearing the signatures of all students who attended the course.
 - (d) The service's training records will be randomly audited annually for compliance.

(Rule 1200-12-01-.14, continued)

(8) The Division shall issue each service permits identifying the county in which ambulances or response units are based. The service owner may maintain records for such operations at a central location. The service owner shall maintain records to detail all activities at the county base of operations.

(9) Licensing Procedures

(a) No person, partnership, association, corporation, or state, county or local government unit, or division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the state of Tennessee any ambulance, invalid vehicle service or vehicle operated with a patient cot for transfer of persons without having a license.

1. A license shall only be issued to the applicant named and only for the base of operations and substations listed in the application for licensure.

2. Licenses are not transferable or assignable and shall expire annually on June 30.

3. The license shall be conspicuously posted at the base of operations.

(b) Initial Licensure

1. In order to make application for a new license, applications shall have service names that are unique and the business name shall be registered with the Department of State, Division of Business Services.

2. The applicant shall submit an application on a form prepared by the department. The service shall report the names, titles and summary of responsibilities of the service director and those persons who will be supervising the ambulance service as officers, directors or other ambulance service officials, and information as to any misdemeanor or felony convictions, or disciplinary sanctions against licenses, certifications, or other authorizations to practice a health care occupation or profession, that have been imposed against them in this or any other state.

3. Each applicant for a license shall pay the annual license fee and permit fees based on the number of ambulances or permitted invalid vehicles. The fees must be submitted with the application and are non-refundable.

4. The issuance of an application form is in no way a guarantee that the completed application will be accepted or that a license will be issued by the Division. Patients shall not be transported until a license has been issued. Applicants shall not hold themselves out to the public as being an ambulance service until the license has been issued. A license shall not be issued until the service is in substantial compliance with these rules and regulations, including submission of all information required by T.C.A. § 68-140-306, or as later amended, and of all information required by the Division.

5. The applicant shall not use subterfuge or other evasive means to obtain a license, such as filing for a license through a second party when an individual has been denied a license, had a license disciplined, or has attempted to avoid the inspection and review process in this or any other state.

(Rule 1200-12-01-.14, continued)

6. An applicant shall allow the premises, the service, and its vehicles to be inspected by a representative of the Division.
7. In the event that deficiencies are noted, the applicant shall submit a plan of corrective action to the Division. Once the deficiencies have been corrected, then the Division shall reconsider the application for licensure. If vehicles have failed inspection, a repeat inspection fee must be submitted to the Division.

(c) License Renewal

1. In order to renew a license, each service shall subject its premises, operational procedures, records, equipment, personnel and vehicles to periodic inspections by representatives of the Division for compliance with these rules. If deficiencies are noted, the licensee shall submit an acceptable plan of corrective action, remedy the deficiencies and pay any applicable repeat inspection fees. In addition, each licensee shall submit a renewal form approved by the Division and any applicable renewal fees prior to the expiration date of the license.
2. Upon reapplication, the licensee shall submit its base of operations, stations, and vehicles to inspections by representatives of the department for compliance with these rules.
3. EMS services must show documented proof of annual mandatory random drug screening for employees.
4. An ambulance service may renew the service license within sixty (60) days following the license expiration date upon payment of the renewal fee, in addition to a late penalty established by the board for each month or fraction of a month that payment for renewal is late, provided that the late penalty shall not exceed twice the renewal fee. If the ambulance service license is not renewed within sixty (60) days following the license expiration date, then the licensee shall reapply for licensure in accordance with the rules established by the board.

(d) Changes of address, insurance agents or policies, service director, officers, or other service officials, EMS medical director, or bankruptcy filings must be reported to the Division no later than five (5) business days after the change or date of effective action.

(e) A proposed change of ownership, including a change in a controlling interest, must be reported to the Division a minimum of thirty (30) days prior to the change. The Division must receive a new application and fee before the license may be issued.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-140-504, 68-140-506, and 68-140-507. **Administrative History:** Original rule filed November 30, 1984; effective February 12, 1985. Amendment filed March 22, 1985; effective April 21, 1985. Amendment filed June 30, 1987; effective August 14, 1987. Amendment filed September 23, 1991; effective November 7, 1991. Amendment filed October 22, 1993; effective January 5, 1994. Amendment filed March 7, 1994; effective May 21, 1994. Amendment filed January 7, 1997; effective March 23, 1997.

1200-12-01-.15 AMBULANCE SERVICE RECORDS. Each ambulance service and invalid vehicle operator, licensed or permitted by the Tennessee Department of Health and Environment shall maintain records that include, but are not limited to, the following information:

(Rule 1200-12-01-.15, continued)

- (1) Each ambulance service shall maintain the following records and provide information to the Division office at the request of any authorized representative of the Division relative to ambulance service personnel, including, but not limited to the following:
 - (a) Records indicating the individual's driver's license type and number, emergency medical technician license number, training or expiration date of CPR courses, the date of the individual's last physical examination, and the status of the individual's EMS telecommunication training, defensive driving courses, emergency vehicle operation courses, and other in-service training.
 - (b) Time cards, time sheets, call rosters, or shift schedules accurately indicating the availability of ambulance service personnel and the crews assigned on each date for each staffed ambulance within a specified county or jurisdiction.
- (2) Dispatch and Run Records shall be provided for every call to which an ambulance responds or when a patient is evaluated, treated, or transported; including information in accordance with the following requirements:
 - (a) A dispatch log shall be maintained to record the assignment of all units, including the date, the time the call is received, time and unit dispatched, time of arrival on scene, time of arrival at the destination, and time available for return to service. The dispatch log will specify responding or attending personnel by name and level of licensure, and cross-reference any ambulance run report number. Calls will be logged to reflect immediate emergency or non-emergency response or scheduled transfers. Compliance may be demonstrated by a single log, or such combination of records that can confirm the required information. Ambulance dispatch logs will be retained for a period of at least ten (10) years.
 - (b) Ambulance service run reports shall be filed with the Division of Emergency Medical Services to include all information in required data fields and such other information as may be detailed in the Board approved prehospital care data set. This information shall be transmitted in an approved format using Tennessee subset schema definitions (XSD) in Extensible Markup Language (XML) in compliance with information systems procedures adopted by the State of Tennessee. Each service shall submit reports, either web based or via compiled form, to the Division of Emergency Medical Services within sixty (60) days. Notices shall be sent to the service within fifteen (15) days for non-compliance or citing deficiencies in the reported data elements or required information.
 - (c) For each patient transported to a hospital emergency department or transferred between medical facilities, emergency medical services personnel shall submit a report to the emergency department or hospital personnel in a written or electronic format or method approved by the Division or the Board. This report shall provide brief information identifying the patient by name (if known), age, and gender; the location from which the patient was transported; the approximate times of the medical incident, initiation of transport, and arrival at the hospital; the chief complaint or description of the illness or injuries, with appropriate notation of vital signs and patient condition; and shall describe the care and treatment provided at the scene or during transport. This report shall identify the name(s) and professional license level of the attending personnel, ambulance unit, and ambulance service. The receiving facility should receive any records or copies of physicians' orders for scope of treatment (POST) that may accompany the patient. Should circumstances or other emergencies preclude the submission of the report at the time of arrival at the emergency department, the report shall be submitted in not less than twenty-four hours from time of transport. If circumstances or other emergencies preclude the submission of the report at the time of arrival at the emergency department, the attending personnel must give a verbal

(Rule 1200-12-01-.15, continued)

report of above information to receiving personnel at health care facility with that individual signing for receipt of verbal report before attending personnel leave the health care facility. This report, while classified as confidential, shall be deemed as an essential element for continuity of care.

(d) Each licensed service shall file a written report with the Division within five (5) business days from the discovery by the service of any incident that results in serious injury to a patient that could not reasonably be expected as a result of the patient's condition. A serious injury is one that results in exacerbation, complication or other deterioration of a patient's condition. Such reportable incidents include, but are not limited to, the following:

1. Medication errors resulting in serious injury;

2. The failure to provide treatment in accordance with the service treatment protocols resulting in serious injury; or

3. A major medical or communications device failure or other equipment failure or user error resulting in serious injury or delay in response or treatment.

- (3) Vehicle and Equipment Records - Records regarding the acquisition and maintenance of all vehicles and equipment shall be retained by each service, which shall include the following:
- (a) Registration and title certificates or notarized copies of such documents for each vehicle.
 - (b) Maintenance records shall be maintained on each vehicle, detailing all mechanical work.
 - (c) Copies of orders, invoices or other documents asserting title or ownership of medical equipment, including contracts or agreements pertaining to state-issued equipment consigned to the service.
- (4) Ambulance equipment inventory - An ambulance equipment inventory shall be recorded not less than every three (3) days for each vehicle reflecting an accurate status of patient care equipment, safety devices, and supplies. Each service shall adopt forms or procedures appropriate to this purpose which shall be available for inspection reflecting status of a period of at least three (3) months.
- (5) Each ambulance service shall maintain a file of FCC-related records in accordance with 47 C.F.R., Part 90.443. Such records shall include that of any transmitter maintenance, base or mobile, which affects frequency, modulation or power output tolerance of the transmitter, and those periodic reports of inspection of antenna support structures which are required to be illuminated.
- (6) All records detailed herein shall be made available when requested for inspection by a duly authorized representative of the department.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-140-502, 68-140-504, 68-140-505, 68-140-507, 68-140-508, 68-140-509, and 68-140-519. **Administrative History:** Original rule filed November 30, 1984; effective February 12, 1985. Amendment filed October 22, 1987; effective December 6, 1987. Amendment filed August 11, 1993; effective October 25, 1993. Amendment filed October 21, 1993; effective January 4, 1994. Amendment filed June 5, 1998; effective August 19, 1998. Amendment filed December 16, 2005; effective March 1, 2006. Amendment filed May 26, 2010; effective August 24, 2010.

1200-12-01-.16 EMERGENCY MEDICAL FIRST RESPONDERS.

- (1) Definitions- The terms used in this rule shall be defined as follows:
 - (a) Emergency Medical Responder (First Responder) means a person who has completed required training and who participates in an organized program of mobile pre-hospital emergency medical care.
 - (b) Emergency Medical Responder (First Responder) Certification means successful participation and completion of the Emergency Medical Responder Course and certifying examinations.
 - (c) Emergency Medical Responder (First Responder) Course means instruction in basic knowledge and skills necessary to provide emergency medical care to the sick and injured individuals who may respond before licensed Basic or Advanced Life Support units arrive.
 - (d) First Responder Service - shall mean a service providing capabilities for mobile pre-hospital emergency medical care using emergency medical response vehicles.
- (2) Operation of First Responder Services. A licensed ambulance service classified as a primary provider shall coordinate first response services within its service area. If the primary provider is a contracted ambulance service, the county or local government may designate a representative who shall coordinate first responder services within the service area of its jurisdiction. First responder services shall meet the following standards for participation in the community EMS system. To participate in the community EMS system, each First Responder Service shall:
 - (a) Be a state-chartered or legally recognized organization or service sanctioned to perform emergency management, public safety, fire fighting, rescue, ambulance, or medical functions.
 - (b) Provide a member on each response who is certified as a First Responder, Emergency Medical Technician, or EMT- Paramedic in Tennessee.
 1. Personnel may provide the following additional procedures with devices and supplies consigned under medical direction:
 - (i) First Responders and Emergency Medical Technicians trained in an appropriate program authorized by the Division may perform defibrillation in a pulseless, nonbreathing patient with an automated mode device.
 - (ii) Emergency Medical Technicians-IV and EMT-Paramedics may administer:
 - (I) Intravenous fluids with appropriate administration devices.
 - (II) Airway retention with Board approved airway procedures.
 - (iii) EMT-Paramedics and advanced life support personnel trained and authorized in accordance with these rules may perform skills or procedures as adopted in Rule 1200-12-01-.04(3).
 - (iv) First Responders and Emergency Medical Technicians participating in a recognized first responder organization within the community EMS system may, upon completion of the approved training, periodic review training, and concurrent quality assurance of the local EMS system Medical

* 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)
Timothy Bell	X				
Dr. Christopher Brooks				X	
Jeffrey L. Davis	X				
Richard Holliday	X				
Larry Hutsell	X				
Kevin Mitchell	X				
Dennis W. Parker	X				
James E. Ross	X				
Dr. Sullivan K. Smith	X				
Stephen Sutton	X				
Robert W. Thurman, Jr.	X				
Robert A Webb	X				
Tyler White	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Emergency Medical Services Board on March 27, 2013, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 02/01/13

Rulemaking Hearing(s) Conducted on: (add more dates). 03/27/13

Date: 4/25/14

Signature: [Handwritten Signature]

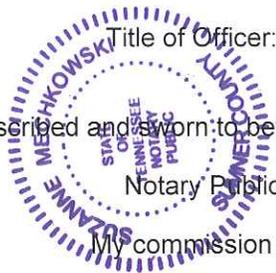
Name of Officer: Keith D. Hodges

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: 4-25-14

Notary Public Signature: [Handwritten Signature]

My commission expires on: APRIL 19, 2017



All rulemaking hearing 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
4-29-14
 Date

Department of State Use Only

Filed with the Department of State on: 5/5/14

Effective on: 8/3/14

Tre Hargett
Tre Hargett
Secretary of State

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G.O.C. STAFF RULE ABSTRACT

AGENCY/BOARD/COMMISSION: Board of Veterinary Medical Examiners

SUBJECT: Veterinary Practice, including rules governing:
Veterinarians; Veterinary Facilities; Veterinary Medical Technicians; Certified Animal Control Agencies; Certified Animal Euthanasia Technicians; and Chemical Capture

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 44-17-301 through 303, 63-1-106, 63-1-108, 63-1-109, 63-1-142, 63-1-145, 63-12-102 and 103, 63-12-105 through 107, 63-12-112, 63-12-114 through 117, 63-12-119 through 122, 63-12-124, 63-12-129, 63-12-133, 63-12-135, 63-12-139, 63-12-141, 63-12-144, and 63-51-101 *et seq.*

EFFECTIVE DATES: August 21, 2014 through June 30, 2015

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This rule amendment contains nonsubstantive and organizational changes to the rule for simplification, clarification, and the elimination of redundancy. This rule amendment is summarized as follows:

Chapter 1

1730-01-.01, 1730-01-.02 and 1730-01-.03

Replaced Scope of Practice section (.02) with "Branches of Veterinary Medicine and Treatment Methods". These branches and treatment methods are now defined in the Definitions section (.01) incorporating the new statutory language and Board-approved language.

Second paragraph of current .02 section, pertaining to Prescribing, Dispensing or Otherwise Distributing Pharmaceuticals, moved to more appropriate Pharmaceuticals section (.21).

Included the new statutory definition for "consultation" in the definitions. Removed all references to "direct" and "indirect" supervision per the Board's desire to follow the statutory definition of "responsible" supervision.

Amended the definition for "supervising veterinarian" to include veterinary student interns, employees, and consulting veterinarians.

Deleted unnecessary definitions of "Board administrative office," "Closed file," "He/she," "HRB," and "License." Amended definitions of "Veterinarian Client-Patient Relationship" and "Veterinary Facility" to simply cite the defining statutes.

Amended "surgery" definition for clarity and to accurately reflect statute.

Moved "accepted livestock management practices" from definitions to its own rule (new .03, replacing unnecessary "Necessity of Licensure" section). Reformatted rule for clarity and to comply with 2010 statutory amendments. Moved the language on consulting veterinarians from .03 to new rule .25, quoting the new statutory definition and incorporating the Board's policy into rule.

1730-01-.04

Per Board, placed a five year effectiveness limit on licensure exam scores. Clarified the statutory requirement of good moral character that was not previously referenced.

For licensure by reciprocity, Board reduced requirements from practice for five years at 30 hours a week down to practice for three of the past five years at an average of 25 hours a week. Accordingly, changed CE requirement from 100 to 60 hours (20/year).

1730-01-.05

Amended section (1)(b) to comply with the current procedure.

Amended section (1)(f) to reference the 5 year effectiveness limit for exam scores.

Removed requirement that birth certificates be notarized.

Amended the reference to disclosing "any civil judgment" in section (1)(g)(4) to accurately reflect the question on the application. NOTE: This amendment was made to any rule that made such a reference.

Amended the rule to incorporate the "three of the five years preceding licensure application" at 25 hours/week referenced in .04.

1730-01-.07

Removed certified mail requirement for application deficiency letters from Board administration.

Streamlined and clarified application approval procedure.

Removed requirement that Board vote to ratify "abandoned" application list.

Added paragraph stating Board may require applicant interviews. NOTE: Same paragraph added to vet tech, euthanasia tech, and chemical capture sections.

1730-01-.08

Rule amended to reflect fact that only NAVLE test currently exists. Simplified language and reformatted for clarity.

1730-01-.10

Removes all references to direct, indirect supervision. Simplifies rule to simply require "responsible" supervision of vet techs, employees, temporary licensees, student interns, and consulting vets.

Additional info:

T.C.A. §63-12-133 allows *any* employee of a veterinarian (e.g., an unlicensed "veterinary assistant") to perform auxiliary or supporting duties under the "responsible supervision" of a veterinarian.

In contrast, the statute governing veterinary technicians (T.C.A. §63-12-135) states that "any licensed veterinarian may assign to a licensed veterinary technician regularly employed by the veterinarian any task or procedure to be performed for which the veterinarian exercises direct supervision and full responsibility...." The Board previously defined "direct supervision" to mean the veterinarian is on the premises. The Board has consistently been concerned that these statutes restrict licensed vet techs more than unlicensed assistants.

In its discussion of the rule amendments, the Board opted on April 27, 2011 to remove all references to "direct," "indirect," and "immediate" supervision in the rules and simply require all supervision to be "responsible," as the statute requires.

Statutory provisions in the same Practice Act should be construed in such a way that one provision is not rendered inconsistent, meaningless, or superfluous. The department's interpretation is that the Practice Act allows all employees, including licensed vet techs, to provide "auxiliary or supporting assistance" under responsible supervision, but allows licensed vet techs to perform "*any task or procedure...except those procedures requiring professional judgment or skill as prescribed by board rule,*" under direct supervision. Licensed vet techs could do everything unlicensed assistants could do, but could do more (per rule, anything except diagnosing, prescribing, or performing surgical procedures) under direct supervision. A bill has been filed that clarifies the vet tech statute. Therefore, these amendments bypass this issue by simply requiring responsible supervision for everyone and leaving the rest to interpretation of the Practice Act.

Rule 1730-01-.11

Simplified language regarding licensure reactivation interviews.

Capped the continuing education (CE) requirement for reactivation at 80 hours, in addition to the current years CE.

Amends Affidavit of Retirement language to accurately reflect the Board's Affidavit form.

Rule 1730-01-.12

Removed gender-specific language, simplified organization and wording. Increased the amount of CE that can be obtained through multimedia from 8 to 10 of the 20 hours. Specified 80-hour maximum CE requirement for reactivation of retired license.

Required that for every two-year period, two of the required CE hours must pertain to regulatory issues, controlled substances, or professional ethics.

1730-01-.13

Added word "responsibly" to "failure to responsibly supervise..." Included violation of a Board order as "unprofessional conduct." Removed redundant reference to Non-livestock Animal Humane Death Act.

1730-01-.16

Included the licensure requirement which is in the current rule .02. Simplified language. Removed redundant provisions found in advertising rule.

1730-01-.17

Nonsubstantive rewording of change-of-address notification rule.

1730-01-.19

Clarified that Board consultant reviews and advises, but does not solely decide disciplinary actions.

1730-01-.20

Removed redundant definitions section. Clarified who is responsible for advertising content.

Specified that use of the words "diplomate" or "specialist" without AVMA or NAVTA recognition violates advertising rule against misrepresentation of credentials.

1730-01-.21

Incorporated the section of the current/stricken Scope of Practice Rule (.02) which dealt with Prerequisites to Prescribing. Added "and state" to "All federal and state regulations..."

1730-01-.22

Included the requirement for records to "reflect the problems the patient presents and the veterinary interventions performed and prescribed." Failure to do so is currently considered "unprofessional conduct" pursuant to Rule 1730-01-.13, but is not required by the Recordkeeping rule.

Changed "facility" to "practice" for clarity.

Reworded paragraph 7 to clarify that another practice's records cannot be sole basis for prescribing or dispensing medication.

Added reference to Medical Records provisions of T.C.A. § 63-2-101 to -102 regarding record request compliance timeframes.

1730-01-.24

Clarified language; no substantive change.

1730-01-.25

Incorporated Board's old policy statement and statutory requirements on consulting vets into new rule.

Chapter 2

1730-02-.01

Matched definitions to section 01 and removed same definitions that were removed in 01.

1730-02-.02

Deleted reference to "veterinary medical technician" and replaced with "veterinary technician."

1730-02-.03

Required hot and cold running water and lavatories *inside the facility*.

1730-02-.04

Matched recordkeeping requirements under 01.

1730-02-.05

Matched prescribing and dispensing requirements under 01.

Chapter 3

1730-03

Deleted chapter title "General Rules Governing Veterinary Medical Technicians" and replaced with "General Rules Governing Veterinary Technicians."

1730-03-.01

Matched definitions to section 01.

1730-03-.02

Deleted the reference to "direct supervision" so the rule will be consistent with the veterinary Supervision rule in 01.

1730-03-.04

Per Board, placed a ten year effectiveness limit on licensure exam scores. Clarified the statutory requirement of good moral character that was not previously referenced.

Reduced practice requirement for licensure by reciprocity from previous five years at 30 hours/week to one out of the previous five years at 20 hours/week.

1730-03-.05

Matched changes in 01.

Removed requirement that letter of recommendation for applicants by reciprocity come from a Tennessee veterinarian; it can now come from any veterinarian. Removed letter of recommendation requirement entirely for applicants by examination.

1730-03-.07

Matched language in 01.

1730-03-.08

Simplified rule; nonsubstantive change.

1730-03-.10

Reflected supervision requirements of 01.

1730-03-.11

Deleted references to "veterinary medical technician" and replaced with "veterinary technician."

1730-03-.12

Simplified language and specifies maximum requirement of 24 continuing education hours to reactivate a retired license. Now allows credit for partial hours.

1730-03-.13

Deleted references to "veterinary medical technician" and replaced with "veterinary technician," and specified violation of a Board order as unprofessional conduct.

1730-03-.16

Simplified language; nonsubstantive.

1730-03-.17

Simplified language; nonsubstantive.

Chapter 4

1730-04-.01

Corrected "D.E.A." definition from Agency to Administration and deleted unnecessary definitions.

1730-04-.03

New paragraph drafted upon request of the Board.

1730-04-.04

Matched language in chapter 01.

Chapter 5

1730-05-.01

Corrected "D.E.A." definition from Agency to Administration and deleted unnecessary definitions.

1730-05-.04

Matched language in .01.

1730-05-05

Added same applicant interview language found in other chapters.

1730-05-11

Added violation of board order to "unprofessional conduct."

1730-05-13

Simplified language as in other chapters.

Chapter 6

1730-06-03

Added same applicant interview language found in other chapters.

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.

- (1) Comment: In view of the statutory prohibition against the use of "physical therapy" and related terms by persons not licensed under the Occupational and Physical Therapy Practice Act, Tenn. Code Ann. Title 63, Chapter 13, "physical therapy" should be changed to "veterinary rehabilitative therapy" throughout the proposed rules. This term aligns with the terms used by the University of Tennessee's animal rehabilitation certification programs, graduates of which are called "certified equine rehabilitation practitioners" and "certified canine rehabilitation practitioners."

Board response: Recommendation adopted.

- (2) Comment: The wording of the definition of "Veterinary Rehabilitative Therapy" under Rule 1730-03-.01(15) should be changed so that it matches the same definition under Rule 1730-01-.01(32).

Board response: Recommendation adopted.

- (3) Comment: The statute concerning the scope of veterinary practice may contain the term "physical therapy," too. If that is the case, it will need to be changed to "veterinary rehabilitative therapy" during the next legislative session.

Board response: Comment noted.

- (4) Comment: The words "on premises" should be removed from Rule 1730-01-.10(2) and Rule 1730-03-.10(2).

Board response: By removing these words, the proposed rule will more accurately reflect current veterinary practice by allowing a veterinarian to delegate to non-veterinarian employees duties that do not require the presence of a veterinarian on the premises.

- (5) Comment: The word "scientific" under proposed Rule 1730-03-.12(3)(e)4 should be changed to "educational" so that continuing education courses that are not scientific (e.g. AVMA courses related to practice management) will not need prior Board approval under the rule.

Board response: Recommendation adopted.

- (6) Comment: The rules governing veterinary technicians should be amended to restrict the use of the titles "veterinary technician," "licensed veterinary technician," and "technician" to persons who are graduates of AVMA-accredited schools of veterinary technology.

Board response: Recommendation adopted.

- (7) Comment: The commenter thanked the Board for addressing the issue she raised in her letter to the Board, which concerned the ability of licensed veterinary technicians to perform certain tasks without a licensed veterinarian being present on the premises. The Board addressed the issue by removing the words "on premises" from Rule 1730-03-.10(2), as well as from Rule 1730-01-.10(2).

Board response: The commenter was thanked for her comment.

- (8) Comment: The number of continuing education hours a veterinarian can obtain through a multi-media format under Rule 1730-01-.12(1)(a) should be increased from ten hours to twenty hours.

Board response: Recommendation denied.

- (9) Comment: The requirement that persons applying for veterinary technician licensure by reciprocity must have a letter of recommendation under Rule 1730-03-.05(2)(l) should be removed.

Board response: Recommendation denied.

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 proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.
- (2) The proposed rule amendments exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rule amendments are not written with special consideration for flexible compliance and/or reporting requirements, because the health-related licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations.
- (4) The proposed rule amendments do not affect any schedules or deadlines for compliance and/or reporting requirements for small businesses.
- (5) The rule regarding distribution of the Non-Livestock Animal Humane Death Act provides simple and concise compliance requirements for certified animal control agencies. The other rule amendments clarify existing requirements.
- (6) The proposed rule amendments provide clarification to existing rules and establish specific requirements to ensure compliance with existing law, establishing performance standards for small businesses that treat animals, as opposed to design or operational standards.
- (7) The proposed rule amendment regarding distribution of the Non-Livestock Animal Humane Death Act will cause certified animal control agencies to incur the cost of making copies of the Act (approx. 3 pages) for employees. This requirement should not create entry barriers or other effects that stifle entrepreneurial activity or curb innovation, and would only slightly increase costs. This requirement is necessary to ensure that the individuals euthanizing animals are complying with the appropriate standards of care.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

1. **Name of Board, Committee or Council:** Tennessee Board of Veterinary Medical Examiners
2. **Rulemaking hearing date:** December 11, 2012
3. **Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

Veterinarians, veterinary facilities, licensed veterinary technicians, certified animal control agencies, euthanasia technicians, and chemical capture technicians.
4. **Identification and estimate of the number of small businesses subject to the proposed rule:**

As of April 30, 2012, Tennessee had 1,985 licensed veterinarians, 448 licensed veterinary technicians and 261 certified animal euthanasia technicians, 687 licensed veterinary facilities, and 63 certified animal control agencies.
5. **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:**

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance, except for the proposed amendment that pertains to providing employees with a copy of the Non-Livestock Animal Humane Death Act which (approx. 3 pages) will have additional recordkeeping requirements but with minimal cost and with no new professional skills required.
6. **Statement of the probable effect on impacted small businesses and consumers:**

These rules will have a positive effect on both businesses and consumers because the rules clarify existing law, making the laws easier to understand for licensees. By simplifying existing rules and setting forth specific requirements for existing law, it is anticipated that licensee compliance will increase, to the benefit of consumers. In addition, the rules make it easier for out-of-state veterinarians and veterinary technicians who meet minimum requirements to obtain licensure and employment in Tennessee.
7. **Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

The Board does not believe there are less burdensome alternatives. It would be less burdensome to not promulgate these rule amendments, but that would be contrary to the Board's mission to safeguard the health, safety, and welfare of the public.
8. **Comparison of the proposed rule with any federal or state counterparts:**

Federal: The Board is not aware of any federal counterparts except that the amendment pertaining to the prerequisites to prescribing refers to and is consistent with the federal requirements that certain drugs must be prescribed or ordered by a licensed veterinarian.

State: The Board is not aware of any State counterparts.
9. **Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Board's licensees and applicants. If there were an exemption, then the proposed rule amendments would have no actual effect.

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 rule amendments have no projected financial impact on local governments.

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For Department of State Use Only

Sequence Number: 05-19-14
Rule ID(s): 5717-5722
File Date: 5/23/14
Effective Date: 8/21/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission: Board of Veterinary Medical Examiners
Division:
Contact Person: Keith D. Hodges
Address: 665 Mainstream Drive, Nashville, Tennessee
Zip: 37243
Phone: (615) 741-8218
Email: keith.d.hodges@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
1730-01	General Rules Governing Veterinarians
Rule Number	Rule Title
1730-01-.01	Definitions
1730-01-.02	Scope of Practice
1730-01-.03	Necessity of Licensure
1730-01-.04	Qualifications for Licensure
1730-01-.05	Procedures for Licensure
1730-01-.07	Application Review, Approval, Denial, Interviews
1730-01-.08	Examinations
1730-01-.10	Supervision-Direct
1730-01-.11	Retirement and Reactivation of License
1730-01-.12	Continuing Education
1730-01-.13	Unprofessional Conduct
1730-01-.16	License
1730-01-.17	Change of Name and/or Address
1730-01-.19	Board Consultants, Records and Complaints, and Declaratory Orders
1730-01-.20	Advertising
1730-01-.21	Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals
1730-01-.22	Recordkeeping
1730-01-.24	Consumer Right-To-Know Requirements
1730-01-.25	Consulting Veterinarians

Chapter Number	Chapter Title
1730-02	General Rules Governing Veterinary Facilities
Rule Number	Rule Title
1730-02-.01	Definitions

SS-7039 (October 2011)

1730-02-.02	Veterinary Facility Inspections and Premises Permit
1730-02-.03	Veterinary Facility Inspections to Obtain a Premises Permit
1730-02-.04	Recordkeeping
1730-02-.05	Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals

Chapter Number	Chapter Title
1730-03	General Rules Governing Veterinary Medical Technicians

Rule Number	Rule Title
1730-03-.01	Definitions
1730-03-.02	Scope of Practice
1730-03-.04	Qualifications for Licensure
1730-03-.05	Procedures for Licensure
1730-03-.07	Application Review, Approval, Denial, Interviews
1730-03-.08	Examinations
1730-03-.10	Supervision
1730-03-.11	Retirement and Reactivation of License
1730-03-.12	Continuing Education
1730-03-.13	Unprofessional Conduct
1730-03-.16	License
1730-03-.17	Change of Name and/or Address

Chapter Number	Chapter Title
1730-04	General Rules Governing Certified Animal Control Agencies

Rule Number	Rule Title
1730-04-.01	Definitions
1730-04-.03	Qualifications for Certification
1730-04-.04	Procedure for Certification of an Animal Control Agency

Chapter Number	Chapter Title
1730-05	General Rules Governing Certified Animal Euthanasia Technicians

Rule Number	Rule Title
1730-05-.01	Definitions
1730-05-.04	Procedures for Certification
1730-05-.05	Application Review, Approval, Denial
1730-05-.11	Unprofessional Conduct
1730-05-.13	Change of Name and/or Address

Chapter Number	Chapter Title
1730-06	Chemical Capture

Rule Number	Rule Title
1730-06-.03	Application Requirements

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-01
GENERAL RULES GOVERNING VETERINARIANS**

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1730-01-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels		

~~1730-01-.01 DEFINITIONS. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.~~

- ~~(1) Accepted livestock management practices— Services which may be performed by persons who are not licensed as veterinarians. Such services are limited to:
 - ~~(a) In livestock of the equine species, the administration of any prescription drug, medicine, or biologic or the intra-uterine administration of medication when any of these procedures are performed under the indirect supervision of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship. The administration of any over the counter drug, medicine or biologic, or the use of any manual or mechanical procedure for artificial insemination may be provided without veterinarian supervision.~~
 - ~~(b) In livestock other than the equine species, the administration of any over the counter drug, medicine, or biologic; the use of any manual or mechanical procedure for artificial insemination, the implantation of frozen embryos; deworming; the implanting of commercially available growth promotants; clipping of needle teeth; and the feeding of commercially available medicated feed. Prescription drugs, medicine or biologics may be administered under the indirect supervision of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.~~~~
- ~~(2) Advertisement— Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.~~
- ~~(3) Advertising— Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual{s}, radio, video, or television broadcasting or any other means designed to secure public attention.~~
- ~~(4) Applicant— Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.~~

(Rule 1730-01-.01, continued)

- ~~(5) Bait and Switch Advertising—An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.~~
- ~~(6) Board—The Tennessee Board of Veterinary Medical Examiners.~~
- ~~(7) Board Administrative Office—The office of the administrator assigned to the Tennessee Board of Veterinary Medical Examiners, located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.~~
- ~~(8) Client—The patient's owner, owner's agent, or other person responsible for the patient.~~
- ~~(9) Closed File—An administrative action which renders an incomplete or denied file inactive.~~
- ~~(10) Conspicuous Place—A place easily viewable by the public.~~
- ~~(11) Department—Tennessee Department of Health.~~
- ~~(12) "Discounted Fee"—A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee".~~
- ~~(13) Division—The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.~~
- ~~(14) He/she, Him/her—When "he/him" appears in the text of these rules, the word represents both the feminine and masculine genders.~~
- ~~(15) House Call—A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;~~
- ~~(16) HRB—When the acronym "HRB" appears in the text of these rules, it represents Health Related Boards.~~
- ~~(17) Indirect supervision—Services provided pursuant to written or oral instructions issued by a licensed veterinarian for the treatment of an animal or herd after the animal or herd has been examined by the veterinarian such that a valid doctor-client-patient relationship exists. The licensed veterinarian is not required to be on the premises for services that may be provided under indirect supervision, but must comply with the recordkeeping requirements of Rule 1730-01-.22.~~
- ~~(18) License—Document issued to an applicant who successfully completes the licensure process. The license takes the form of an "artistically designed" document as well as other versions bearing an expiration date.~~
- ~~(19) Licensee—Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced.~~
- ~~(20) Patient—An animal that is examined or treated by a veterinarian.~~
- ~~(21) Premises—Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~

(Rule 1730-01-.01, continued)

- ~~(22) Premises Owner—Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who holds title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
- ~~(23) Premises Permit—A permit issued by the board to operate a veterinary medicine facility when premises meet minimum standards established by the Board.~~
- ~~(24) Public Rabies Vaccination Clinic—A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, pursuant to the local health department's established ordinances and regulations.~~
- ~~(25) Retail Establishment—Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.~~
- ~~(26) Supervising Veterinarian—A person who is validly and currently licensed to practice veterinary medicine in the state, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and/or has direct responsibility for the direct supervision of a temporary licensee.~~
- ~~(27) "Surgery" means:~~
- ~~(a) Aseptic Surgery—surgery performed in ways or by means sufficiently free from micro-organisms so that significant infection or suppuration does not occur.~~
 - ~~(b) Major Surgery—any surgical intervention that penetrates and exposes the body cavity and/or any procedure associated with extensive transection or dissection of tissue.~~
- ~~(28) Use of a title or description—To hold himself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.~~
- ~~(29) "Veterinary Facility" means:~~
- ~~(a) Animal Medical Center—A veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;~~
 - ~~(b) Clinics—A veterinary or animal clinic means a facility in which the practice conducted is essentially an out-patient type of practice;~~
 - ~~(c) Hospital—A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;~~
 - ~~(d) Mobile Facility—A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;~~
 - ~~(e) Office—A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients; and any establishment either unincorporated or a corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
- ~~(30) "Veterinary Practice" means:~~

(Rule 1730-01-.01, continued)

- ~~(a) — Large Animal Practice — a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board of Veterinary Medical Examiners.~~
 - ~~(b) — Small Animal Practice — a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board of Veterinary Medical Examiners.~~
 - ~~(c) — Mixed Animal Practice — a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.~~
- ~~(31) — Veterinarian-client-patient relationship~~
- ~~(a) — A licensed veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian; and~~
 - ~~(b) — There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) is (are) kept; and~~
 - ~~(c) — The veterinarian is routinely and physically available for follow-up in case of adverse reactions or failure of the treatment or regimen or therapy, or has arranged for substitute follow-up care.~~

1730-01-.01 Definitions. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Acupuncture – The insertion of needles into the body of an animal, which may then be twirled, electrically stimulated, or warmed, in an effort to treat, correct, change, alleviate or prevent animal disease, illness, pain, defect, injury, or other physical or mental condition.
- (2) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (3) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, television broadcasting, electronic communication, or any other means designed to secure public attention.
- (4) Anesthesiology – The branch of veterinary medicine which involves inducing a state of unconsciousness in an animal for the purpose of treating and/or preventing pain and/or distress in the animal.
- (5) Applicant - Any individual requesting licensure by the board by submitting a completed application and application fee.
- (6) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (7) Behavioral Medicine – The branch of veterinary medicine that involves diagnosing animal behavioral conditions and treating those behavioral conditions by prescribing or administering any drug, medicine, biologic, or other therapeutic or diagnostic substance.

(Rule 1730-01-.01, continued)

- (8) Board - The Tennessee Board of Veterinary Medical Examiners.
- (9) Cardiology – The branch of veterinary medicine that deals with the diagnosis and treatment of diseases or conditions that affect an animal heart and its functions.
- (10) Castration – The removal of the testicles of a male by surgical, chemical, or other means.
- (11) Chiropractic Therapy – The manipulation and treatment of the structures of the animal body, especially those of the spinal column, for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury or other physical condition.
- (12) Client - The patient's owner, owner's agent, or other person responsible for the patient.
- (13) Collection of Blood – The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic, or other treatment purposes.
- (14) Consultation – Shall have the meaning as established in T.C.A. § 63-12-103(6).
- (15) Dentistry – The branch of veterinary medicine that deals with an animal's teeth, oral cavity, and associated parts, including the diagnosis and treatment of their diseases and the restoration of defective or missing tissue.
- (16) Department - Tennessee Department of Health.
- (17) Dermatology – The branch of veterinary medicine that deals with the diagnosis and treatment of diseases that affect animal skin.
- (18) Discounted Fee – A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee."
- (19) Division – The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (20) Floating – The rasping or cutting of enamel points from the cheek teeth of an equine.
- (21) House Call – A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations.
- (22) Infertility – Inability to produce offspring; sterility.
- (23) Laser Therapy – The use of intense beams of light to treat, correct, change, alleviate or prevent animal disease, illness, pain, deformity, defect, injury or other physical, dental, or mental conditions.
- (24) Licensee – Any person that has been lawfully issued a license to practice veterinary medicine or as a veterinary technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.

(Rule 1730-01-.01, continued)

- (25) Massage – The systematic therapeutic friction, stroking, and kneading of the animal body for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury, or other physical or mental conditions.
- (26) Material Fact – Any fact which an ordinary, reasonable, and prudent person would rely upon in making an informed decision on which veterinarian or veterinary facility to choose.
- (27) Neuter – The removal of an animal's reproductive organs.
- (28) Obstetrics – The branch of veterinary medicine that deals with the management of pregnancy and labor in animals as well as the management and treatment of sterility or infertility.
- (29) Oncology – The branch of veterinary medicine that deals with the diagnosis and treatment of animal tumors and cancer.
- (30) Ophthalmology – The branch of veterinary medicine that deals with the diagnosis and treatment of the animal eye and its diseases.
- (31) Patient – An animal that is examined or treated by a veterinarian.
- (32) Premises – Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (33) Premises Owner – Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (34) Premises Permit – A permit issued by the Board to operate a veterinary medicine facility when the premises meet minimum standards established by the Board.
- (35) Public Rabies Vaccination Clinic – A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (36) Radiology – The branch of veterinary medicine that deals with the use of radiant energy in the diagnosis and treatment of disease in animals.
- (37) Retail Establishment – Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (38) Spay – The surgical removal of the ovaries or ovaries and uterus from a female animal.
- (39) Sterility – Inability to produce offspring.
- (40) Supervising Veterinarian – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (41) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.

(Rule 1730-01-.01, continued)

(42) Ultrasound – The application of ultrasonic waves for the purpose of diagnosing or treating an animal.

(43) Veterinarian-client-patient relationship (VCPR) has the same meaning as established by T.C.A. § 63-12-103(17).

(44) Veterinary Facility has the same meaning as established by T.C.A. § 63-12-103(18).

(45) Veterinary Practice means:

(a) Large Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board.

(b) Small Animal Practice – A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board.

(c) Mixed Animal Practice – A practice in which both large and small animals are seen or treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

(46) Veterinary Rehabilitative Therapy – Therapeutic or rehabilitative interventions that are used to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions for the purpose of physical rehabilitation.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-105, 63-12-106, and 63-12-133. **Administrative History:** Original rule filed November 22, 1978; effective January 8, 1979. Amendment filed August 21, 1984; effective September 20, 1984. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed July 18, 2007; effective October 1, 2007.

1730-01-.02 – SCOPE OF PRACTICE.

~~(1) The scope of practice of veterinary medicine means to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for artificial insemination, for testing for pregnancy, or for correcting sterility or infertility or to render advice or recommendation with regard to any of the above.~~

~~(2) The scope of practice of veterinary medicine includes, but is not to be limited to, surgery, obstetrics, dentistry, chiropractic, radiology, acupuncture, animal psychology, ultrasonography, fluoroscopy, embryo transfers, homeopathy, herbology, naturopathy and all other branches or specialties of veterinary medicine.~~

~~(3) Prerequisites to Prescribing, Selling, Distributing or Dispensing Animal Drugs Required by Federal Law to be Prescribed or Ordered by a Licensed Veterinarian to Laypersons In Person, Electronically, and Over the Internet~~

~~(a) For purposes of this Rule, “animal drugs required by federal law to be prescribed or ordered by a licensed veterinarian” are those drugs characterized by the Food and Drug~~

(Rule 1730-01-.02, continued)

~~Administration (FDA) pursuant to 21 C.F.R. 201.105 as drugs for which adequate directions for use cannot be prepared.~~

- ~~(b) Except as provided in subparagraphs (c), it shall be a prima facie violation of T.C.A. § 63-12-124 (a) (12), (13) and (28) for a veterinarian to prescribe, sell, distribute or dispense to a layperson any animal drug required by federal law to be prescribed or ordered by a licensed veterinarian whether in person or by electronic means or over the Internet or over telephone lines, unless the veterinarian, pursuant to appropriate protocols or veterinary orders, has first done and appropriately documented, for the animal, herd, or flock on whose behalf a prescription is to be issued or prescription drugs dispensed, all of the following:~~
- ~~1. Performed an appropriate history and physical examination; and~~
 - ~~2. Made a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests.~~
 - ~~3. Formulated a therapeutic plan, and discussed it with the animal's owner/agent or guardian, along with the basis for it and the risks and benefits of various treatments options, a part of which might be a prescription drug; and~~
 - ~~4. Insured availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.~~
- ~~(c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:~~
- ~~1. As part of an initial evaluation order; or~~
 - ~~2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or~~
 - ~~3. For continuation medications on a short-term basis prior to the veterinarian personally examining the animal, herd, or flock; or~~
 - ~~4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.~~

1730-01-.02 Branches of Veterinary Medicine and Treatment Methods

- (1) In addition to veterinary surgery, obstetrics, and dentistry, other branches of veterinary medicine include but are not limited to the following: anesthesiology, behavioral medicine, cardiology, dermatology, oncology, ophthalmology, and radiology.
- (2) In addition to the specific methods, therapies, and procedures named in T.C.A. § 63-12-103(10) the practice of veterinary medicine includes but is not limited to the following: acupuncture, chiropractic therapy, laser therapy, massage therapy, veterinary rehabilitative therapy, and ultrasound.

(Rule 1730-01-.02, continued)

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed October 3, 2005; effective December 17, 2005.

~~1730-01-.03 NECESSITY OF LICENSURE.~~

- ~~(1) Prior to engaging in the practice of veterinary medicine in Tennessee, a person must hold a current Tennessee license or valid temporary license from the Board except as provided in T.C.A. § 63-12-133.~~
- ~~(2) The scope of practice of veterinary medicine as provided in Rule 1730-01-.02, and the definition of accepted livestock management practices as provided in Rule 1730-01-.01 shall not prevent any person or such person's full-time employee from administering to the ills and injuries of the person's own animals unless employment is provided for the purpose or with the effect of circumventing T.C.A. §§ 63-12-101, et seq., or any rule lawfully promulgated by the Board.~~
- ~~(3) No person may be called into this state as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direct supervision of a Tennessee licensee. "Direct supervision" means that the licensee is on the premises and assumes responsibility for the consulting veterinarian. The Tennessee licensee is responsible for notifying the Board's administrative office of the name of the consulting veterinarian and the date(s) and location of the consultation. The request for consulting services must be for a specific case and can only be made by Tennessee licensed veterinarians, not by individual consumers. Consulting veterinarians shall not:

 - ~~(a) Open an office or appoint a place to do business within Tennessee;~~
 - ~~(b) Print or use letterhead or business cards that reflect a Tennessee address;~~
 - ~~(c) Advertise the existence of a practice address in Tennessee;~~
 - ~~(d) Establish an answering service in Tennessee;~~
 - ~~(e) Have separate billing for consulting services;~~
 - ~~(f) Provide consulting services for more than ten (10) calendar days per year; and~~
 - ~~(g) consult, without direct supervision, to an extent which constitutes the practice of veterinary medicine.~~~~

1730-01-.03 Accepted Livestock Management Practices. In addition to any specific exemptions listed in T.C.A. § 63-12-103(10) or T.C.A. § 63-12-133, the following does not constitute the practice of veterinary medicine.

- (1) An individual may perform the following services to livestock of the equine species:

 - (a) Administer any over the counter drug, medicine or biologic.
 - (b) Administer a prescription drug or biologic, including intra-uterine administration, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.
 - (c) Perform any manual or mechanical procedure for artificial insemination.
- (2) An individual may perform the following services to livestock other than the equine species:

(Rule 1730-01-.03, continued)

- (a) Administer any over-the-counter drug, medicine or biologic.
- (b) Use any manual or mechanical procedure for artificial insemination.
- (c) Implant frozen embryos.
- (d) De-worm.
- (e) Implant commercially available growth promotants.
- (f) Clip needle teeth.
- (g) Feed commercially available medicated feed.
- (h) Administer prescription drugs, medicine, or biologics, under the direction of a licensed veterinarian in the context of a valid veterinarian-client-patient relationship.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-133. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

~~**1730-01-.04 QUALIFICATIONS FOR LICENSURE.** To be eligible for licensure as a veterinarian, an applicant must meet all of the following qualifications.~~

~~(1) Veterinarian by Examination~~

- ~~(a) Be a graduate of a school or college of veterinary medicine approved by the Board.~~
- ~~(b) Pass the examination as provided in paragraph (1) of Rule 1730-01-.08.~~

~~(2) Veterinarian by Reciprocity~~

- ~~(a) Be a graduate of a school or college of veterinary medicine approved by the Board.~~
- ~~(b) Pass the examination as provided in paragraph (1) of Rule 1730-01-.08.~~
- ~~(c) Hold a valid unrestricted license in another state, territory, or Canadian province for five (5) years;~~
- ~~(d) Has engaged in active veterinary practice for the previous five (5) years immediately preceding submission of the application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(7) for an average of thirty (30) hours per week;~~
- ~~(e) Provides documentation of continuing education at least equal to that required by current Tennessee law and pursuant to Rule 1730-01-.12 for the previous five years;~~
- ~~(f) Has had no disciplinary action against his/her veterinary license in any other state, territory or Canadian province;~~
- ~~(g) Has not been convicted of a crime other than minor traffic violation;~~
- ~~(h) Has never had disciplinary action against his state or federal accreditation in any state.~~

~~(3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2) graduates from a Foreign Veterinary Medical School must:~~

~~(a) Be certified by~~

- ~~1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or~~
- ~~2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or~~
- ~~3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE;~~

~~(b) Be a graduate of a veterinary school approved by AVMA or the Board; and~~

~~(c) Provide official copy of grades and curriculum, translated if not in English.~~

1730-01-.04 Qualifications for Licensure. To be eligible for licensure as a veterinarian, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-01-.05.

(1) Veterinarian by Examination

(a) Submit a written application in the form determined by the Board.

(b) Graduate and receive a doctorate degree from a school or college of veterinary medicine approved by the Board.

(c) Pass the North American Veterinary Licensing Exam (NAVLE) within the past five (5) years preceding application.

(d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.

(e) Pay the required fees set forth in Rule 1730-01-.06.

(2) Veterinarian by Reciprocity

(a) Submit a written application in the form determined by the Board.

(b) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.

(c) Provide proof of initial licensure by examination and proof that such license is in good standing.

(d) Provide proof that any other veterinary licenses granted by any other states, privileges or certifications have not been disciplined or restricted for any reason. The Board shall have the discretion to assess the magnitude of any disciplinary action to determine the licensure eligibility of the applicant.

(e) Provide proof of having engaged in active veterinary practice for three (3) of the five (5) years preceding application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-

(Rule 1730-01-.04, continued)

103(10) for an average of twenty-five (25) hours per week in another state or jurisdiction. The Board may consider a waiver upon request.

1. The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.

2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.

(f) Provide proof of completion of a minimum of sixty (60) hours of continuing education in the five (5) years preceding application. Forty-five (45) hours must pertain to the medical and surgical care of animals. Fifteen (15) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of thirty (30) hours may be obtained in a multi-media format as set forth in Rule 1730-01-.12(3)(d)(2).

1. The Board may grant a waiver of the need to attend and complete the required hours of continuing education.

2. Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.

(g) Pay the required fees set forth in Rule 1730-01-.06.

(3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2) graduates from a Foreign Veterinary Medical School must:

(a) Be certified by

1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or

2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or

3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE; and

(b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and

(c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed November 2, 2005; effective January 16, 2006. Amendments filed September 10, 2009; effective December 9, 2009.

1730-01-.05 — PROCEDURES FOR LICENSURE.

(Rule 1730-01-.05, continued)

~~(1) — Veterinarian by Examination~~

- ~~(a) — An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.~~
- ~~(b) — Applications for licensure must be submitted to the Board's administrative office at least one hundred (100) days prior to the examination date.~~
- ~~(c) — An applicant shall pay, at the time of application, the non-refundable application fee and the State Regulatory fee as provided in Rule 1730-01-.06.~~
- ~~(d) — An applicant shall submit with his application two recent photographs, one signed and notarized.~~
- ~~(e) — An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.~~
- ~~(f) — Examination — Pursuant to Rule 1730-01-.08, an applicant shall pass the State Board Examination, the National Board Examination and either the National Board Examination and Clinical Competency Test or the North American Veterinary Licensing Examination. Whenever these exams have been taken in another jurisdiction, official scores shall be submitted to the Board's administrative office directly from the examination service.~~
- ~~(g) — An applicant shall disclose the circumstances surrounding any of the following:
 - ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of licensure application by any other state or the discipline of the licensee in any state.~~
 - ~~3. — Loss or restriction of certification, licensure privileges, state or federal accreditation.~~
 - ~~4. — Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.~~~~
- ~~(h) — An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.~~
- ~~(i) — An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers, or current visa status.~~
- ~~(j) — Where necessary, all required documents shall be translated into English. Such translation and original document must be certified as to authenticity by the issuing source.~~
- ~~(k) — Application review and licensure decisions shall be governed by Rule 1730-01-.07.~~

(Rule 1730-01-.05, continued)

- ~~(1) — If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.~~
- ~~(2) — Veterinarian by Reciprocity. The Board may grant full licensure status by reciprocity to veterinarians licensed in another state. The process for obtaining reciprocity license is as follows:~~
- ~~(a) — An applicant shall obtain an application form from the Board's administrative office, and respond truthfully and completely to every question or request for information.~~
- ~~(b) — Applications for licensure will be accepted throughout the year and files which are completed on or before the 45th day prior to the board meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files.~~
- ~~(c) — An applicant shall pay, at the time of application, the non-refundable application, reciprocity, and State Regulatory fees as provided in Rule 1730-01-.06.~~
- ~~(d) — An applicant shall submit with his application two recent photographs, one signed and notarized.~~
- ~~(e) — An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.~~
- ~~(f) — An applicant shall disclose the circumstances surrounding any of the following:~~
- ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of licensure application by any other state or the discipline of the licensee in any state.~~
 - ~~3. — Loss or restriction of certification or licensure privileges or state or federal accreditation.~~
 - ~~4. — Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.~~
- ~~(g) — An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.~~
- ~~(h) — An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers, or current visa status.~~
- ~~(i) — Where necessary, all required documents shall be translated into English. Such translation and original document must be certified as to authenticity by the issuing source.~~
- ~~(j) — Application review and licensure decisions shall be governed by Rule 1730-01-.07.~~

(Rule 1730-01-.05, continued)

- ~~(k) — If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.~~
- ~~(l) — An applicant for licensure by reciprocity shall furnish an affidavit or other proof that he has engaged actively in the practice of veterinary medicine for the previous five (5) years before application is made for an average of at least thirty (30) hours per week.~~
- ~~(m) — Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Medical Practice Act.~~
- ~~(3) — Foreign Graduates. In addition to completing the procedures outlined in Rule 1730-01-.04 (1) or (2) and (3), graduates from a Foreign Veterinary Medical School must:

 - ~~(a) — Cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check; and~~
 - ~~(b) — Be certified by

 - ~~1. — the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or~~
 - ~~2. — the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or~~
 - ~~3. — a certification agency deemed by the Board to be equivalent to ECFVG or PAVE; and~~~~
 - ~~(c) — Be a graduate of a veterinary school approved by AVMA or the Board; and~~
 - ~~(d) — Provide official copy of grades and curriculum, translated if not in English. Such translation and original document must be certified as to authenticity by the issuing source shall be submitted.~~~~

1730-01-.05 Procedures for Licensure.(1) Veterinarian by Examination

- (a) An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
- (b) Applications for licensure must be submitted to the Board's administrative office in accordance with the National Board of Veterinary Medical Examiners (NBVME) deadline.
- (c) An applicant shall pay, at the time of application, the non-refundable application fee and the State Regulatory fee as provided in Rule 1730-01-.06.
- (d) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
- (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's

(Rule 1730-01-.05, continued)

- administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
- (f) An applicant shall pass the North American Veterinary Licensing Examination (NAVLE) within the five (5) years preceding licensure application. Official scores shall be submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
- (g) An applicant shall disclose the circumstances surrounding any of the following:
1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 2. Denial of a licensure application or the discipline of a license by any other state.
 3. Loss or restriction of certification, licensure privileges, state or federal accreditation.
 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (h) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (i) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
- (j) Where necessary, all required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
- (k) Application review and licensure decisions are governed by Rule 1730-01-.07.
- (l) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (2) Veterinarian by Reciprocity. The Board may grant full licensure by reciprocity to veterinarians licensed in another state. The process for obtaining a license by reciprocity is as follows:
- (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
 - (b) An applicant shall submit proof of successful completion of the North American Veterinary Licensing Exam (NAVLE) or the National Board Examination and Clinical Competency Test, with official scores submitted to the Board's administrative office directly from American Association of Veterinary State Boards (AAVSB).
 - (c) An applicant shall pay, at the time of application, the non-refundable application, reciprocity, and State Regulatory fees as provided in Rule 1730-01-.06.

(Rule 1730-01-.05, continued)

- (d) An applicant shall submit with his or her application two recent photographs, one signed and notarized.
- (e) An applicant shall cause a graduate transcript from an approved college or school of veterinary medicine to be submitted directly from the college or school to the Board's administrative office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
- (f) An applicant shall disclose the circumstances surrounding any of the following:

 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 - 2. Denial of licensure application or the discipline of a license by any other state.
 - 3. Loss or restriction of certification or licensure privileges or state or federal accreditation.
 - 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (g) An applicant shall cause to be submitted to the Board's administrative office, directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (h) An applicant shall submit proof of United States or Canadian citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
- (i) Where necessary, all required documents shall be translated into English. The original document and the translation must be certified as authentic by the issuing source.
- (j) Application review and licensure decisions are governed by Rule 1730-01-.07.
- (k) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (l) An applicant for licensure by reciprocity shall furnish an affidavit or other proof that he or she has engaged actively in the practice of veterinary medicine for three (3) of the five (5) years preceding licensure application for an average of at least twenty-five (25) hours per week in another state or jurisdiction.
- (m) An applicant for licensure by reciprocity shall furnish independent documentation of attendance and completion of all continuing education courses as required under Rule 1730-01-.04(2)(f).
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-01-.04(1) or (2), graduates from a Foreign Veterinary Medical School must:

 - (a) Be certified by

(Rule 1730-01-.05, continued)

1. the Educational Commission for Foreign Veterinary Graduates (ECFVG), which is a committee of the American Veterinary Medical Association; or
 2. the Program for the Assessment of Veterinary Education Equivalence (PAVE), which is a program of the American Association of Veterinary State Boards; or
 3. a certification agency deemed by the Board to be equivalent to ECFVG or PAVE; and
- (b) Be a graduate from a veterinary school approved by the American Veterinary Medical Association or the Board; and
- (c) Provide an official copy of grades and curriculum, translated if not in English. The original document and the translation must be certified as authentic by the issuing source.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed March 14, 2006; effective May 28, 2006. Amendments filed September 10, 2009; effective December 9, 2009.

1730-01-.06 FEES.

- (1) The fees are as follows:
- (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
 - (b) Endorsement/Verification - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
 - (c) Late Renewal Fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
 - (d) License Renewal Fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
 - (e) Reciprocity License Fee - A non-refundable fee to be paid at the time of application for licensure.
 - (f) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license or renewal certificate.
 - (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
 - (h) Temporary License Fee - A non-refundable fee to be paid each time an application for a temporary license is filed.

(Rule 1730-01-.06, continued)

- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
- | | Amount |
|--|-----------|
| (a) Application | \$ 125.00 |
| (b) Endorsement/Verification | 20.00 |
| (c) Late Renewal | 80.00 |
| (d) Renewal (biennial) | 360.00 |
| (e) Reciprocity License Fee | 150.00 |
| (f) Replacement License or Renewal Certificate Fee | 25.00 |
| (g) State Regulatory Fee (biennial) | 10.00 |
| (h) Temporary License | 25.00 |
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-32-1011, 63-1-106, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, 63-12-121, and 63-23-123. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed December 18, 1995; effective March 1, 1996. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed March 14, 2006; effective May 28, 2006.

~~1730-01-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.~~

- ~~(1) Applications for licensure will be accepted throughout the year.~~
- ~~(2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator, provided that final approval of all applications is made and ratified by the Board.~~
- ~~(3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying him of the deficiency.~~
- ~~(a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.~~
- ~~(b) For an applicant who has completed the requirements for licensure, all documentation must be received in the Board's administrative office within 60 days after receipt of the deficiency notification. If the requested information is not received within 60 days, the file will be closed and the applicant notified.~~
- ~~(c) For an applicant who has not passed the examinations required by Rule 1730-01-.08, the file will remain open until the applicant has had the opportunity to take each required~~

(Rule 1730-01-.07, continued)

- ~~examination three (3) times. At that time, the file will be closed and the applicant notified.~~
- ~~(d) — After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.~~
- ~~(4) — One hundred (100) days prior to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.~~
- ~~(5) — The Board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the Board wishes additional information.~~
- ~~(6) — If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:~~
- ~~(a) — A notification of the denial shall be sent by the Board's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific or rule authorities for the denial.~~
- ~~(b) — The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §4-5-101, et. seq.) to contest the denial and the procedure necessary to accomplish that action.~~
- ~~(c) — An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.~~
- ~~(d) — An applicant may be granted a contested case hearing if licensure denial is based on objective, clearly defined criteria. If after review and attempted resolution by the Board's administrative staff, the licensure application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal, an appeal hearing may be requested. Such request must be made in writing to the Board within 30 days of the receipt of the notice of denial from the Board.~~
- ~~(7) — Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.~~
- ~~(8) — If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.~~
- ~~(9) — Abandonment of Application~~
- ~~(a) — An application shall be deemed abandoned and closed if~~
- ~~1. — The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or~~
 - ~~2. — An applicant fails to sit for a scheduled examination after being notified of eligibility;~~

(Rule 1730-01-.07, continued)

- ~~(b) — A determination of abandonment must be ratified by the Board.~~
- ~~(c) — An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.~~
- ~~(10) — Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.~~

1730-01-.07 Application Review, Approval, Denial, Interviews.

- (1) Applications for licensure are accepted throughout the year.
- (2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.
- (a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days of mailing of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.
- (b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) For an applicant who has not passed the National Board Examination (NAVLE), the file will remain open until the applicant has had the opportunity to take the NAVLE three (3) times. At that time, the file will be closed and the applicant notified.
- (5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.
- (a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-101 to 404) to contest the denial.
- (b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
- (c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request for appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.

(Rule 1730-01-.07, continued)

- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
- (a) The Board's Executive Director will deem an application "abandoned" if:
1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
 2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
- (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
- (c) An application submitted after the abandonment of a prior application shall be treated as a new application.
- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-142, 63-12-105, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendments filed September 10, 2009; effective December 9, 2009.

1730-01-.08 — EXAMINATIONS.

- ~~(1) — An individual seeking licensure shall be required to pass the examination as stated in paragraph (2), or pass the examinations as stated in paragraphs (3) and (4).~~
- ~~(2) — North American Veterinary Licensing Examination~~
- ~~(a) — This examination is developed by the National Board of Medical Examiners and is taken at Sylvan Prometric Learning Centers.~~
- ~~(b) — Passing will be the criterion referenced passing grade established by the National Board Examination Committee.~~
- ~~(c) — The Board adopts the North American Veterinary Licensing Examination as its state and national examinations, pursuant to T.C.A. § 63-12-115.~~
- ~~(3) — National Board Examination~~

(Rule 1730-01-.08, continued)

- ~~(a) The examination shall be the National Board Examination for Veterinary Medical Licensing ~ NBE I developed by Professional Examination Service under the direction of the National Board Examination Committee.~~
- ~~(b) Passing will be the criterion-referenced passing grade established by the National Board Examination Committee.~~
- ~~(4) Clinical Competency Test~~
 - ~~(a) The Clinical Competency Test shall be the Clinical Competency Test (CCT) developed by Professional Examination Service under the direction of the National Board Exam Committee.~~
 - ~~(b) Passing will be the criterion-referenced passing grade established by the National Board Examination Committee.~~
- ~~(5) Applicants for initial licensure as a veterinarian in Tennessee who have never been licensed as a veterinarian in any other state must pass the examination in paragraph (2) of this rule.~~
- ~~(6) Official scores from the National Board Examination, Clinical Competency Test, or the North American Veterinary Licensing Examination must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards whenever these exams are taken outside of Tennessee.~~
- ~~(7) All examination applications and fees for the North American Veterinary Licensing Examination shall be sent directly to the National Board of Veterinary Medical Examiners.~~

1730-01-.08 Examinations.

- (1) An individual seeking licensure shall be required to pass the examination as stated in paragraph (2), or pass the examinations referred to in paragraphs (3) and (4) below.
- (2) North American Veterinary Licensing Examination (NAVLE)
 - (a) The Board adopts the NAVLE as its state and national examinations under T.C.A. § 63-12-115.
 - (b) This examination is developed by and administered under the direction of the National Board of Veterinary Medical Examiners (NBVME).
 - (c) The Board adopts the NBVME's determination of the passing score for the examination.
 - (d) All examination applications and fees for the NAVLE shall be sent directly to the NBVME.
 - (e) An applicant for licensure by examination must provide proof of passing the NAVLE no more than five (5) years before the date of submission of the application for licensure by examination.
- (3) National Board Examination (NBE)
 - (a) This examination was administered under the direction of the National Board Examination Committee.

(Rule 1730-01-.08, continued)

- (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (4) Clinical Competency Test (CCT)
 - (a) This examination was administered under the direction of the National Board Examination Committee.
 - (b) The Board adopts the passing grade established by the National Board Examination Committee.
- (5) Official scores from the NAVLE, NBE, or CCT must be submitted to the Board's administrative office directly from the American Association of Veterinary State Boards (AAVSB).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed September 10, 2009; effective December 9, 2009.

1730-01-.09 RENEWAL OF LICENSE.

- (1) Renewal Application
 - (a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.
 - (b) Methods of Renewal
 - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 - 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
 - (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-01-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:
 - 1. A completed Board renewal application form; and
 - 2. The renewal and state regulatory fees as provided in Rule 1730-01-.06.
 - (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-01-.15.
 - (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 in accordance with rule 1200-10-01-.10.

(Rule 1730-01-.09, continued)

(2) Reinstatement of an Expired License

- (a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:
1. Payment of all past due renewal and state regulatory fees,
 2. Payment of the late renewal fee provided in Rule 1730-01-.06; and
 3. Compliance with continuing education requirement pursuant to Rule 1730-01-.12.
- (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-107, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

~~1730-01-.10 SUPERVISION-DIRECT.~~

- ~~(1) A Tennessee Licensed Veterinarian must supervise a veterinarian with a temporary license. This supervision must be in the same veterinary hospital, clinic, or outpatient office. In mixed or large animal practices where ambulatory services are performed, a licensed veterinarian must be available if consultation is necessary.~~
- ~~(2) No veterinary medical technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the direct supervision of a licensed veterinarian on premises, except that an employee of the veterinarian may be permitted to float teeth without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian.~~
- ~~(a) Floating will be defined as rasping or cutting the long projections or points from the cheek teeth of the equine.~~
- ~~(b) Prior to the performance of the employee's services, a veterinarian-client-patient relationship must exist.~~
- ~~(c) The employee must be a salaried or commissioned employee, and not a contract employee, to assure coverage by the veterinarian's liability insurance.~~
- ~~(3) Willful or repeated violation of these rules makes the licensee subject to the disciplinary provisions of the T.C.A. §§63-12-124, 63-12-128, and 63-12-135.~~

Rule 1730-01-.10 Supervision.

- (1) A veterinarian with a temporary license must be under the responsible supervision of a Tennessee-licensed veterinarian.
- (2) No veterinary technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.
- (3) A supervising veterinarian must provide responsible supervision to a consulting veterinarian.

(Rule 1730-01-.10, continued)

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-113, 63-12-124, 63-12-128, 63-12-119, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000.

1730-01-.11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) ~~Veterinarians who wish to retire their license must complete an Affidavit of Retirement form indicating one of the following:~~
 - (a) ~~Permanent retirement of the license to practice veterinary medicine.~~
 - (b) ~~Retirement of the Tennessee license to practice veterinary medicine in another state.~~
 - (c) ~~Retirement of the Tennessee license to practice veterinary medicine in order to seek other types of employment.~~
- (2) ~~When a licensee who has retired a Tennessee veterinary license to practice veterinary medicine in another state wishes to reactivate the Tennessee license, said licensee must show evidence of the following:~~
 - (a) ~~Evidence of good standing where the retiree holds a license.~~
 - (b) ~~Evidence of continuous practice during the period of retirement of the Tennessee license.~~
 - (c) ~~Evidence of having completed continuing education courses equal to the number of hours required by the Board, during the period of time the Tennessee license was retired.~~
- (3) ~~If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-01-.06.~~
- (4) ~~Veterinarians who have not engaged in continuous practice during the retirement of a license must appear before the Board for an oral examination and at that time show evidence of having completed continuing education equal to the number of hours required by the Board during the time the license was retired.~~
- (5) ~~Licensure reactivation application shall be treated as licensure applications. The Board's review and decisions required by this Rule shall be governed by Rule 1730-01-.07.~~

1730-01-.11 Retirement and Reactivation of License.

- (1) In order to retire a license, the licensee shall complete an Affidavit of Retirement on the form furnished by the Board's administrative office.
- (2) If a licensee wishes to reactivate a Tennessee license after actively practicing veterinary medicine in another state, then the licensee must show the following:
 - (a) Evidence of continuous practice in another state or jurisdiction during the period of retirement of the Tennessee license;
 - (b) Evidence of good standing in the other state or jurisdiction; and

(Rule 1730-01-.11, continued)

- (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (3) Veterinarians who have not engaged in continuous practice during the period of retirement must appear before the Board for an interview and at that time show evidence of having completed continuing education equal to the number of hours required by the Board during the period of retirement, with a maximum requirement of eighty (80) hours.
- (4) Licensure reactivation applications shall be treated as licensure applications. The Board's review and decisions required by this Rule shall be governed by Rule 1730-01-.07.
- (5) If reactivation is requested within one (1) year from the date of retirement, the Board will require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-01-.06.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, and 63-12-121. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006.

~~1730-01-.12 CONTINUING EDUCATION.~~

~~(1) Hours Required~~

- ~~(a) Each licensee, in order to renew his license, must obtain twenty (20) hours of continuing education each calendar year. Fifteen (15) hours will be required in the area of practice of veterinary medicine as defined herein. Five (5) hours may pertain to a special interest in veterinary medicine in fields other than medical and surgical care of animals. These hours can include but not be limited to practice management, state and federal regulatory programs, autotutorial and approved correspondence courses.~~
- ~~(b) A veterinarian is exempt from continuing education requirements during the calendar year he/she graduated from an approved school or college of veterinary medicine.~~
- ~~(c) The Board approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.~~

~~(2) Proof of Compliance~~

- ~~(a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. The hours must have been obtained in the preceding calendar year.~~
- ~~(b) Each veterinarian must, on a Board provided form, attest to attendance and completion of the required continuing education hours and that such hours were obtained during the calendar years of report.~~
- ~~(c) Each veterinarian must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.~~

(Rule 1730-01-.12, continued)

~~(3) — Course Approval~~

- ~~(a) — Scientific programs dealing with the practice of veterinary medicine provided by local, state, regional, national or international associations listed in the AVMA directory of Colleges of Veterinary Medicine will be accepted. Other accepted meetings will include but not be limited to those found in (f) of this section. For the purpose of this section "practice" is defined as the medical and surgical care of animals. Five hours special interest in veterinary medicine pertains to fields other than the medical and surgical care of animals. These hours can include but not be limited to practice management, state and federal regulatory programs, autotutorial and approved correspondence courses.~~
- ~~(b) — Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in subpart (3) (e) 2. (ii), the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.~~
- ~~(c) — Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided, receive prior approval from the Board.~~
- ~~(d) — Prior approval of a course may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days prior to the scheduled date of the course.~~
- ~~1. — A course description or outline.~~
 - ~~2. — Names of all speakers and sponsors.~~
 - ~~3. — Number of hours of educational credit requested.~~
 - ~~4. — Date of course.~~
 - ~~5. — How verification of attendance is to be documented.~~
- ~~(e) — Continuing education courses may be presented in any of the following formats:~~
- ~~1. — Lecture.~~
 - ~~2. — Multi-Media — With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.~~
 - ~~(i) — A maximum of eight (8) hours of the twenty (20) hour requirement may be granted for multi-media courses during each calendar year.~~
 - ~~(ii) — Multi-Media courses may include courses utilizing:~~
 - ~~(I) — The Internet~~
 - ~~(II) — Closed circuit television~~
 - ~~(III) — Satellite broadcasts~~
 - ~~(IV) — Correspondence courses~~
 - ~~(V) — Videotapes~~

(Rule 1730-01-.12, continued)

~~(VI) CD-ROM~~~~(VII) DVD~~~~(VIII) Teleconferencing~~~~(IX) Videoconferencing~~~~(X) Distance learning~~~~(f) The following courses need not receive prior approval and shall constitute Board approved continuing education courses:~~~~1. Courses sponsored or approved by any of the following organizations:~~

~~American Animal Hospital Association
 American Association for Wildlife Veterinarians
 American Association for Women Veterinarians
 American Association of Avian Pathologists
 American Association of Bovine Practitioners
 American Association of Equine Practitioners
 American Association of Sheep and Goat Practitioners
 American Association of Swine Practitioners
 American Association of Veterinary Clinicians
 American Association of Veterinary Parasitologists
 American Association of Zoo Veterinarians
 American College of Veterinary Toxicologists
 American College of Laboratory Animal Medicine
 American College of Poultry Veterinarians
 American College of Theriogenologists
 American College of Zoological Medicine
 American College of Veterinary Internal Medicine
 American Dairy Science Association
 American Society of Animal Scientists
 American Society for Veterinary Clinical Pathology
 American Society of Veterinary Ophthalmology
 American Veterinary Epidemiology Society~~

~~2. Educational courses sponsored by an accredited school of veterinary medicine. If such course is taken for or assigned quarter or semester credit hours, three (3) semester hours or equivalent quarter hours shall be equivalent to fifteen (15) continuing education hours. No credits will be counted for courses failed.~~~~3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.~~~~(4) Waiver or Extension of Continuing Education~~~~(a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.~~~~(b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.~~

(Rule 1730-01-.12, continued)

- ~~(c) — A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.~~
- ~~(5) — Continuing Education for Reactivating of Retired License~~
- ~~(a) — Any veterinarian who applies for reactivation of a license which has been retired must attest to having completed Board approved continuing education credit equal to that required pursuant to Rule 1730-01-.12.~~
- ~~(b) — The continuing education hours obtained as a prerequisite for licensure reactivation may not be counted toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.~~
- ~~(c) — The Board, upon receipt of a written request and explanation, may waive or condition any or all of the continuing education for reactivation of a retired license.~~
- ~~(6) — Violations~~
- ~~(a) — Any veterinarian who falsely attests to attendance and completion of the required hours of continuing education requirement may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).~~
- ~~(b) — Any veterinarian who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1) and (12).~~
- ~~(c) — Education hours obtained as a result of compliance with the terms of an informal settlement or Board Orders in any disciplinary action shall not be counted toward the continuing education hours required to be obtained in any calendar year.~~

Rule 1730-01-.12 Continuing Education.

(1) Hours Required

- (a) In order to renew a license, the licensee must obtain twenty (20) hours of continuing education each calendar year. Fifteen (15) hours must pertain to the medical and surgical care of animals. Five (5) hours may pertain to a special interest in veterinary medicine in fields other than the medical and surgical care of animals, including but not limited to practice management and state and federal regulatory programs. A maximum of ten (10) hours may be obtained in a multi-media format as defined in part (3)(d)2 of this rule.
- (b) For every two-year period, two (2) of the required hours must pertain to regulatory issues, controlled substances, or professional ethics.
- (c) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from an approved school or college of veterinary medicine.
- (d) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.

(2) Proof of Compliance

- (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each veterinarian must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.

(Rule 1730-01-.12, continued)

- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
- (c) Each veterinarian must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.

(3) Course Approval

- (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in subparagraph (e) of this rule.
- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in part (3)(d)2, the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.
- (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.

 - 1. A course description or outline;
 - 2. Names of all speakers and sponsors;
 - 3. Number of hours of educational credit requested; and
 - 4. Date of course.
- (d) Continuing education courses may be presented in any of the following formats:

 - 1. Lecture.
 - 2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses using:

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

(Rule 1730-01-.12, continued)

(ix) Videoconferencing

(x) Distance learning

(e) The following courses need not receive approval and constitute Board approved continuing education courses:

1. Courses sponsored or approved by any of the following organizations:

American Animal Hospital Association
American Association for Wildlife Veterinarians
American Association for Women Veterinarians
American Association of Avian Pathologists
American Association of Bovine Practitioners
American Association of Equine Practitioners
American Association of Sheep and Goat Practitioners
American Association of Swine Practitioners
American Association of Veterinary Clinicians
American Association of Veterinary Parasitologists
American College of Veterinary Toxicologists
American College of Laboratory Animal Medicine
American College of Poultry Veterinarians
American College of Theriogenologists
American College of Veterinary Internal Medicine
American Dairy Science Association
American Society of Animal Scientists
American Society for Veterinary Clinical Pathology
American Society of Veterinary Ophthalmology
American Veterinary Epidemiology Society

2. Educational courses sponsored by an accredited school of veterinary medicine or AVMA-recognized veterinary specialty organization. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.

3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.

4. Educational programs dealing with the practice of veterinary medicine provided by any local, state, regional, national or international veterinary associations, Board-certified specialties recognized by the American Veterinary Medical Association (AVMA), schools or colleges of veterinary medicine accredited by the AVMA, and the United States Department of Agriculture; and any program approved by another state veterinary board.

(4) Waiver or Extension of Continuing Education

(a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.

(b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.

(Rule 1730-01-.12, continued)

(c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.

(5) Continuing Education for Reactivation of a Retired License

(a) Any veterinarian who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of eighty (80) hours.

(b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.

(c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.

(6) Violations

(a) Any veterinarian who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).

(b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-120, 63-12-121, 63-12-122, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed June 25, 2007; effective September 9, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

~~1730-01-.13 UNPROFESSIONAL CONDUCT. Unprofessional conduct shall include but not be limited to the following:~~

~~(1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.~~

~~(2) Being under the influence of alcoholic beverages, or under the influence of illegal drugs which impair judgment while on duty in any animal health care facility, institution or other work place location.~~

~~(3) Impersonating another licensed practitioner.~~

~~(4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.~~

~~(5) Failing to supervise persons to whom veterinary functions are delegated or assigned.~~

~~(6) Revealing without written permission knowledge obtained in a professional capacity about animals or owners. Exceptions:~~

~~(a) When said information is requested during a formal investigation by representatives of the State of Tennessee or~~

(Rule 1730-01-.13, continued)

- ~~(b) — other law enforcement agencies, or when required to do so pursuant to any action in a court of law; or~~
- ~~(c) — where required by law to report state or federal agencies.~~
- ~~(7) — Failure to cooperate with authorities investigating incompetent, unethical or illegal practices of another individual.~~
- ~~(8) — Performing veterinary techniques or procedures without proper education.~~
- ~~(9) — Engaging in acts of dishonesty which relate to the practice of veterinary medicine.~~
- ~~(10) — Treating or professing to treat, or issuing any pharmaceutical to, any human.~~
- ~~(11) — Practice in a facility without a premises permit.~~
- ~~(12) — Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. §63-12-103 or rule 1730-01-.01.~~
- ~~(13) — Any violation of T.C.A. §63-12-124.~~
- ~~(14) — Violation of the provisions of the Non-Livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq. while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.~~
- ~~(15) — Violation of the provisions of Rule 1730-01-.23.~~

1730-01-.13 Unprofessional Conduct. Unprofessional conduct includes but is not limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages or illegal drugs while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failing to responsibly supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission knowledge obtained in a professional capacity about animals or owners, except:
 - (a) When the information is requested during a formal investigation by representatives of the State of Tennessee or other law enforcement agencies;
 - (b) When required to do so by a court of law; or
 - (c) When required by law to report to state or federal agencies.

(Rule 1730-01-.13, continued)

- (7) Failure to cooperate with authorities investigating incompetent, unethical or illegal practices of another individual.
- (8) Performing veterinary techniques or procedures without proper education.
- (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.
- (10) Treating, professing to treat, or issuing any pharmaceutical to any human.
- (11) Practicing in a facility without a premises permit.
- (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. § 63-12-103.
- (13) Violation of any lawful order of the Board.
- (14) Violation of the provisions of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-129.

Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed July 18, 2007; effective October 1, 2007.

1730-01-.14 TEMPORARY LICENSE.

- (1) Veterinarian by Examination.
 - (a) An applicant who is a graduate of a school or college of veterinary medicine that is approved by the board and who meets all the qualifications and requirements for a Tennessee veterinary license may also file an application for a temporary license.
 - (b) Unless the Board revokes the temporary license, the temporary license shall expire thirty (30) days after the date of the next scheduled examination.
 - (c) If a holder of a temporary license does not report, without prior notice in writing, to take the next scheduled examination, the temporary license expires on the date of the examination.
 - (d) If a holder of a temporary license fails the examination, he may file an application for another temporary license and pay the fee pursuant to Rule 1730-01-.06.
 - (e) No individual shall be issued more than three (3) temporary licenses under this section.
- (2) Veterinarian by Reciprocity.
 - (a) An applicant who is a licensed veterinarian according to the laws of another state and who meets all other qualifications for licensure may also file an application for a temporary license.
 - (b) The temporary license shall expire upon the Board's ruling on the application for licensure.

(Rule 1730-01-.15, continued)

- (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
 - (iii) Subsequently presented to and ratified by the Board.
- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

~~1730-01-.16 LICENSE.~~

- ~~(1) Issuance—Upon the Board determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§ 63-12-101, et seq., and these rules, the Board shall issue the applicant a license to practice veterinary medicine in this state.~~
- ~~(2) Display of License—Every person licensed by the Board in this state shall display his license and renewal certificate in a conspicuous place in his principal office and, whenever required, exhibit such license to the Board or its authorized representative.~~
- ~~(3) Replacement License or Renewal Certificate—A license holder, whose license or renewal certificate has been lost or destroyed, may be issued a replacement document upon receipt of a written request in the Board's administrative office.~~
- ~~(4) Verification—Requests for verification of licensure must be made in writing to the Board's administrative office.~~
- ~~(5) Use of Titles—Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Veterinarian," "Doctor of Veterinary Medicine," "D.V.M." or "V.M.D.," and to practice veterinary medicine, as defined in T.C.A. § 63-12-103. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1730-01-.20] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the veterinarian to disciplinary action pursuant to T.C.A. § 63-12-124 (a) (10), (a) (12), and (a) (13).~~

Rule 1730-01-.16 License.

- (1) Before engaging in the practice of veterinary medicine in Tennessee, a person must hold a current Tennessee license or valid temporary license issued by the Board, except as provided in T.C.A. § 63-12-103 and T.C.A. § 63-12-133.
- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee's office and, whenever required, show such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder whose license or renewal certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.

(Rule 1730-01-.16, continued)

- (4) Use of Titles - Only a person who possesses a valid, unsuspended and unrevoked, Board-issued license to practice veterinary medicine is authorized to use the title "Veterinarian," "Doctor of Veterinary Medicine," "D.V.M." or "V.M.D.," and to practice veterinary medicine, as defined in T.C.A. § 63-12-103. Any licensee to whom this rule applies must use one of these authorized titles in every advertisement that he or she publishes. The failure to do so constitutes the omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-145, 63-12-103, 63-12-106, 63-12-112, 63-12-124 and 63-12-124.3. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed July 27, 2006; effective October 10, 2006. Amendment filed September 10, 2009; effective December 9, 2009.

1730-01-.17 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, and license number.
- ~~(2) Change of Address - Each person holding a license who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, and license number.~~
- (2) Change of Address - A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession and license number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-1-108. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995.

1730-01-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client or the client's authorized representative, the veterinarian shall provide a complete copy of the patient's records or summary of such records which were maintained by the veterinarian.
- (2) It shall be the veterinarian's option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the veterinarian in a timely manner.
- (4) The individual requesting the records shall be responsible for payment of a reasonable fee to the veterinarian for copying and mailing of the records.
- (5) Radiographs are considered to be a part of the client's records.
- (6) A client's records shall not be used to fill a prescription or to have a prescription dispensed.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 26, 2004; effective August 9, 2004.

1730-01-.19 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:
 - (a) Review and make determinations on licensure, registration, exemption, renewal, and reactivation of licensure applications subject to the rules governing those respective applications.
 - ~~(b) Serve as Consultant to the Division to decide the following:~~
 - ~~1. Whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.~~
 - ~~2. Whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.~~
 - ~~3. Undertake any other matters authorized by a majority vote of the Board.~~
 - (b) Serve as Consultant to the Division to carry out the following:
 1. Review and advise whether and what type of disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
 2. Review and advise whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be ratified by the full Board before it becomes effective.
 3. Any other matters authorized by a majority vote of the Board.
- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.
- (3) Records and Complaints
 - (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
 - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.

- (4) Requests for Verification of Licensure must be made in writing to the Board's administrative office.
- (5) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed October 27, 1999; effective January 10, 2000. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed July 18, 2007; effective October 1, 2007.

1730-01-.20—ADVERTISING.

~~(1) —Policy Statement. The lack of sophistication on the part of many of the public concerning veterinary services, the importance of the interests affected by the choice of a veterinarian and the foreseeable consequences of unrestricted advertising by veterinarians which is recognized to pose special possibilities for deception, require that special care be taken by veterinarians to avoid misleading the public. The veterinarian must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by veterinarians is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.~~

~~(2) —Definitions~~

~~(a) —Advertisement. Informational communicated to the public, in any manner designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.~~

~~(b) —Bait and Switch Advertising—An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.~~

~~(c) —“Discounted Fee”—Shall mean a fee offered or charged by a person or organization for any veterinary product or service that is less than the fee the person or organization usually offers or charges for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a “discounted fee.”~~

~~(d) —Licensee—Any person that has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.~~

~~(e) —Material Fact—Any fact which an ordinary reasonable and prudent person would need to know or rely upon in making an informed decision to choose a veterinarian or veterinarian facility to serve his or her particular needs.~~

~~(3) —Advertising Veterinary Fees and Services~~

~~(a) —Fixed Fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professional~~

(Rule 1730-01-.20, continued)

- ~~recognized components within generally accepted standards that are required to complete the service.~~
- (b) ~~Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.~~
- (c) ~~Discount fees may be advertised if.~~
- ~~1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and~~
 - ~~2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular non-discounted fee for that service.~~
- (d) ~~Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.~~
- (e) ~~Time Period of Advertised Fees.~~
- ~~1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.~~
 - ~~2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.~~
- (4) ~~Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct, and subject the licensee to disciplinary action pursuant to T.C.A. §63-12-124(a)(10).~~
- ~~(a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.~~
 - ~~(b) The misleading use of an unearned or non-health degree in any advertisement.~~
 - ~~(c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.~~
 - ~~(d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.~~
 - ~~(e) Any appeals to an individual's anxiety in an excessive or unfair manner.~~
 - ~~(f) The use of any personal testimonial attesting to a quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.~~
 - ~~(g) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the licensee can achieve.~~

(Rule 1730-01-.20, continued)

- ~~(h) — The communication of personal identifiable facts, data, or information about a patient without first obtaining patient consent.~~
- ~~(i) — Any misrepresentation of a material fact.~~
- ~~(j) — The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.~~
- ~~(k) — Statements concerning the benefits or other attributes of veterinary procedures or products that involve significant risks without including:
 - ~~1. — A realistic assessment of the safety and efficiency of those procedures or products; and~~
 - ~~2. — The availability of alternatives; and~~
 - ~~3. — Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.~~~~
- ~~(l) — Any communication which creates an unjustified expectation concerning the potential results of any veterinary treatment.~~
- ~~(m) — Failure to comply with the rules governing advertisement of veterinary fees and services, or advertising records.~~
- ~~(n) — The use of “bait and switch” advertisements. Where the circumstances indicate “bait and switch” advertising, the Board may require the licensee to furnish data or other evidence pertaining to those sales at the advertised fee as well as other sales.~~
- ~~(o) — Misrepresentation of a licensee’s credentials, training, experience, or ability.~~
- ~~(p) — Failure to include the corporation, partnership or individual licensee’s name, address, and telephone number in any advertisement. Any veterinary corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 - ~~1. — Upon request provide a list of all licensees at that location; and~~
 - ~~2. — Maintain and conspicuously display at the licensee’s office, a directory listing all licensees practicing at that location.~~~~
- ~~(q) — Failure to disclose the fact of giving compensation or anything of value to representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.~~
- ~~(r) — After thirty (30) days of the licensee’s departure, the use of the name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. {This rule shall not apply in the case of a retired or deceased former associate who practiced veterinary medicine in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.}~~
- ~~(s) — Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.~~

(Rule 1730-01-.20, continued)

- ~~(t) — Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a animal in connection with the performance of professional services.~~
- ~~(5) — Advertising Records and Responsibility~~
- ~~(a) — Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.~~
- ~~(b) — Any and all advertisement are presumed to have been approved by the licensee named therein.~~
- ~~(c) — A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee for a period of two (2) years from the last date of broadcast or publication and be made available for review upon request by the Board or its designee.~~
- ~~(d) — At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.~~
- ~~(6) — Severability. It is hereby declared that the sections, clauses, sentences and part of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the in applicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.~~

1730-01-.20 Advertising.

- (1) The lack of sophistication on the part of many of the public concerning veterinary services, the importance of the interests affected by the choice of a veterinarian and the foreseeable consequences of unrestricted advertising by veterinarians which is recognized to pose special possibilities for deception, require that special care be taken by veterinarians to avoid misleading the public. The veterinarian must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by veterinarians is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Advertising Veterinary Fees and Services
- (a) Fixed Fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professionally recognized components within generally accepted standards that are required to complete the service.

- (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
- (c) Discount fees may be advertised if:

 - 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and
 - 2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular non-discounted fee for that service.
- (d) Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.
- (c) Time Period of Advertised Fees.

 - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
 - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.
- (3) Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct and are grounds for disciplinary action pursuant to T.C.A. § 63-12- 124(a)(10).

 - (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
 - (b) The misleading use of an unearned or non-health degree in any advertisement.
 - (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
 - (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
 - (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
 - (f) The use of any personal testimonial attesting to the quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.
 - (g) Use of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results the licensee can achieve.
 - (h) The communication of personal identifiable facts, data, or information about a client or patient without first obtaining client consent.

- (i) Any misrepresentation of a material fact.
- (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
- (k) Statements concerning the benefits or other attributes of veterinary procedures or products that involve significant risks without including:
 - 1. A realistic assessment of the safety and efficiency of those procedures or products;
 - 2. The availability of alternatives; and
 - 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
- (l) Any communication which creates an unjustified expectation concerning the potential results of any veterinary treatment.
- (m) Failure to comply with the rules governing advertisement of veterinary fees and services, or advertising records.
- (n) The use of "bait and switch" advertisements. When the circumstances indicate a "bait and switch" advertisement, the Board may require the licensee to furnish data or other evidence that pertain to those sales at the advertised fee as well as other sales.
- (o) Misrepresentation of a licensee's credentials, training, experience or ability, including the use of the words "diplomate" or "specialist" if not recognized as such by the American Veterinary Medical Association (AVMA) or National Association of Veterinary Technicians in America (NAVTA).
- (p) Failure to include the corporation, partnership or individual licensee's name, address and telephone number in any advertisement. Any veterinary corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 - 1. Upon request provide a list of all licensees at that location; and
 - 2. Maintain and conspicuously display at the licensee's office, a directory listing all licensees practicing at that location.
- (q) Failure to disclose the fact of giving compensation or anything of value to a representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
- (r) After thirty (30) days of the licensee's departure, the use of the individual name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced veterinary medicine in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
- (s) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.

- (t) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of an animal in connection with the performance of professional services.
- (4) Advertising Records and Responsibility
- (a) Each licensee who is a partner, officer, or agent of a firm or entity identified in any advertisement may be held jointly and severally responsible for the form and content of any advertisement. The supervising veterinarian named on a premises permit application may also be held responsible for the advertisements of the veterinary premises.
- (b) Any and all advertisements are presumed to have been approved by the licensee(s) named in the advertisement.
- (c) The following advertising records shall be maintained by a licensee for a period of two (2) years from the date of publication and shall be made available for review upon request by the Board or its designee:
1. A recording of every advertisement communicated by electronic media;
 2. A copy of every advertisement communicated by print media; and
 3. A copy of any other form of advertisement.
- (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.
- (5) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-116, 63-12-106, 63-12-107, 63-12-112, and 63-12-124.

Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999.

~~1730-01-.21 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.~~

- ~~(1) Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:~~
- ~~(a) All Federal Regulations for the dispensing of controlled substances.~~
- ~~(b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:~~
- ~~1. Animal's name and the name of the animal's owner~~

(Rule 1730-01-.21, continued)

- ~~2. Date dispensed~~
- ~~3. Complete directions for usage~~
- ~~4. The facility's name, address and phone number~~
- ~~5. The name, strength, and amount of the medication~~
- ~~6. The statement: "For veterinary use only"~~
- ~~7. The dispensing veterinarian's name~~

~~(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.~~

~~(2) Distribution of Veterinary Prescription Drugs:~~

~~(a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of his or her professional practice, with a veterinarian-client-patient relationship existing.~~

~~(b) A proper veterinarian-client-patient relationship is defined as existing when:~~

- ~~1. The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian; and when~~
- ~~2. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) is (are) kept; and when~~
- ~~3. The veterinarian is routinely and physically available for follow-up in case of adverse reactions or failure of the treatment or regimen or therapy, or has arranged for substitute follow-up care.~~

1730-01-.21 Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals.

(1) Prerequisites to Prescribing

(a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.

(b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:

1. Perform an appropriate history and physical examination;
2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;

(Rule 1730-01-.21, continued)

- (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of professional practice, with a veterinarian-client-patient relationship existing.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-103, 63-12-105, and 63-12-106. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 18, 2007; effective October 1, 2007.

~~1730-01-.22 RECORDKEEPING.~~

- ~~(1) The following minimum standards apply to all patient recordkeeping.~~
- ~~(a) Records shall be maintained for a minimum of three (3) years.~~
 - ~~(b) A separate log shall be maintained for all controlled substances.~~
 - ~~(c) Records shall reflect referral of cases where further expertise or equipment is needed.~~
 - ~~(d) A veterinarian shall comply in a reasonable manner under the circumstances to any requests for veterinary records or summaries thereof, within the provisions of the Tennessee Veterinary Practice Act.~~
 - ~~(e) Any record containing information required by this rule shall be considered a medical record.~~
- ~~(2) Medical records for small animal facilities/practices shall be clear, legible, retrievable and contain pertinent information such as:~~
- ~~(a) Name, address, and phone number of the owner/agent.~~
 - ~~(b) Identification of patient including name, species, breed, age, sex, and description.~~
 - ~~(c) Separate record for each patient. This record may be in a group of records for the owner/agent.~~
 - ~~(d) Patient's vaccination, medical and surgical history and procedures.~~
- ~~(3) Medical records for large animal facilities/practices shall be clear, legible, retrievable, are maintained on either a herd (flock) or individual basis and contain:~~
- ~~(a) Name and initials, business/farm name, address, and phone number of the owner/agent.~~
 - ~~(b) Identification of any animals suspected of having a reportable disease or other disease with public health implications.~~
 - ~~(c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.~~
 - ~~(d) A record of all drugs administered or dispensed, including quantity and withdrawal times.~~
- ~~(4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including specific information on the substance of the order and the date given, in the records of the animal.~~

(Rule 1730-01-.22, continued)

- ~~(5) For the purpose of these rules, the records shall be "owned" by the facility.~~
- ~~(6) Radiographs are considered to be a part of the client's records.~~
- ~~(7) A client's records shall not be used to fill a prescription or to have a prescription dispensed.~~

1730-01-.22 Recordkeeping.

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.
 - (b) A separate log shall be maintained for all controlled substances.
 - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal.
 - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
 - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. § 63-2-101 et seq.
- (2) Medical records for small animal practices shall be clear, legible, retrievable, and contain pertinent information such as:
 - (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis, and contain:
 - (a) Name, business/farm name, address, and phone number of the owner/agent.
 - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
 - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
 - (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order, including

(Rule 1730-01-.22, continued)

specific information on the substance of the order and the date given, in the records of the animal.

- (5) For the purpose of these rules, the records shall be "owned" by the practice.
- (6) Radiographs are considered to be a part of the client's records.
- (7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, and 63-12-133. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007.

1730-01-.23 EUTHANASIA IN C.A.C.A.S AND FACILITIES GOVERNED BY THE NON-LIVESTOCK ANIMAL HUMANE DEATH ACT (T.C.A. §§ 44-17-301, ET SEQ.). The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian who performs euthanasia in a certified animal control agency or in a facility governed by the provisions of the Non-Livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq., shall be sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 44-17-301, et seq., 63-12-106, and 63-12-141. **Administrative History:** Original rule filed July 28, 2003; effective October 11, 2003.

1730-01-.24 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- ~~(1) Malpractice Reporting Requirements — 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 set by statute, as provided in T.C.A. § 63-51-105.~~
- (1) Health Care Liability Reporting Requirements - The threshold amount for which licensees must report health care liability judgments, awards, or settlements in which payments are awarded to complaining parties, is set forth by statute under T.C.A. § 63-51-105 of the "Health Care Consumer Right-To-Know Act of 1998."
- (2) Criminal Conviction Reporting Requirements - For purposes of the "Health Care Consumer Right-To-Know Act of 1998," the following criminal convictions must be reported:
 - (a) Conviction of any felony; and
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one (1) or more of the following:
 1. Sex.
 2. Alcohol or drugs.
 3. Physical injury or threat of injury to any person or any animal.
 4. Abuse or neglect of any minor, spouse or the elderly, or abuse of any animal.
 5. Fraud or theft.

(Rule 1730-01-.24, continued)

- (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, and 63-51-101 et seq. **Administrative History:** Original rule filed June 24, 2004; effective September 7, 2004.

New Rules

Rule 1730-01-.25 Consulting Veterinarians

- (1) No unlicensed person may be called into Tennessee as a consulting veterinarian unless licensed as a veterinarian in another state and acting under the direction of and in consultation with a licensed veterinarian of this state.
- (2) The supervising veterinarian is responsible for notifying the Board's administrative office of the name of the non-licensed consulting veterinarian and the date(s) and location of the consultation. The request for consulting services must be for a specific case and can only be made by the supervising veterinarian and not by individual consumers.
- (3) The non-licensed consulting veterinarian shall not:
 - (a) Open an office or appoint a place to do business in Tennessee;
 - (b) Print or use letterhead or business cards, establish answering services or advertise the existence of a practice's address within this state; or
 - (c) Provide consultation for twelve (12) or more days per calendar year.

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-02
GENERAL RULES GOVERNING VETERINARY FACILITIES**

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~~1730-02-.01 DEFINITIONS. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.~~

- ~~(1) Advertisement—Information communicated to the public in any manner designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.~~
- ~~(2) Advertising—Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual[s], radio, video, or television broadcasting or any other means designed to secure public attention.~~
- ~~(3) Applicant—Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.~~
- ~~(4) Bait and Switch Advertising—An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.~~
- ~~(5) Board—The Tennessee Board of Veterinary Medical Examiners.~~
- ~~(6) Board Administrative Office—The office of the administrator assigned to the Tennessee Board of Veterinary Medical Examiners located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.~~
- ~~(7) Closed File—An administrative action which renders an incomplete or denied file inactive.~~
- ~~(8) Conspicuous Place—A place easily viewable by the public.~~
- ~~(9) Department—Tennessee Department of Health.~~

(Rule 1730-02-.01, continued)

- ~~(10) "Discounted Fee"—A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee".~~
- ~~(11) Division—The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.~~
- ~~(12) He/she, Him/her—When "he/him" appears in the text of these rules, the word represents both the feminine and masculine genders.~~
- ~~(13) House Call—A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;~~
- ~~(14) HRB—When the acronym "HRB" appears in the text of these rules, it represents Health Related Boards.~~
- ~~(15) License—Document issued to an applicant who successfully completes the licensure process. The license takes the form of an "artistically designed" document as well as other versions bearing an expiration date.~~
- ~~(16) Licensee—Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced.~~
- ~~(17) Practitioner—Refers to a Tennessee licensed Veterinarian.~~
- ~~(18) Premises—Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
- ~~(19) Premises Owner—Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who owns a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
- ~~(20) Premises Permit—A permit issued by the board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.~~
- ~~(21) Public Rabies Vaccination Clinic—A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, pursuant to the local health department's established ordinances and regulations.~~
- ~~(22) Retail Establishment—Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.~~
- ~~(23) Supervising Veterinarian—A person who is validly and currently licensed to practice veterinary medicine in the state, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and/or has direct responsibility for the direct supervision of a temporary license.~~
- ~~(24) "Surgery" means:~~

(Rule 1730-02-.01, continued)

- ~~(a) — Aseptic Surgery — surgery performed in ways or by means sufficiently free from micro-organisms so that significant infection or suppuration does not occur.~~
- ~~(b) — Major Surgery — any surgical intervention that penetrates and exposes the body cavity and/or any procedure associated with extensive transection or dissection of tissue.~~
- ~~(25) — Use of a title or description — To hold himself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.~~
- ~~(26) — “Veterinary Facility” means:~~
 - ~~(a) — Animal Medical Center — Any veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;~~
 - ~~(b) — Clinics — A veterinary or animal clinic means a facility in which the practice conducted is essentially an out-patient type of practice;~~
 - ~~(c) — Hospital — A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;~~
 - ~~(d) — Mobile Facility — A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;~~
 - ~~(e) — Office — A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients; and any establishment either unincorporated or a corporation or other similar organization, public or private, for-profit or not for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs; and~~
- ~~(27) — “Veterinary Practice” means:~~
 - ~~(a) — Large Animal Practice — a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board of Veterinary Medical Examiners.~~
 - ~~(b) — Small Animal Practice — a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board of Veterinary Medical Examiners.~~
 - ~~(c) — Mixed Animal Practice — a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.~~

1730-02-.01 Definitions. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

(Rule 1730-02-.02, continued)

- (1) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, television broadcasting, electronic communication, or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Conspicuous Place - A place easily viewable by the public.
- (7) Department - Tennessee Department of Health.
- (8) "Discounted Fee" - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee".
- (9) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (10) House Call - A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations.
- (11) Licensee - Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.
- (12) Practitioner - Refers to a Tennessee licensed Veterinarian.
- (13) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (14) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (15) Premises Permit - A permit issued by the board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.

(Rule 1730-02-.02, continued)

- (16) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (17) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (18) Supervising Veterinarian – A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (19) Surgery – The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.
- (20) Veterinary Facility has the same meaning established by T.C.A. § 63-12-103(18).
- (21) Veterinary Practice means:
- (a) Large Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board of Veterinary Medical Examiners.
- (b) Small Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board of Veterinary Medical Examiners.
- (c) Mixed Animal Practice - a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-1-116, 63-12-101 et. seq., 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, 63-12-129, 63-12-139, and 68-8-103. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005.

1730-02-.02 VETERINARY FACILITY INSPECTIONS AND PREMISES PERMIT. The costs of any inspection undertaken by the board shall be set by the board and paid, in advance, by the applicant in addition to the fee established by the board for the premises permit.

- (1) The board shall be authorized to employ such persons who may be required in its discretion to inspect premises under the jurisdiction of the board. The board shall establish a fee schedule for inspections required under this chapter. Applicants for a premises permit shall remit to the board an application fee which shall be equal to the license fee required of licensed veterinarians. Licensed veterinarians or applicants for licensure as a veterinarian shall not be required to submit an additional fee for a premises permit but shall be required to

(Rule 1730-02-.02, continued)

submit the required inspection fee if such licensed veterinarian or applicant also submits an application for a premises permit.

- (2) The board shall make inspections of veterinary premises once every two (2) years. Inspections shall be done by licensed veterinarian(s) representing the board.
- ~~(3) Upon request by the inspector, all veterinarians and veterinary medical technicians working at the site shall provide for inspection evidence of having completed continuing education pursuant to Rule 1730-01-.12 and Rule 1730-03-.12.~~
- (3) Upon request by the inspector, all veterinarians and veterinary technicians working at the site shall provide for inspection evidence of having completed continuing education pursuant to Rule 1730-01-.12 and Rule 1730-03-.12.
- (4) For the purpose of these rules, the written records shall be "owned" by the facility.
- (5) Any facility, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the board. Upon application and payment of fees as set by rule of the board, the board shall cause such facility to be inspected, with re-inspections as necessary. A premises permit shall be issued if the facility meets minimum standards including, but not limited to sanitary conditions, recordkeeping, physical plant and equipment, method of operation, services required, and surgical area.
- (6) Each application for a premises permit shall set forth the name of the licensed veterinarian who will be responsible for the management of the facility and the name and address of the owners of the establishment.
- (7) The premises permit may be revoked, suspended, or denied when the inspection reveals that the facility does not meet the standards set by rule or when the license/premises permit of the responsible veterinarian has been suspended or revoked.
- (8) Each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in his office, place of business, or place of employment, whether a permanent or mobile veterinary facility or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the board, pursuant to T.C.A. §§ 63-12-139.
- (9) The following are exempt from obtaining a premises permit:
 - (a) A veterinary facility owned by a person, corporation or other similar organization, public or private, for-profit, or not for profit, to treat such employer's animal(s);
 - (b) A veterinary facility operated by an official agency of the federal or state government; and
 - (c) A licensed research facility.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-109, 63-2-101, 63-12-101 et. seq., 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendments filed November 2, 2005; effective January 16, 2006.

(Rule 1730-02-.02, continued)

1730-02-.03 VETERINARY FACILITY INSPECTIONS TO OBTAIN A PREMISES PERMIT.

- (1) The Board must be notified, in writing, at least 60 days prior to the opening of veterinary facility.
- (2) All areas of the premises shall be maintained in a sanitary, clean, orderly condition, and free of objectionable odors, at all times.
- (3) The minimum standards for all facilities, permanent or mobile, where veterinary medicine is practiced shall be:
 - (a) Heating and cooling shall be provided for the comfort of the animals and the facility shall have sufficient ventilation in all areas.
 - (b) Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine.
 - ~~(c) Hot and cold running water shall be provided along with toilets and lavatories for the personnel and clients.~~
 - (c) Hot and cold running water shall be provided along with toilets and lavatories inside the facility for personnel and clients.
 - (d) All premises shall have sanitary storage which is adequate for the size of the facility.
 - (e) The facility shall have receptacles for waste disposal which shall comply with state, county, and municipal health laws, ordinances and regulations.
 - (f) Disposal of dead animals and waste
 1. Veterinary facilities shall dispose of dead animals, biological waste, and medical waste (including sharps) in a prompt, sanitary, and aesthetic manner.
 2. The disposal of dead animals, biological waste, and medical waste (including sharps) shall comply with all federal, state, county and municipal laws, ordinances, and regulations.
 3. With the exception of large animals, all dead animals on the premises shall be refrigerated.
 4. Dead animals not claimed within forty-eight (48) hours by the owner or agent shall be disposed at the discretion of the veterinarian.
 - (g) The facility's examination rooms shall have the following:
 1. Lined waste receptacles or chutes;
 2. A sink with disposable towels must be readily accessible; and
 3. A table with impervious surface which shall be sanitized between patients.
 - (h) Cages, exercise areas, pens, and stalls are to be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.

(Rule 1730-02-.03, continued)

- (i) Small animals housed outside must have adequate shelter and bedding if the temperature drops below fifty degrees (50°) Fahrenheit and sufficient cooling or shade if the temperature rises above eighty-five degrees (85°) Fahrenheit.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004.

~~1730-02-.04 RECORDKEEPING.~~

- ~~(1) The following minimum standards apply to all patient recordkeeping.
 - ~~(a) Records shall be maintained for a minimum of three (3) years.~~
 - ~~(b) A separate log shall be maintained for all controlled substances.~~
 - ~~(c) Records shall reflect referral of cases where further expertise or equipment is needed.~~
 - ~~(d) A veterinarian shall comply in a reasonable manner under the circumstances to any requests for veterinary records or summaries thereof, within the provisions of the Tennessee Veterinary Practice Act.~~
 - ~~(e) Any record containing information required by this rule shall be considered a medical record.~~~~
- ~~(2) Medical records for small animal facilities/practices shall be clear, legible, retrievable and contain pertinent information such as:
 - ~~(a) Name, address, and phone number of the owner/agent.~~
 - ~~(b) Identification of patient including name, species, breed, age, sex, and description.~~
 - ~~(c) Separate record for each patient. This record may be in a group of records for the owner/agent.~~
 - ~~(d) Patient's vaccination, medical and surgical history and procedures.~~~~
- ~~(3) Medical records for large animal facilities/practices shall be clear, legible, retrievable, and maintained on either a herd (flock) or individual basis and contain:
 - ~~(a) Name and initials, business/farm name, address, and phone number of the owner/agent.~~
 - ~~(b) Identification of any animals suspected of having a reportable disease or other disease with public health implications.~~
 - ~~(c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.~~~~

(Rule 1730-02-.04, continued)

~~(d) A record of all drugs administered or dispensed, including quantity and withdrawal times.~~

~~(4) Radiographs are considered to be a part of the client's records.~~

~~(5) A client's records shall not be used to fill a prescription or to have a prescription dispensed.~~

1730-02-.04 Recordkeeping.

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.
 - (b) A separate log shall be maintained for all controlled substances.
 - (c) Each patient record shall indicate the strength and quantity of any medication prescribed, administered or dispensed. In the case of companion animals, this record shall be maintained for each individual animal.
 - (d) Records shall reflect the problems the patient presents and the veterinary interventions performed or prescribed.
 - (e) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (f) A veterinarian shall comply with requests for veterinary records as required by the Medical Records provisions of T.C.A. §§ 63-2-101 to 102.
- (2) Medical records for small animal facilities and practices shall be clear, legible, retrievable, and contain pertinent information such as:
 - (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccinations, medical and surgical history and procedures.
- (3) Medical records for large animal facilities and practices shall be clear, legible, retrievable, maintained on either a herd, flock or individual basis and contain:
 - (a) Name, business/farm name, address, and phone number of the owner/agent.
 - (b) Identification of any animal(s) suspected of having a reportable disease or other disease with public health implications.
 - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
 - (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Veterinarians providing written or oral instructions for persons who are not licensed as veterinarians to perform accepted livestock management practices must record the order.

(Rule 1730-02-.04, continued)

including specific information on the substance of the order and the date given, in the records of the animal.

(5) For the purpose of these rules, the records shall be "owned" by the practice.

(6) Radiographs are considered to be a part of the client's records.

(7) Outside of a valid veterinarian-client-patient relationship, records from another veterinary practice may not be used as the sole basis for prescribing or dispensing medication.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-105, 63-12-106, 63-12-133, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004.

~~1730-02-.05 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.~~

~~(1) Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:~~

~~(a) All Federal Regulations for the dispensing of controlled substances.~~

~~(b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:~~

~~1. Animal's name and the name of the animal's owner.~~

~~2. Date dispensed.~~

~~3. Complete directions for usage.~~

~~4. The facility's name, address, and phone number.~~

~~5. The name, strength, and amount of the medication.~~

~~6. The statement: "For Veterinary Use Only".~~

~~7. The dispensing veterinarian's name.~~

~~(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.~~

~~(d) Distribution of Veterinary Prescription Drugs.~~

~~1. Distribution of veterinary prescription drugs to laymen shall occur only on the prescription of a licensed Veterinarian or on the order of another licensed Veterinarian. The prescriptions shall be issued in the course of his or her professional practice, with a veterinarian-client-patient relationship existing.~~

(Rule 1730-02-.05, continued)

~~2.—A proper veterinarian-client-patient relationship is defined as existing when:~~

- ~~(i) —The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian; and when~~
- ~~(ii) —There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; and when~~
- ~~(iii) —The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.~~

1730-02-.05 Prescribing, Dispensing, or Otherwise Distributing Pharmaceuticals.(1) Prerequisites to Prescribing

- (a) For purposes of this Rule, pursuant to 21 CFR 201.105, "animal drugs" are those drugs that are required by federal law to be prescribed by a licensed veterinarian.
- (b) Before prescribing animal drugs, the veterinarian must first, pursuant to appropriate protocols or veterinary orders, complete and appropriately document all of the following for the animal, herd, or flock on whose behalf the prescription is to be written:
 - 1. Perform an appropriate history and physical examination;
 - 2. Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
 - 3. Formulate a therapeutic plan and discuss it with the animal's owner, along with the basis for it and the risks and benefits of various treatment options, a part of which might be a prescription or drug; and
 - 4. Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.
- (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
 - 1. As part of an initial evaluation order; or
 - 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 - 3. For continuation medications on a short-term basis before the veterinarian personally examining the animal, herd, or flock; or

(Rule 1730-02-.05, continued)

4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.
- (2) Dispensing Requirements. Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
- (a) All federal and state regulations for the dispensing of controlled substances.
 - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 1. Animal's name and the name of the animal's owner;
 2. Date dispensed;
 3. Complete directions for usage;
 4. The facility's name, address and phone number;
 5. The name, strength, and amount of the medication;
 6. The statement: "For veterinary use only";
 7. The dispensing veterinarian's name; and
 8. Keep out of the reach of children.
 - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.
- (3) Distribution of Veterinary Prescription Drugs.
- (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of professional practice, with a veterinarian-client-patient relationship existing.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-101 et. seq., [63-12-103](#), [63-12-105](#), 63-12-106, and 63-12-124. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999.

1730-02-.06 FEES.

- (1) The fees are as follows:
 - (a) Premises Application Fee - A non-refundable fee to be paid by the owner of the facility seeking a premises permit. It must be paid each time an application for a premises permit is filed.

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

CHAPTER 1730-03
GENERAL RULES GOVERNING VETERINARY MEDICAL TECHNICIANS
General Rules Governing Veterinary Technicians

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~~**1730-03-.01 DEFINITIONS.**—As used in these rules, the terms and acronyms shall have the following meanings ascribed to them:~~

- ~~(1)—Advertisement—Information communicated to the public, in any manner designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.~~
- ~~(2)—Advertising—Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual(s), radio, video, or television broadcasting or any other means designed to secure public attention.~~
- ~~(3)—Applicant—Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.~~
- ~~(4)—Bait and Switch Advertising—An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.~~
- ~~(5)—Board—The Tennessee Board of Veterinary Medical Examiners.~~
- ~~(6)—Board Administrative Office—The office of the administrator assigned to the Tennessee Board of Veterinary Medical Examiners located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.~~
- ~~(7)—Closed File—An administrative action which renders an incomplete or denied file inactive.~~
- ~~(8)—Conspicuous Place—A place easily viewable by the public.~~
- ~~(9)—Department—Tennessee Department of Health.~~
- ~~(10)—“Discounted Fee”—A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a “discounted fee”.~~

(Rule 1730-03-.01, continued)

- ~~(11) Division — The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.~~
- ~~(12) He/she, Him/her — When “he/him” appears in the text of these rules, the word represents both the feminine and masculine genders.~~
- ~~(13) HRB — When the acronym “HRB” appears in the text of these rules, it represents Health Related Boards.~~
- ~~(14) License — Document issued to an applicant who successfully completes the licensure process. The license takes the form of an “artistically designed” document as well as other versions bearing an expiration date.~~
- ~~(15) Licensee — Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced.~~
- ~~(16) Premises — Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
- ~~(17) Premises Owner — Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
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- ~~(19) Retail Establishment — Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.~~
- ~~(20) Supervising Veterinarian — A person who is validly and currently licensed to practice veterinary medicine in the state who shall be accountable to the board for the facility’s compliance with the laws and rules governing the practice of veterinary medicine in this state, and/or has direct responsibility for the direct supervision of a temporary license.~~
- ~~(21) “Surgery” means:~~
- ~~(a) Aseptic Surgery — surgery performed in ways or by means sufficiently free from micro-organisms so that significant infection or suppuration does not occur.~~
- ~~(b) Major Surgery — any surgical intervention that penetrates and exposes the body cavity and/or any procedure associated with extensive transection or dissection of tissue.~~
- ~~(22) Use of a title or description — To hold himself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.~~
- ~~(23) “Veterinary Facility” means:~~
- ~~(a) Animal Medical Center — Any veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;~~

(Rule 1730-03-.01, continued)

- ~~(b) — Clinics — A facility in which the practice conducted is essentially an out-patient type of practice;~~
 - ~~(c) — Hospital — A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;~~
 - ~~(d) — Mobile Facility — A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;~~
 - ~~(e) — Office — A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients; and any establishment either unincorporated or a corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs.~~
- ~~(24) — “Veterinary Practice” means:~~
- ~~(a) — Large Animal Practice — a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board of Veterinary Medical Examiners.~~
 - ~~(b) — Small Animal Practice — a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board of Veterinary Medical Examiners.~~
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1730-03-.01 Definitions. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

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- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.

(Rule 1730-03-.01, continued)

- (6) Client - The patient's owner, owner's agent, or other person responsible for the patient.
- (7) Collection of Blood - The act of removing the fluid that circulates through an animal's heart, arteries, capillaries, and veins for the purpose of analyzing such fluid for diagnostic, therapeutic or other treatment purposes.
- (8) Department - Tennessee Department of Health.
- (9) Discounted Fee - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge are not considered to be offered at a "discounted fee".
- (10) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (11) Floating - The rasping or cutting of enamel points from the cheek teeth of an equine.
- (12) House Call - A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client's residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
- (13) Licensee - Any person who has been lawfully issued a license by the Board.
- (14) Patient - An animal that is examined or treated by a veterinarian.
- (15) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (16) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who holds title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (17) Premises Permit - A permit issued by the board to operate a veterinary medicine facility when premises meet minimum standards established by the Board.
- (18) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, under the local health department's ordinances and regulations.
- (19) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (20) Supervising Veterinarian - A person who is validly and currently licensed to practice veterinary medicine in Tennessee, who shall be accountable to the board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state, and is responsible for the supervision of a temporary licensee, veterinary student intern, employee, or consulting veterinarian.
- (21) Surgery - The art, practice, or work of treating disease, injuries, deformities, or conditions by manual or operative procedures. The castrating or dehorning of any wild or domestic animal is not considered veterinary surgery.

(Rule 1730-03-.01, continued)

- (22) Veterinarian-client-patient relationship has the same meaning established by T.C.A. § 63-12-103 (17).
- (23) Veterinary Facility has the same meaning established by T.C.A. § 63-12-103(18).
- (24) Veterinary Practice means:
- (a) Large Animal Practice - A practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board of Veterinary Medical Examiners.
 - (b) Small Animal Practice - A practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board of Veterinary Medical Examiners.
 - (c) Mixed Animal Practice - A practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.
- (25) Veterinary Rehabilitative Therapy – Therapeutic or rehabilitative interventions that are used to treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical conditions for the purpose of physical rehabilitation.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-12-102, 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, 63-12-133, 63-12-135, and 63-12-139. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed December 5, 1990; effective January 19, 1991. Amendment filed October 20, 1992; effective December 4, 1992. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003.

~~1730-03-.02 SCOPE OF PRACTICE.~~

- ~~(1) Policy Statement—Veterinary Medical Technicians may practice only under the employment and direct supervision of a licensed veterinarian. The scope of practice for veterinary medical technicians is limited to procedures which are assigned or delegated to the veterinary medical technician by the supervising veterinarian and do not involve diagnosing, prescribing, or performing surgical procedures.~~
- ~~(2) Veterinary medical technicians who perform procedures not delegable pursuant to this Rule or procedures specifically prohibited or who perform procedures without the direct supervision of a veterinarian when required may be subject to disciplinary action pursuant to T.C.A. §63-12-124.~~

1730-03-.02 Scope of Practice.

- (1) The scope of practice for veterinary technicians is limited to procedures that are assigned or delegated to the veterinary technician by the supervising veterinarian and do not involve diagnosing, prescribing, or performing surgical procedures.
- (2) Veterinary technicians who perform procedures not delegated under this rule, procedures specifically prohibited, or tasks without the responsible supervision of a supervising veterinarian may be subject to disciplinary action pursuant to T.C.A. § 63-12-124.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-124, and 63-12-135.
Administrative History: Original rule filed October 13, 1983; effective November 14, 1983. Repeal and new rule filed June 30, 1987; effective August 14, 1987. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

1730-03-03 NECESSITY OF LICENSURE. To practice as a veterinary medical technician in Tennessee, a person must possess a lawfully issued license from the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed August 21, 1984; effective September 20, 1984. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

~~**1730-03-04 QUALIFICATIONS FOR LICENSURE.**~~ To be eligible for licensure as a veterinary medical technician, an applicant must meet all of the following qualifications:

~~(1) Veterinary Medical Technician by Examination~~

~~(a) Be a graduate of the Veterinary Technology program from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association;~~

~~(b) Pass the examination as provided in paragraph (1) of Rule 1730-03-08.~~

~~(2) Veterinary Medical Technician by Reciprocity~~

~~(a) Be a graduate of the Veterinary Technology program from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association;~~

~~(b) Hold a valid, unrestricted license in another state, territory, or Canadian province for five (5) years;~~

~~(c) Has engaged in active practice as a veterinary medical technician for the previous five (5) years before application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. §63-12-103(2) for an average of thirty (30) hours per week;~~

~~(c) Provides documentation of continuing education at least equal to that required by current Tennessee law and pursuant to Rule 1730-03-12 for the previous five years;~~

~~(e) Has had no disciplinary action against his/her veterinary technician license in any other state, territory or Canadian province;~~

~~(f) Has not been convicted of a crime other than minor traffic violation.~~

1730-03-04 Qualifications for Licensure. To be eligible for licensure as a veterinary technician, an applicant must meet all of the following qualifications and follow the procedures listed in Rule 1730-03-05.

(1) Veterinary Technician by Examination

(a) Complete the application form approved by the Board;

(b) Graduate from a veterinary technology program approved by the American Veterinary Medical Association;

(Rule 1730-03-.05, continued)

- (c) Pass the examination as provided in paragraph (1) of Rule 1730-03-.08 within the last ten (10) years; and
- (d) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.

(2) Veterinary Technician by Reciprocity

- (a) Complete the application form approved by the Board;
- (b) Graduate from a veterinary technology program approved by the American Veterinary Medical Association;
- (c) Hold an active, valid, and unrestricted license in another state, territory, or Canadian province;
- (d) Provide proof of having engaged in active practice as a veterinary technician in another state, territory or Canadian province for one (1) out of the last five (5) years, preceding application. "Active practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(10) for an average of twenty (20) hours per week in another state or jurisdiction. The Board may consider a waiver upon request;

1. Waiver of requirement

- (i) The Board may grant a waiver pertaining to the number of years and average weekly hours of active practice.
- (ii) Waivers will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
- (e) Provide proof of good moral character. Proof of good moral character will be determined by the Board and the Board's administrative staff through review of the application documents and background check. The Board may require an applicant to appear before the Board to answer questions or provide additional information regarding the applicant's character.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Repeal filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000.

1730-03-.05—PROCEDURES FOR LICENSURE.

~~(1)—Veterinary Medical Technician by Examination~~

- ~~(a)—An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.~~
- ~~(b)—Applications for licensure must be submitted to the Board's administrative office at least sixty (60) days prior to the examination date.~~

(Rule 1730-03-.05, continued)

- ~~(c) — An applicant shall pay, at the time of application, the non-refundable application fee and state regulatory fee as provided in Rule 1730-03-.06.~~
- ~~(d) — An applicant shall submit with his application two recent photographs, one signed and notarized.~~
- ~~(e) — An applicant shall cause a transcript from a veterinary technology program in a school whose curriculum was approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.~~
- ~~(f) — An applicant shall pass the examination as provided in Rule 1730-03-.08. Whenever the exam has been taken in another jurisdiction, official scores shall be submitted to the Board's administrative office directly from the testing service.~~
- ~~(g) — An applicant shall disclose the circumstances surrounding any of the following:
 - ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of licensure application by any other state or the discipline of the licensee in any state.~~
 - ~~3. — Loss or restriction of certification or licensure privileges.~~
 - ~~4. — Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory, common, or case law.~~~~
- ~~(h) — An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.~~
- ~~(i) — An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificate, naturalization papers, or current visa status.~~
- ~~(j) — Where necessary, all required documents shall be translated into English. Such translation and original document must be certified as to authenticity by the issuing source shall be submitted.~~
- ~~(k) — Application review and licensure decisions shall be governed by Rule 1730-03-.07.~~
- ~~(l) — If an applicant has ever held a license to practice as a veterinary medical technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.~~
- ~~(m) — An applicant shall submit an original letter of recommendation from a veterinarian licensed and practicing veterinary medicine in Tennessee.~~

(Rule 1730-03-.05, continued)

- ~~(2) Veterinary Medical Technician by Reciprocity. The Board may grant full licensure status by reciprocity to veterinary medical technicians licensed in another state. The process for obtaining reciprocity license is as follows:~~
- ~~(a) An applicant shall obtain an application form from the Board's administrative office, and respond truthfully and completely to every question or request for information.~~
 - ~~(b) Applications for licensure will be accepted throughout the year and files which are completed on or before the 45th day prior to the board meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files.~~
 - ~~(c) An applicant shall pay, at the time of application, the non-refundable application fee, reciprocity license fee and State Regulatory fee as provided in Rule 1730-03-.06.~~
 - ~~(d) An applicant shall submit with his application, two, recent, photographs, one signed and notarized.~~
 - ~~(e) An applicant shall cause a transcript from a veterinary technology program in a school whose curriculum was approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.~~
 - ~~(f) An applicant shall disclose the circumstances surrounding any of the following:
 - ~~1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. The denial of licensure application by any other state or the discipline of the licensee in any state.~~
 - ~~3. Loss or restriction of certification or licensure privileges or state or federal accreditation.~~
 - ~~4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory, common, or case law.~~~~
 - ~~(g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.~~
 - ~~(h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers, or current visa status.~~
 - ~~(i) Where necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source shall be submitted.~~
 - ~~(j) Application review and licensure decisions shall be governed by Rule 1730-03-.07.~~
 - ~~(k) If an applicant has ever held a license to practice as a veterinary medical technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a~~

(Rule 1730-03-.05, continued)

~~Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action. An applicant must possess an active license which is in good standing in at least one (1) other state or Canadian province.~~

- ~~(l) An applicant shall furnish an affidavit or other proof that he has engaged actively in the practice of veterinary medical technology for the previous five (5) years before application is made for an average of at least thirty (30) hours per week.~~
- ~~(m) Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Medical Practice Act.~~
- ~~(n) An applicant shall submit a letter of recommendation from a veterinarian licensed and practicing veterinary medicine in Tennessee.~~

1730-03-.05 Procedures for Licensure.

(1) Veterinary Technician by Examination.

- (a) An applicant shall obtain an application from the Board's administrative office and respond truthfully and completely to every question or request for information.
- (b) An applicant shall pay, at the time of application, the non-refundable application fee and state regulatory fee as provided in Rule 1730-03-.06.
- (c) An applicant shall submit with his/her application two recent photographs, one signed and notarized.
- (d) An applicant shall cause a transcript from a veterinary technology program approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.
- (e) An applicant shall pass the examination as provided in Rule 1730-03-.08. Official scores shall be submitted to the Board's administrative office directly from the testing service.
- (f) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 - 2. Denial of a licensure application or the discipline of a license by any other state.
 - 3. Loss or restriction of certification or licensure privileges.
 - 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

(Rule 1730-03-.05, continued)

- (h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.
 - (i) Where necessary, required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
 - (j) Application review and licensure decisions are governed by Rule 1730-03-.07.
 - (k) If an applicant has ever held a license to practice as a veterinary technician in any other state or Canada, the applicant shall cause the equivalent of a Tennessee Certificate of Endorsement to be submitted from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date and information concerning any disciplinary action.
- (2) Veterinary Technician by Reciprocity. The Board may grant full licensure by reciprocity to veterinary technicians licensed in another state. The process for obtaining a license by reciprocity is as follows:
- (a) An applicant shall obtain an application form from the Board's administrative office and respond truthfully and completely to every question or request for information.
 - (b) An applicant shall pay, at the time of application, the non-refundable application fee, reciprocity license fee and State Regulatory fee as provided in Rule 1730-03-.06.
 - (c) An applicant shall submit two recent photographs with his/her application, one signed and notarized.
 - (d) An applicant shall cause a transcript from a veterinary technology program approved by the American Veterinary Medical Association to be submitted directly from the school to the Board's administrative office. The transcript must show that the applicant has graduated from the program and carry the official seal of the institution.
 - (e) An applicant shall disclose the circumstances surrounding any of the following:

 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations. Driving Under the Influence is not a minor traffic violation.
 2. Denial of a licensure application or the discipline of a license by any other state.
 3. Loss or restriction of certification or licensure privileges.
 4. Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
 - (f) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (g) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include a copy of a birth certificate, naturalization papers, or current visa status.

(Rule 1730-03-.05, continued)

- (h) Where necessary, required documents shall be translated in English. The original document and the translation must be certified as authentic by the issuing source.
- (i) Application review and licensure decisions are governed by Rule 1730-03-.07.
- (j) If an applicant has ever held a license to practice as a veterinary technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date and information concerning any disciplinary action.
- (k) An applicant shall furnish an affidavit or other proof that he or she engaged actively in the practice of veterinary technology for one (1) of the five (5) years preceding application for an average of twenty (20) hours per week.
- (l) An applicant shall submit an original letter of recommendation from a veterinarian.
- (m) Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Practice Act.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-112, 63-12-114, 63-12-115, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed September 6, 1988; effective October 21, 1988. Amendment filed January 17, 1989; effective March 3, 1989. Amendment filed March 1, 1990; effective April 15, 1990. Amendment filed December 20, 1990; effective February 3, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March 14, 2006; effective May 28, 2006. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-03-.06 FEES.

- (1) The fees are as follows:
 - (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
 - (b) Endorsement/Verification fee - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
 - (c) Late Renewal fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
 - (d) License Renewal fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
 - (e) Reciprocity License fee - A non-refundable fee to be paid at the time of application for licensure.
 - (f) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license or renewal certificate.

(Rule 1730-03-.05, continued)

- (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
- | | Amount |
|--|----------|
| (a) Application | \$ 75.00 |
| (b) Endorsement/Verification | 20.00 |
| (c) Late Renewal | 80.00 |
| (d) Renewal (biennial) | 90.00 |
| (e) Reciprocity License Fee | 80.00 |
| (f) Replacement License or Renewal Certificate Fee | 25.00 |
| (g) State Regulatory Fee (biennial) | 10.00 |
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed May 30, 1989; effective July 14, 1989. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed March 14, 2006; effective May 28, 2006. Amendment filed March 23, 2007; effective June 6, 2007.

~~1730-03-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.~~

- ~~(1) Applications for licensure will be accepted throughout the year.~~
- ~~(2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator, provided that final approval of all applications is made and ratified by the Board.~~
- ~~(3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying him of the deficiency.~~
- ~~(a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.~~
- ~~(b) For an applicant who has completed the requirements for licensure, all documentation must be received in the Board's administrative office within 60 days after receipt of the deficiency notification. If the requested information is not received within 60 days, the file will be closed and the applicant notified.~~

(Rule 1730-03-.07, continued)

- ~~(c) — For an applicant who has not passed the examination as provided in Rule 1730-03-.08, the file will remain open until the applicant has had the opportunity to take the exam three (3) times. At that time, the file will be closed and the applicant notified.~~
- ~~(d) — After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.~~
- ~~(4) — Sixty (60) days prior to admission to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.~~
- ~~(5) — The Board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the Board wishes additional information.~~
- ~~(6) — If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:~~
- ~~(a) — A notification of the denial shall be sent by the Board's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial.~~
- ~~(b) — The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§4-5-101, et seq.) to contest the denial and the procedure necessary to accomplish that action.~~
- ~~(c) — An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.~~
- ~~(d) — An applicant may be granted a contested case hearing if licensure denial is based on objective, clearly defined criteria. If after review and attempted resolution by the Board's administrative staff, the licensure application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal, an appeal hearing may be requested. Such request must be made in writing to the Board within 30 days of the receipt of the notice of denial from the Board.~~
- ~~(7) — Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination or if the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.~~
- ~~(8) — If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.~~
- ~~(9) — Abandonment of Application~~
- ~~(a) — An application shall be deemed abandoned and closed if~~
- ~~1. — The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board, or~~

(Rule 1730-03-.07, continued)

~~2. An applicant fails to sit for a scheduled examination after being notified of eligibility.~~

~~(b) A determination of abandonment must be ratified by the Board.~~

~~(c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.~~

~~(10) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.~~

1730-03-.07 Application Review, Approval, Denial, Interviews.

(1) Applications for licensure are accepted throughout the year.

(2) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board's Executive Director, provided that final approval of all applications is made and ratified by the Board.

(3) If an application is incomplete when reviewed by the Board or the Board's Executive Director, a deficiency letter will be sent to notify the applicant of the deficiency.

(a) For an applicant who has completed the requirements for licensure, all documentation must be received within sixty (60) days of mailing of the deficiency notification. Otherwise, the application shall be closed and the applicant may reapply.

(b) After an application file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.

(4) For an applicant who has not passed the Veterinary Technician National Examination (VTNE), the file will remain open until the applicant has had the opportunity to take the VTNE three (3) times. At that time, the file will be closed and the applicant notified.

(5) If a complete application has been denied and ratified as such by the Board, the action shall become final and a notification of the denial shall be sent by the Board's administrative office via certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all of the specific statutory or rule authorities for the denial.

(a) The denial notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 to -404) to contest the denial.

(b) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.

(c) An applicant will not be granted a contested case hearing if the licensure denial was based on objective, clearly-defined criteria, unless the reasons for continued denial present a genuine issue of material fact or law that is appropriate for appeal. A request

(Rule 1730-03-.07, continued)

for appeal must be made in writing to the Board within 30 days of receipt of the denial notification from the Board.

- (6) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (8) Abandonment of Application
 - (a) The Board's Executive Director will deem an application "abandoned" if:
 1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
 2. An applicant fails to sit for a scheduled examination within twelve (12) months after being notified of eligibility.
 - (b) Written notification of abandonment will be mailed to the applicant and the application file will be closed.
 - (c) An application submitted after the abandonment of a prior application shall be treated as a new application.
- (9) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or a Board's designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-142, 63-12-105, 63-12-106, 63-12-107, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed August 21, 1984; effective September 20, 1984. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-03-08 EXAMINATIONS.

- ~~(1) Individuals seeking licensure by examination, as provided in Rules 1730-03-.04 and 1730-03-.05, shall be required to pass the Veterinary Technician National Examination. This examination is developed by the American Association of Veterinary State Boards.~~
- (1) Individuals seeking licensure by examination, as provided in Rules 1730-03-.04 and 1730-03-.05, shall be required to pass the Veterinary Technician National Examination (VTNE), developed by the American Association of Veterinary State Boards. The Board adopts the VTNE as its state and national examinations under T.C.A. § 63-12-115.

(Rule 1730-03-.08, continued)

- (2) The passing score shall be the criterion-referenced passing grade established by the testing agency.
- (3) All examination applications and fees for the Veterinary Technician National Examination shall be sent directly to the American Association of Veterinary State Boards.
- (4) Official examination scores shall be submitted to the Board's administrative office directly from the testing agency whenever the examination was taken outside the Board's jurisdiction.
- ~~(5) The Board adopts the Veterinary Technician National Board Examination as its state and national examinations, pursuant to T.C.A. § 63-12-115.~~

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-114, 63-12-115, and 63-12-135.
Administrative History: Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March 23, 2007; effective June 6, 2007.

1730-03-.09 RENEWAL OF LICENSE.

- (1) Renewal Application
 - (a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.
 - (b) Methods of Renewal
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
 - (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-03-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:
 1. A completed Board renewal application form; and
 2. The renewal and state regulatory fees as provided in Rule 1730-03-.06.
 - (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-03-.15.
 - (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 in accordance with rule 1200-10-01-.10.
- (2) Reinstatement of an Expired License

(Rule 1730-03-.09, continued)

- (a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:
1. Payment of all past due renewal and state regulatory fees;
 2. Payment of the late renewal fee provided in Rule 1730-03-.06; and
 3. Compliance with continuing education requirement pursuant to Rule 1730-03-.12.
- (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, 63-12-128, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

1730-03-.10 SUPERVISION.

- ~~(1) A Tennessee Licensed Veterinarian must supervise a veterinary medical technician. This supervision must be in the same veterinary hospital, clinic, or outpatient office.~~
- ~~(2) No veterinary medical technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the direct supervision of a licensed veterinarian on premises, except that an employee of the veterinarian may be permitted to float teeth without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian.~~
- ~~(a) Floating will be defined as rasping or cutting the long projections or points from the cheek teeth of the equine.~~
- ~~(b) Prior to the performance of the employee's services, a veterinarian-client-patient relationship must exist.~~
- ~~(c) The employee must be a salaried or commissioned employee, and not a contract employee, to assure coverage by the veterinarian's liability insurance.~~
- ~~(3) Willful or repeated violation of these rules makes the licensee subject to the disciplinary provisions of the T.C.A. §§63-2-124, 63-12-128, and 63-12-135.~~

1730-03-.10 Supervision.

- (1) A Tennessee-licensed veterinarian must supervise a veterinary technician. This supervision must be in the same veterinary hospital, clinic, or outpatient office.
- (2) No veterinary technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the responsible supervision of a licensed veterinarian, except that an employee of the veterinarian may be permitted to float teeth using non-motorized equipment without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian within the context of a valid veterinarian-client-patient relationship.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-106, 63-12-113, 63-12-119, 63-12-124, 63-12-128, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000.

1730-03-.11 RETIREMENT AND REACTIVATION OF LICENSE.

~~(1) Veterinary medical technicians who wish to retire their license must complete and return to the Board's administrative office an Affidavit of Retirement form indicating one of the following:~~

(1) Veterinary technicians who wish to retire their license must complete and return to the Board's administrative office an Affidavit of Retirement form indicating one of the following:

- (a) Permanent retirement of the license to practice as a veterinary medical technician.
 - (b) Retirement of the Tennessee license to practice as a veterinary medical technician in another state.
 - (c) Retirement of the Tennessee license to practice as a veterinary medical technician in order to seek other types of employment.
- (2) When a licensee who has retired a Tennessee veterinary license to practice as a veterinary medical technician in another state wishes to reactivate the Tennessee license, said licensee must show evidence of the following:
- (a) Evidence of good standing where the retiree holds a license.
 - (b) Evidence of continuous practice during the period of retirement of the Tennessee license.
 - (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board, during the period of time the Tennessee license was retired.
- (3) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-03-.06.

~~(4) Veterinary medical technicians who have not engaged in continuous practice during the retirement of a license must appear before the board for an oral examination and at that time show proof of Board approved continuing education equal to that required by Tennessee law for each year the license was retired.~~

(4) Veterinary technicians who have not engaged in continuous practice during the retirement of a license must appear before the board for an oral examination and at that time show proof of Board approved continuing education equal to that required by Tennessee law for each year the license was retired.

(5) Licensure reactivation application shall be treated as licensure applications and review and decisions required by this Rule shall be governed by Rule 1730-03-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, and 63-12-135.

Administrative History: Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006.

~~1730-03-.12 CONTINUING EDUCATION.~~

~~(1) Hours Required~~

- ~~(a) — Each licensee, in order to renew his license, must obtain twelve (12) hours of continuing education each calendar year. When continuing education credit is obtained by attending lectures/meeting, no credit will be given for a program that is less than one (1) hour.~~
- ~~(b) — A veterinary medical technician is exempt from continuing education requirements during the calendar year he/she graduated from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association.~~
- ~~(c) — The Board approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.~~

~~(2) — Proof of Compliance~~

- ~~(a) — The due date for attendance and completion of the required continuing education hours is December 31 of each year. The hours must have been obtained in the preceding calendar year.~~
- ~~(b) — Each veterinary medical technician must, on a Board provided form, attest to attendance and completion of the required continuing education hours and that such hours were obtained during the calendar years of report.~~
- ~~(c) — Each veterinary medical technician must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.~~

~~(3) — Course Approval~~

- ~~(a) — Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in subpart (3) (d) 2. (ii), the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.~~
- ~~(b) — Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided, receive prior approval from the Board.~~
- ~~(c) — Prior approval of a course may be obtained by submitting the following information to the Board Administrative Office at least thirty (30) days prior to the scheduled date of the course:
 - ~~1. — A course description or outline.~~
 - ~~2. — Names of all speakers.~~
 - ~~3. — Number of hours of educational credit requested.~~
 - ~~4. — Date of course.~~
 - ~~5. — How verification of attendance is to be documents.~~~~
- ~~(d) — Continuing education courses may be presented in any of the following formats:~~

1. ~~Lecture.~~
 2. ~~Multi-Media~~ — With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.
 - (i) ~~A maximum of four (4) hours of the twelve (12) hour requirement may be granted for multi-media courses during each calendar year.~~
 - (ii) ~~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~~
- (e) ~~The following courses need not receive prior approval and shall constitute Board approved continuing education courses:~~
1. ~~Scientific programs dealing with the practice of veterinary medical technology provided by local, state, regional, or national associations listed in the AVMA directory will be accepted.~~
 2. ~~Educational courses sponsored by an accredited school of veterinary medicine and veterinary technology. If such course is taken for or assigned quarter or semester credit hours, three (3) semester hours or equivalent quarter hours shall be equivalent to fifteen (15) continuing education hours. No credits will be counted for courses failed.~~
- (4) ~~Waiver or Extension of Continuing Education~~
- (a) ~~The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.~~
 - (b) ~~Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.~~
 - (c) ~~A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.~~

~~(5) Continuing Education for Reactivation of Retired License~~

- ~~(a) Any veterinary medical technician who applies for reactivation of a license which has been retired must attest to having completed Board approved continuing education credit equal to that required pursuant to Rule 1730-03-12.~~
- ~~(b) The continuing education hours obtained as a prerequisite for licensure reactivation may not be counted toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.~~
- ~~(c) The Board, upon receipt of a written request and explanation, may waive or condition any or all of the continuing education for reactivation of a retired license in emergency situations.~~

~~(6) Violations~~

- ~~(a) Any veterinary medical technician who falsely attests to attendance and completion of the required hours of continuing education requirement may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12) or (14).~~
- ~~(b) Any veterinary medical technician who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1) and (12).~~
- ~~(c) Education hours obtained as a result of compliance with the terms of an informal settlement or Board Orders in any disciplinary action shall not be counted toward the continuing education hours required to be obtained in any calendar year.~~

1730-03-.12 Continuing Education.(1) Hours Required

- (a) In order to renew a license, the licensee must obtain twelve (12) hours of continuing education each calendar year. A maximum of four (4) hours may be obtained in a multi-media format as defined in part (3)(d)2 of this rule.
- (b) A licensee is exempt from continuing education requirements during the calendar year of the licensee's graduation from a veterinary technology program approved by the American Veterinary Medical Association.
- (c) The Board approves courses for only the number of hours contained in the course. A licensee will not receive credit for repeating the same course in a calendar year.

(2) Proof of Compliance

- (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. Each licensee must attest, on a Board provided form, to attendance and completion of the required continuing education hours and that such hours were obtained during the preceding calendar year.
- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except for multi-media courses, the licensee must be physically present at these continuing education meetings.
- (c) Each licensee must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of

four (4) years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.

(3) Course Approval

- (a) Courses to be offered for credit toward the required continuing education hours must receive approval from the Board, except as provided in subparagraph (e) of this rule.
- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. Except as provided in part (3)(d)2 of this rule, the licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.
- (c) Approval may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days before the scheduled date of the course.
1. A course description or outline;
 2. Names of all speakers and sponsors;
 3. Number of hours of educational credit requested; and
 4. Date of course.
- (d) Continuing education courses may be presented in any of the following formats:
1. Lecture.
 2. Multi-Media – With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit. Multi-Media courses may include courses using:
 - (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
- (e) The following courses need not receive approval and constitute Board-approved continuing education courses:

1. Courses sponsored or approved by any of the following organizations:

American Animal Hospital Association
American Association for Wildlife Veterinarians
American Association for Women Veterinarians
American Association of Avian Pathologists
American Association of Bovine Practitioners
American Association of Equine Practitioners
American Association of Sheep and Goat Practitioners
American Association of Swine Practitioners
American Association of Veterinary Clinicians
American Association of Veterinary Parasitologists
American College of Veterinary Toxicologists
American College of Laboratory Animal Medicine
American College of Poultry Veterinarians
American College of Theriogenologists
American College of Veterinary Internal Medicine
American Dairy Science Association
American Society of Animal Scientists
American Society for Veterinary Clinical Pathology
American Society of Veterinary Ophthalmology
American Veterinary Epidemiology Society

2. Educational courses sponsored by an accredited school of veterinary medicine or veterinary technology. A course taken for or assigned three (3) semester credit hours or equivalent quarter credit hours counts as fifteen (15) continuing education hours. No credits will be counted for courses failed.

3. Courses and programs approved by the Registry of Approved Continuing Education (RACE), which is the American Association of Veterinary State Boards' national clearinghouse for approval of continuing education.

4. Educational programs dealing with the practice of veterinary medicine provided by any local, state, regional, national or international veterinary associations, Board-certified specialties recognized by the American Veterinary Medical Association (AVMA), schools or colleges of veterinary medicine accredited by the AVMA, and the United States Department of Agriculture; and any program approved by another state veterinary board.

(4) Waiver or Extension of Continuing Education

(a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.

(b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.

(c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.

(5) Continuing Education for Reactivation of a Retired License

(a) Any licensee who applies for reactivation of a retired license must attest to having completed Board approved continuing education credit equal to that required by this rule, with a maximum requirement of twenty-four (24) hours.

(b) Any continuing education hours obtained as a prerequisite for licensure reactivation shall not count toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.

(c) The Board, upon receipt of a written request and explanation, may waive any or all of the continuing education for reactivation of a retired license.

(6) Violations

(a) Any licensee who falsely attests to the attendance and completion of the required continuing education hours or fails to obtain the required continuing education hours may be subject to discipline by the Board pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).

(b) Education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not count toward the continuing education hours a licensee must obtain each calendar year.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed June 26, 2007; effective September 9, 2007.

1730-03-.13 UNPROFESSIONAL CONDUCT. ~~Acts prohibited to be performed by veterinary medical technicians shall include, but not be limited to, the following:~~

- ~~(1) Advertising for services beyond the scope of practice of a veterinary medical technician.~~
- ~~(2) Performing beyond the scope of practice of a veterinary medical technician or performing a non-delegable duty or service or accepting such directives.~~
- ~~(3) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty at any animal health care facility, institution, or other work place location.~~
- ~~(4) Practicing as a veterinary medical technician in this state on an expired, retired, suspended, or revoked license.~~
- ~~(5) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of a veterinarian or another veterinary medical technician.~~
- ~~(6) Engaging in acts of dishonesty which relate to the practice of veterinary medicine or practice as a veterinary medical technician.~~
- ~~(7) Engage in practice in a facility without a premises permit.~~
- ~~(8) Any violation of T.C.A. §63-12-124.~~

Acts prohibited to be performed by veterinary technicians shall include, but not be limited to, the following:

- (1) Advertising for services beyond the scope of practice of a veterinary technician.
- (2) Performing beyond the scope of practice of a veterinary technician or performing a non-delegable duty or service or accepting such directives.

(Rule 1730-03-.13, continued)

- (3) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty at any animal health care facility, institution, or other work place location.
- (4) Practicing as a veterinary technician in this state on an expired, retired, suspended, or revoked license.
- (5) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of a veterinarian or another veterinary technician.
- (6) Engaging in acts of dishonesty which relate to the practice of veterinary medicine or practice as a veterinary technician.
- (7) Engaging in practice in a facility without a premises permit.
- (8) Any violation of T.C.A. § 63-12-124.
- (9) Violation of any lawful order of the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-119, 63-12-124, and 63-12-135.
Administrative History: Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed May 26, 2004; effective August 9, 2004.

1730-03-.14 RESERVED.

1730-03-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that an veterinary medical technician has violated any provision of the Tennessee Veterinary Medical Practice Act {T.C.A. §§63-12-101, et seq.} or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the veterinary medical technician for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal censure or reprimand - This is a written action issued to a veterinary medical technician for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a veterinary medical technician on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
 - (d) Licensure Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
 - (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow

(Rule 1730-03-.15, continued)

- (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
 - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
 2. Neither the state nor a licensee who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
 - (iii) Subsequently presented to and ratified by the Board.
- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-04-01-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-135.

Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-03-.16 — LICENSE.

- ~~(1) Issuance — Upon the Board determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§63-12-101, et seq. and these rules the Board shall issue the applicant a license to practice as a veterinary medical technician.~~
- ~~(2) Display of License — Every person licensed by the Board in this state shall display his license and renewal certificate in a conspicuous place in his principal office and, whenever required, exhibit such license to the Board or its authorized representative.~~

(Rule 1730-03-.17, continued)

- ~~(3) Replacement License or Renewal Certificate — A license holder whose “artistically designed” license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board’s administrative office.~~
- ~~(4) Verification — Requests for licensure verification must be made in writing to the Board’s administrative office.~~

1730-03-.16 License.

- (1) Issuance - Upon the Board determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§ 63-12-101, et seq. and these rules the Board shall issue the applicant a license to practice as a veterinary technician.
- (2) Display of License - Every person licensed by the Board in this state shall display the license and renewal certificate in a conspicuous place in the licensee’s office and, whenever required, show such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder whose “artistically designed” license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board’s administrative office.
- (4) Verification - Requests for licensure verification must be made in writing to the Board’s administrative office.
- (5) Use of Titles – Only a person who possesses a valid, unsuspended and unrevoked, Board-issued license to practice as a veterinary technician is authorized to use the title “Veterinary Technician,” “Licensed Veterinary Technician” or “Technician,” and to practice as a veterinary technician.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, ~~and~~ 63-12-123 and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

1730-03-.17 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual’s profession, board, and license number.
- ~~(2) Change of Address — Each person holding a license who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board’s administrative office no later than 30 days after such change has occurred and must reference the individual’s name, profession, social security number and license number.~~
- (2) Change of Address – A licensee must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee’s name, profession, and license number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-108, ~~and~~ 63-12-106, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

1730-03-.18 RESERVED.

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-04
GENERAL RULES GOVERNING CERTIFIED ANIMAL CONTROL AGENCIES**

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1730-04-.01 DEFINITIONS.

- (1) Animal Control Agency - A county or municipal animal shelter, dog pound, or a private humane society with administrative or contractual arrangements with or support of a local government agency, or a state county or municipal law enforcement agency, or any combination thereof which temporarily houses stray, unwanted, or injured animals.
- (2) Applicant - An Animal Control Agency seeking certification by the Board that has submitted an official application and paid the application fee.
- (3) Board - The Tennessee Board of Veterinary Medical Examiners.
- (4) Certificate - Document issued to an applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (5) Certificate Holder - Any person or facility who has been lawfully issued a certificate to operate as a Certified Animal Control Agency in the State of Tennessee.
- (6) Certified Animal Control Agency (C.A.C.A.) - A county or municipal animal shelter, dog pound or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, which temporarily houses stray, unwanted or injured animals pursuant to this chapter and T.C.A. § 5-1-120, and is certified by the Board of Veterinary Medical Examiners.
- (7) Certified Animal Euthanasia Technician (C.A.E.T.) - A person employed by a certified animal control agency who is authorized by the Board of Veterinary Medical Examiners (BVME) to humanely euthanize domestic canine and feline animals by administering such drugs as are designated by the Board for such use.
- ~~(8) Closed File - An administrative action which renders an incomplete or denied file inactive.~~
- ~~(9) D.E.A. - United States Drug Enforcement Agency.~~
- (8) D.E.A. - United States Drug Enforcement Administration.
- (409) Department - Tennessee Department of Health.

(Rule 1730-04-.01, continued)

(~~1410~~) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.

(~~1211~~) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services; also the required certification fee(s).

~~(13) H.R.B. Health Related Boards.~~

(~~1412~~) Person - Any individual, corporation, partnership, association, governmental subdivision, or public or private organization of any character, including another agency.

(~~1513~~) Registrant - Any person who has been lawfully issued a certificate.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-112, 63-12-121, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed June 25, 2003; effective September 8, 2003.

1730-04-.02 NECESSITY OF CERTIFICATION. Prior to engaging in the operation of a Certified Animal Control Agency, a facility must hold a current Tennessee certificate or a valid temporary certificate from the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

~~**1730-04-.03 QUALIFICATIONS FOR CERTIFICATION.** Entities that wish to apply to the federal Drug Enforcement Agency for a restricted controlled substance registration certificate must be certified by the Board. To be eligible for a certificate as a Certified Animal Control Agency, an applicant must meet all of the following qualifications:~~

~~(1) Meet the definition of a Certified Animal Control Agency~~

~~(2) Employ at least one (1) Certified Animal Euthanasia Technician, except as provided in Rule 1730-05-.02~~

~~(3) Pass an onsite inspection by the premises inspector.~~

1730-04-.03 Qualifications for Certification. Entities that wish to apply to the D.E.A. for a restricted controlled substance registration certificate must be certified by the Board. To be eligible for a certificate as a Certified Animal Control Agency, an applicant must meet all of the following qualifications:

(1) Meet the definition of a Certified Animal Control Agency contained in T.C.A. § 63-12-141 and these rules.

(2) Employ at least one (1) Certified Animal Euthanasia Technician, except as provided in Rule 1730-05-.02

(3) Pass an onsite inspection by the premises inspector.

(4) Provide a copy of the Non-Livestock Animal Humane Death Act, codified at T.C.A. §§ 44-17-301 to -304, to each employee who will perform euthanasia, and maintain documentation of compliance with this paragraph.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-126, 63-12-106, ~~and~~ 63-12-141, 44-17-301, 44-17-302, and 44-17-303. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

(Rule 1730-04-.04, continued)

1730-04-.04 PROCEDURE FOR CERTIFICATION OF AN ANIMAL CONTROL AGENCY.

- (1) The entity shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
- (2) A notarized letter from a municipal or county official stating that the entity is an Animal Control Agency is required.
- (3) Notarized documentation of employment of at least one (1) Certified Animal Euthanasia Technician is required, except as provided in Rule 1730-05-.02
- (4) Pass an onsite inspection by the premises inspector.
- (5) The entity shall submit with the application, the non-refundable application fee, inspection fee, and state regulatory fee as provided in Rule 1730-04-.05.
- (6) An entity shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of any criminal law violations of any country, state, or municipality.
 - (b) The denial of certification by any other state and any disciplinary action in any state.
 - (c) Loss or restriction of certification, licensure privileges, state or federal accreditation.
 - ~~(d) Any civil suit judgment or settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.~~
 - (d) Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (7) Application review and certification shall be governed by Rule 1730-04-.05.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-04-.05 APPLICATION REVIEW, APPROVAL, DENIAL.

- (1) Applications for certification will be accepted throughout the year.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's Unit Director, provided that approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying it of the deficiency.
 - (a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.
 - (b) For an applicant that has completed the requirements for certification, all documentation must be received in the Board's administrative office within sixty (60) days after receipt of the deficiency notification. If the requested information is not received within sixty (60) days, the file will be closed and the applicant notified.

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-05
GENERAL RULES GOVERNING CERTIFIED ANIMAL EUTHANASIA TECHNICIANS**

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1730-05-.01 DEFINITIONS.

- (1) Animal Control Agency - A county or municipal animal shelter, dog pound, or a private humane society with administrative or contractual arrangements with or support of a local government agency, or a state county or municipal law enforcement agency, or any combination thereof which temporarily houses stray, unwanted, or injured animals.
- (2) Applicant - An Animal Euthanasia Technician seeking certification by the Board that has submitted an official application and paid the application fee.
- (3) Board - The Tennessee Board of Veterinary Medical Examiners.
- (4) Certificate - Document issued to an applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (5) Certificate Holder - Any person who has been lawfully issued a certificate to practice as a Certified Animal Euthanasia Technician in the State of Tennessee.
- (6) Certified Animal Control Agency (C.A.C.A.) - A county or municipal animal shelter, dog pound or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, which temporarily houses stray, unwanted or injured animals pursuant to this chapter and T.C.A. § 5-1-120, and is certified by the Board of Veterinary Medical Examiners.
- (7) Certified Animal Euthanasia Technician (C.A.E.T.) - A person employed by a certified animal control agency who is authorized by the Board of Veterinary Medical Examiners (BVME) to humanely euthanize animals by administering sodium pentobarbital and the drugs referred to in Rules 1730-04-.13 and Rule 1730-05-.14 which have been approved by the BVME for the euthanasia and pre-euthanasia of animals in a certified animal control agency.
- ~~(8) Closed File - An administrative action which renders an incomplete or denied file inactive.~~
- ~~(9) D.E.A. - United States Drug Enforcement Agency.~~
- (8) D.E.A. - United States Drug Enforcement Administration.
- ~~(409)~~ Department - Tennessee Department of Health.

(Rule 1730-05-.01, continued)

- (4110) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (4211) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services; also the required certification fee(s).
- ~~(13) H.R.B. - When the acronym "H.R.B." appears in the text of these rules, it represents the Health Related Boards.~~
- (4412) Person - Any individual, corporation, partnership, association subdivision, or public or private organization of any character, including another agency.
- (4513) Registrant - Any person who has been lawfully issued a certificate.
- (4614) Tennessee Veterinarian Medical Technician - For purposes of these rules, a veterinary medical technician licensed by the Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-303, 63-12-102, 63-12-106 and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed July 27, 2006; effective October 10, 2006.

1730-05-.02 NECESSITY OF CERTIFICATION.

- (1) Prior to engaging in practice as a Certified Animal Euthanasia Technician in a Certified Animal Control Agency, a person must hold a current Tennessee certificate or valid temporary certificate from the Board.
- (2) Licensed veterinarians and licensed veterinary technicians employed by and functioning under the direct supervision of a licensed veterinarian performing euthanasia of animals in a Certified Animal Control Agency are exempt from certification as Certified Animal Euthanasia Technicians.
- (3) With regard to those individuals performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals and who meet the following criteria, certification as a certified animal euthanasia technician is not required:
 - (a) If the individual passed a Board-approved euthanasia-technician certification course and performed euthanasia prior to July 1, 2001; and
 - (b) If the individual is an employee or agent of a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals or is a Tennessee veterinarian medical technician.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-301 et seq., 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003.

1730-05-.03 QUALIFICATIONS FOR CERTIFICATION. Persons that wish to practice as a Certified Animal Euthanasia Technician must meet all of the following qualifications:

- (1) Meet the definition of a Certified Animal Euthanasia Technician;

(Rule 1730-05-.03, continued)

- (2) Possess a certificate of completion from a course on euthanasia which has been approved by the Board. The course must include, but is not limited to, the following :
 - (a) Theory and History - the theory and history of euthanasia methods.
 - (b) Anatomy - animal anatomy including landmarks commonly used for the restraint of animals and the administration of injectable euthanasia solution.
 - (c) Restraint and Handling - proper animal handling to ease trauma and stress to the animal and reduce the likelihood injury to the handler.
 - (d) Euthanasia Methods - proper methods of humanely euthanizing injured, sick, homeless or unwanted animals. This must include the performance of proper euthanasia of an animal by each student.
 - (e) Dosages - dosages of chemical agents.
 - (f) Injection - proper injection techniques.
 - (g) Verification of Death.
 - (h) Disposal - proper and lawful disposal of euthanized animals.
 - (i) Record Keeping - documentation of usage, storage, handling and disposal of outdates in accordance with applicable laws and regulations.
 - (j) Security - maintaining proper security precautions for all controlled substances and drugs.
 - (k) Stress Management - dealing with the psychological stress of animal euthanasia.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-05-.04 PROCEDURES FOR CERTIFICATION.

- (1) The person shall obtain an application from the Board's Administrative Office, and respond truthfully and completely to every question or request for information.
- (2) The applicant shall submit with the application, the non-refundable application fee, and state regulatory fee as provided in Rule 1730-05-.06; and
- (3) A passport size picture which is signed by the applicant; and
- (4) A certified copy of the certificate of completion, or an original certificate sent directly from the course provider to the Board's Administrative Office, showing completion of a Board approved course on animal euthanasia.
- (5) An applicant shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - (b) The denial of certification by any other state and any disciplinary action in any state.

(Rule 1730-05-.04, continued)

- (c) Loss or restriction of certification, licensure privileges, state or federal accreditation.
- ~~(d) Any civil judgment or civil settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.~~
- (d) Any final or settled legal action that relates to the applicant's professional services in any profession, or, any pending legal action that relates to the applicant's professional services and to which the applicant is a party.
- (6) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (7) Application review and certification shall be governed by Rule 1730-05-.05.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-301, 63-12-106, 63-12-107, 63-12-124, and 63-12-141.

Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed March 14, 2006; effective May 28, 2006.

1730-05-.05 APPLICATION REVIEW, APPROVAL, DENIAL.

- (1) Applications for certification will be accepted throughout the year.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's Unit Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying him of the deficiency.
 - (a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.
 - (b) For an applicant who has completed the requirements for certification, all documentation must be received in the Board's administrative office within sixty (60) days after receipt of the deficiency notification. If the requested information is not received within sixty (60) days, the file will be closed and the applicant notified.
 - (c) After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent by the Board's Administrative Office by certified mail, return receipt requested which shall contain all the specific statutory or regulatory authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures

(Rule 1730-05-.05, continued)

Act. (T.C.A. §§ 4-5-101, et seq.) to contest the denial and the procedure necessary to accomplish that action.

1. An applicant has a right to a contested case hearing only if the certification denial was based on subjective or discretionary criteria.
 2. An applicant may be granted a contested case hearing if certification denial is based upon objective, clearly defined criteria only if after review and attempted resolution by the Board's administrative staff the certificate application cannot be approved and the reasons for continued denial present genuine issues of fact and/or law which are appropriate for appeal. Such request must be made in writing to the Board within thirty (30) days of the receipt of the notice of denial from the Board.
- (5) Any person furnishing false information or omitting pertinent information in such application shall be denied certification. If the applicant has already been certified before the falseness or omission of such information has been made known to the Board, such certification shall be subject to suspension or revocation by the Board.
- (6) If the Board finds it has erred in the issuance of a certificate, the Board will give written notice by certified mail of its intent to void the certificate. The notice will allow the applicant the opportunity to meet the requirements of certification within thirty (30) days from the date of receipt of the notification.
- (7) Abandonment of Application
- (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within sixty (60) days after it was initially reviewed by the Board.
 - (b) A determination of abandonment must be ratified by the Board.
 - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (8) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-301, 63-12-106, 63-12-107, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-05-.06 FEES.

- (1) The fees are as follows:
 - (a) Application Fee - A non-refundable fee to be paid by all applicants. It must be paid each time an application for certification is filed.
 - (b) Endorsement/Verification - Endorsement of certification to state licensure boards and government agencies will be provided at no charge on behalf of the certificate holder. A

(Rule 1730-05-.09, continued)

- (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a certificate holder become public information only upon the filing of a notice of charges by the Department of Health.
- (4) Requests for verification of certification to practice in another state must be made in writing to the Board's administrative office.
- (5) Declaratory Orders - The Board adopts, as if fully set herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-223, 4-5-224, 63-12-105, 63-12-106, and 63-12-107.
Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 24, 2000; effective November 7, 2000.

1730-05-.10 CERTIFICATE.

- (1) Issuance - Upon the Board determining that an applicant for certification has successfully met all the requirements as set forth in T.C.A. §§ 63-12-101, et seq. and these rules the Board shall issue the applicant a certificate to practice as a C.A.E.T.
- (2) Display of Certificate - Every person certified by the Board in this state shall display his certificate and renewal certificate in a conspicuous place in his principal office and, whenever required, exhibit such certificates to the Board or its authorized representative.
- (3) Replacement Certificate or Renewal Certificate - A certificate holder whose "artistically designed" certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Verification - Requests for certification must be made in writing to the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-12-123. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-05-.11 UNPROFESSIONAL CONDUCT. Acts prohibited to be performed by C.A.E.T.s shall include, but not be limited to, the following:

- (1) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty at any C.A.C.A., institution, or other work place location.
- (2) Practicing as a C.A.E.T. in this state on an expired, retired, suspended, or revoked certificate.

(Rule 1730-05-.11, continued)

- (3) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of another C.A.E.T.
- (4) Engaging in acts of dishonesty which relate to the practice as a C.A.E.T.
- (5) Any violation of T.C.A. § 63-12-124.
- (6) Violation of the provisions of the Non-livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq.
- (7) Violation of Rule 1730-4-.13 and Rule 1730-05-.14 regarding the dispensing and distribution of pharmaceuticals.
- (8) Violation of any lawful order of the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-301 et seq., 63-12-102, 63-12-103, 63-12-106, 63-12-119, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed May 26, 2004; effective August 9, 2004.

1730-05-.12 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Upon a finding by the Board that C.A.E.T. has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§ 63-12-101, et seq.) or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the C.A.E.T. for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Censure or Reprimand - This is a written action issued to a C.A.E.T. for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places C.A.E.T. on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
 - (d) Certificate Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reinstatement of the individual's certificate. When the Board suspends a certificate, the person may not practice as a C.A.E.T. during the period of suspension and is also prohibited from providing direct assistance to another C.A.E.T. in the euthanasia of any animal.
 - (e) Conditions - Any action deemed appropriate by the Board to be required of a disciplined certificate holder in any of the following circumstances:
 1. During any period of probation, suspension; or
 2. During any period of revocation after which the certificate holder may petition for an order of compliance to reinstate the revoked certificate; or

(Rule 1730-05-.12, continued)

1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
- (b) After completion of an investigation by the Division, may upon request of either the state, or the C.A.E.T. who is the subject of an investigation with the agreement of the state, or upon request of both the C.A.E.T. and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
 - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
 2. Neither the state nor a C.A.E.T. who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the C.A.E.T.; and
 - (iii) Subsequently presented to and ratified by the Board.
- (9) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-04-01-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-141.
Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007. Amendment filed September 10, 2009; effective December 9, 2009.

1730-05-.13 CHANGE OF NAME AND/OR ADDRESS.

(Rule 1730-05-.14, continued)

- ~~(1) Change of Name – An individual registered with the Board shall notify the Board in writing thirty (30) days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, board, and certificate number.~~
- ~~(2) Change of Address – Each person holding a certificate who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, social security number and certificate number.~~
- (1) Change of Name – An individual registered with the Board must notify the Board in writing within thirty (30) days of a name change. The notice must provide both the old and new names and must reference the individual's profession, board, and certificate number.
- (2) Change of Address – A licensee or certificate holder must notify the Board of a change of address within thirty (30) days of such change. The notification must be in writing and include both the old and new addresses along with the licensee's name, profession, and license or certificate number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-12-106, ~~and 63-1-108, 63-12-124, and 63-12-141.~~
Administrative History: Original rule filed December 21, 1999; effective March 5, 2000.

1730-05-.14 DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) All Federal Regulations for the use of controlled substances must be followed including storage and recordkeeping.
- (2) A record of all euthanasia and pre-euthanasia solutions administered shall be kept.
- (3) The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian, a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician in a certified animal control agency shall be sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital. The only drugs approved by the Board for the pre-euthanasia of animals by a certified animal euthanasia technician in a certified animal control agency shall be acepromazine and xylazine.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-303, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed July 28, 2003; effective October 11, 2003. Amendment filed July 27, 2006; effective October 10, 2006.

(Rule 1730-06-.02, continued)

- (9) "Protocol" means written statement prepared by a licensed veterinarian and maintained by the certified governmental animal control agency establishing the procedures for performing chemical capture;
- (10) "Veterinarian" shall have the same meaning as set forth in T.C.A. §63-12-103(15);

Authority: Chapter 805 of the Public Acts of 2008, §§2 and 3, and T.C.A. §§44-17-601 and 63-12-144 [effective January 1, 2009]. **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.03 APPLICATION REQUIREMENTS.

- (1) Agency Application.
 - (a) A certified governmental animal control agency with a valid premises permit issued by the Board that applies for a certificate to perform chemical capture shall submit the following to the Board office:
 - 1. a completed application to perform chemical capture;
 - 2. the required initial certification fee;
 - 3. a written protocol to be approved by the Board; and
 - 4. proof of employment of a full-time licensed veterinarian on staff at the agency.
- (2) Animal Chemical Capture Technician Application.
 - (a) An applicant for a certificate to perform chemical capture as an animal chemical capture technician shall submit the following to the Board office:
 - 1. a completed application;
 - 2. a passport size picture that is signed by the applicant;
 - 3. the required application fee and initial certification fee;
 - 4. results of a criminal background check to be sent from the vendor directly to the Board office;
 - 5. proof of having successfully completed initial marksmanship training for use of the tranquilizer gun in chemical capture taught by an instructor skilled in using the tranquilizer gun; and
 - 6. proof of having successfully completed a sixteen (16) hour chemical immobilization certification course within twenty-four (24) months of applying for certification. The chemical immobilization certification course must be approved by the Board as provided in T.C.A. § 63-12-144(b) and cannot have been taken before April 10, 2008.
- (3) If an applicant does not complete the application process within sixty (60) days after the Board office receives the application because the application lacks the required information

(Rule 1730-06-.03, continued)

or fails to meet the prerequisites for certification, then the application will be closed, the application fee will not be refunded, and the applicant shall reapply for certification.

- (4) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.
- (5) The Board may designate one (1) Board member or the Board administrator to review applications for initial certification provided that the final approval for certification is made and ratified by the Board.
- (6) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: ~~Chapter 805 of the Public Acts of 2008, §§ 2 and 3, and T.C.A. §§ 44-17-601, 63-12-106, and 63-12-144, [effective January 1, 2009].~~ **Administrative History:** Public necessity rule filed January 13, 2009; effective through June 27, 2009. Public necessity rule filed January 13, 2009; and effective through June 27, 2009; expired effective June 28, 2009, and reverted to its previous status. Original rule filed April 22, 2009; effective July 6, 2009.

1730-06-.04 RENEWAL AND REINSTATEMENT.

- (1) A certificate issued to a certified governmental animal control agency or animal chemical capture technician to perform chemical capture pursuant to this chapter shall expire two (2) years from the date of its issuance and shall become invalid on such date unless renewed.
- (2) Agency Renewal.
 - (a) A certified governmental animal control agency may renew a current, valid certificate prior to its expiration date by submitting a renewal application form approved by the Board, the required renewal fee, a written protocol, proof of having a current and valid premises permit, and any other information required by the Board for renewal.
- (3) Technician Renewal.
 - (a) A certified animal chemical capture technician may renew a current, valid certificate prior to its expiration date by submitting a renewal application form approved by the Board, the required renewal fee, proof of quarterly recertification in marksmanship training to ensure target accuracy and proper loading and discharging of the tranquilizer gun, and any other information required by the Board for renewal.
- (4) Late Renewal.
 - (a) Certificate holders may renew a certificate to perform chemical capture within thirty (30) days after the license expiration date with payment of the renewal fee and late renewal fee.
 - (b) An individual seeking to renew an animal chemical capture technician certificate after the thirty (30) day grace period following the certificate expiration date but not longer than one (1) year after the certificate expiration date, may apply for reinstatement by meeting the following conditions:

* 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)
Charles R. Halford, DVM	X				
Forrest W. Reynolds, DVM	X				
Karen S. Walsh, LVMT	X				
R.A. Tai Federico, DVM	X				
Stephen S. Galloway, DVM	X				
Kim D. Johnson, DVM	X				
B. Ann Strong				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Veterinary Medical Examiners on 12/11/2012, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/17/12

Rulemaking Hearing(s) Conducted on: (add more dates). 12/11/12

Date: 4/23/14

Signature: [Handwritten Signature]

Name of Officer: Keith D. Hodges

Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 4-23-14

Notary Public Signature: [Handwritten Signature]

My commission expires on: APRIL 19, 2017



All rulemaking hearing 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

5-16-14
Date

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Filed with the Department of State on: 5/23/14

Effective on: 8/21/14



Tre Hargett
Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Transportation

SUBJECT: Specific service signs, otherwise known as Logo Signs

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 54-5-1101, 54-5-1103, 54-5-1105, and 54-5-1108

EFFECTIVE DATES: October 29, 2014 through June 30, 2015

FISCAL IMPACT: Potential increase in state revenue for the Logo Sign Program due to the amendment to Tennessee Code Annotated, Section 54-5-1103.

STAFF RULE ABSTRACT: While many of these rule changes are typographical or housekeeping edits, three changes to the program are more substantive in nature. First, the department will now permit logo signs within the urbanized area boundary of cities of 100,000 or greater population at the discretion of the commissioner. Second, future contracts will now be awarded to the contractor whose proposal offers the best value for the state, rather than lowest cost to the logo sign customer. This new rule is in response to the new statutory standards passed in 2013. Lastly, these proposed rules detail how a more qualified business may "bump" another business from a logo sign at the end of its contract.

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.

Rule 1680-03-03-.01: The Department anticipates that there is a potential impact on small businesses, but any impact should be positive as this rule change now allows for logo signs within the urbanized boundaries of large cities at the request of the local government and allows for logo signs on freeways, rather than only on Interstate highways.

Rule 1680-03-03-.02: The Department does not anticipate any significant impact on small businesses, as this rule change merely removes an outdated reference to telephones and corrects typographical errors.

Rule 1680-03-03-.03: The Department anticipates that there is a potential impact on small businesses. This rule change is made to conform to the new standards set forth in T.C.A. § 54-5-1103, which was amended in 2013. The amended rule spells out that the Department will follow the statute in awarding contracts for the administration of the logo signs. While administrative contracts previously had been awarded based upon the lowest cost to the logo sign customer, the statute now calls for future contracts to be awarded to the contractor whose proposal offers the "best value for the state," which may mean a higher cost for the logo sign customer.

Rule 1680-03-03-.04: The Department anticipates that there is a potential impact on small businesses, but any impact should be positive as this rule change provides details for the allowance of logo signs within the urbanized boundaries of large cities. In addition, this rule change corrects typographical errors and contains edits for clarity.

Rule 1680-03-03-.05: The Department anticipates that there is a potential impact on small businesses, as this rule change provides that for Food businesses, the minimum required space for seating is expanded to include outdoor seating. For Attraction business, this rule change adds a requirement that such businesses must be open to walk-ins with no appointment required. In addition, this rule change corrects typographical errors.

Rule 1680-03-03-.06: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.07: The Department does not anticipate any significant impact on small businesses, as this rule change adds a description of the process by which a new, more qualified business may "bump" another business from a logo sign at the end of its contract. This addition spells out the existing practice of the Department.

Rule 1680-03-03-.08: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.09: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors and contains edits for clarity.

Rule 1680-03-03-.10: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.11: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects typographical errors.

Rule 1680-03-03-.12: The Department does not anticipate any significant impact on small businesses, as this rule change merely corrects the rule number to conform to the current numbering scheme.

Rule 1680-03-03-.13: The Department does not anticipate any significant impact on small businesses, as this rule change adds a figure to the Appendix showing a "Typical Trailblazer Background Panel Detail." This addition spells out the existing practice of the Department.

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)

Rule 1680-03-03-.01: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.02: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.03: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.04: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.05: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

Rule 1680-03-03-.06: The Department does not anticipate any financial impact on local governments, as this Chapter pertains only to the Department, its contractors, and the businesses participating in the Logo Sign Program.

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**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 05-08-14
Rule ID(s): 5706
File Date: 5/14/14
Effective Date: 10/29/14

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 Transportation
Division: Traffic Operations
Contact Person: John H. Reinbold, Sr.
General Counsel
Address: 505 Deaderick Street, James K. Polk Building 3rd Floor
Nashville, TN
Zip: 37243
Phone: (615) 741-2941
Email: john.reinbold@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
1680-03-03	Specific Service Signs (Logo Sign Program)
Rule Number	Rule Title
1680-03-03-.01	Preface
1680-03-03-.02	Definitions
1680-03-03-.03	General Provisions
1680-03-03-.04	Criteria for the Erection of Signs for the Logo Sign Program
1680-03-03-.05	Services Permitted
1680-03-03-.06	Measurements
1680-03-03-.07	Application Process
1680-03-03-.08	Space Available Notification
1680-03-03-.09	Termination of Participation
1680-03-03-.10	Sign Composition
1680-03-03-.11	Business Logo Dimensions and Details
1680-03-03-.12	Business Logo Sign Maintenance
1680-03-03-.13	Appendix

**RULES
OF
TENNESSEE DEPARTMENT OF TRANSPORTATION**

**CHAPTER 1680-03-03
SPECIFIC SERVICE SIGNS (LOGO SIGN PROGRAM)**

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	<u>1680-03-03-.13 Appendix</u>

1680-03-03-.01 PREFACE.

- (1) Specific service signs (hereafter referred to as Logo Signs) provide the traveling public with business identification and directional information for essential motorist services. ~~The scope of the Logo Sign Program in Tennessee will be limited to rural highways.~~ Logo signs will be permitted at interchanges on ~~the Interstate Highway System~~ freeways that are located outside of the Census Boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census. In addition, logo signs will be permitted on freeways within the urbanized area boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census, upon written request by the local government, provided all the criteria are met as described in these rules, at the first interchange within the Census Boundary of such cities and at any other interchange within the Census Boundary of such cities where the area adjacent to the interchange is rural in character.
- (2) The following rules set forth the criteria to be followed in the administration of the Logo Sign Program. If questions arise in the interpretation of these rules, the Commissioner of the Tennessee Department of Transportation, or the Commissioner's designee, will make the final administrative determination. These rules supersede all prior rules related to gas, food, lodging, and camping or attraction service signs.

Authority: T.C.A. §§ 54-5-1101 and 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed September 7, 1990; effective October 22, 1990. Amendment filed May 20, 1997; effective September 18, 1997. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.01 filed and effective February 1, 2003.

1680-03-03-.02 DEFINITIONS.

- (1) "Background Sign Panel" means an official sign panel placed within the ~~Interstate-freeway~~ right-of-way along the mainline of travel or exit ramp with the words Gas, Food, Lodging, Camping or Attraction, or a combination thereof, and with space where one to six individual business logo signs may be attached.
- (2) "Business" means any approved public commercial facility that provides one of the five qualifying motorist services eligible to participate in the Logo Sign Program.

(Rule 1680-03-03-.02, continued)

- (3) Commissioner means the Commissioner of the Tennessee Department of Transportation.
- (4) Contractor means the firm awarded the administrative services contract by the Department for the marketing, management, and maintenance of the Logo Sign Program.
- (5) Department means the Tennessee Department of Transportation.
- (6) Disadvantaged Business Enterprise means a small business concern that is certified as a "Disadvantaged Business Enterprise" pursuant to the "Rules of the Tennessee Department of Transportation Contract Compliance Office, Chapter 1680-08-01, Certification of Disadvantaged Business Enterprises: CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES."
- (7) Double Exit means an interchange design where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, with one ramp for each direction of travel on the crossroad.
- (8) Eligibility Distance means the total roadway distance plus the offset distance to the primary point of entrance to a business. (See Rule 1680-03-03-.13, Figure 98 for an example.)
- (9) Exit Ramp means the travel lane at an interchange on an Interstate highway a freeway leading from the mainline to the intersecting crossroad.
- (10) Freeway means a divided highway with full control of access.
- (11) Logo Sign means an individual sign of a participating business in the Logo Sign Program that consists of the business's name, trademark, logo, or combination of same. This is the sign that is attached on the background sign panels.
- (12) Mainline means the through travel lanes of an Interstate highway a freeway.
- (13) "Motorist Service" means a place of business providing either Ggas, Food, Lodging, Camping or Atraction facilities.
- (14) MUTCD means the Manual on Uniform Traffic Control Devices.
- (15) Offset Distance means the distance measured from the secondary point of intersection (SPOI) to the nearest corner of the business's building. If the building has an offset the corner that will provide for the shortest eligibility distance will be used for measurement purposes. (See Rule 1680-03-03-.13, Figure 89 letfor an example.)
- (16) PPOI (Primary Point of intersection) means the point at which the centerline of the median on the Interstate-freeway facility intersects with the centerline of the crossroad. When the crossroad has more than two lanes, the centerline of the median, bridge or the exact center of the roadway surface crossing the Interstate-freeway mainline will be used. (See Rule 1680-03-03-.13, Figure 98 for an example.)
- (17) Priority Distance means the distance measured from the Secondary Point of Intersection (SPOI) to the center of the main doorway of the business. (Used only in case of ties in eligibility distance measurements. See Rule 1680-03-03-.13, Figure 98 for an example.)
- (18) Rest Room means a clean private rest room, r having at least one flush toilet and at least one sink with running water, in working order.

(Rule 1680-03-03-.02, continued)

- (198) Roadway Distance means the distance measured from the Primary Point of Intersection (PPOI) along the centerline of the crossroad or other public/private roadway leading to the Secondary Point of Intersection (SPOI).
- (2019) Single Exit means an interchange design where, for a given direction of travel on the mainline, only one exit ramp provides access to the crossroad.
- (210) SPOI (Secondary pPoint of iIntersection) means the point at which the center line of the public or private thoroughfare providing direct access to the business facility intersects with a perpendicular line to the nearest corner of the business building.
- ~~(21) Telephone means a coin operated or business owned telephone which is available for use by the public during business hours.~~
- (22) Tennessee-Based Business Enterprise means a person or entity that has an office in the State of Tennessee.
- ~~(232) Trailblazer Background Panel means an official sign panel placed before the intersection where a turn is required to get to the business to display Trailblazer Signs. These are placed at intersections with 3 or more trailblazers signs.~~
- (243) Trailblazer Sign means the sign used in the Logo Sign Program that indicates the name, direction and distance to a motorist service.
- (254) Urbanized Area Boundary means that boundary identified as the Ccensus Bboundary by the United States Bureau of Census for a specific geographical location.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed September 7, 1990; effective October 22, 1990. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.02 filed and effective February 1, 2003.

1680-03-03-.03 GENERAL PROVISIONS.

- (1) ~~The Department has the authority to provide for the construction and administration of the Logo Sign Program. Construction Contract(s)~~
- (a) ~~Construction contract(s): The Department has the authority to provide for the construction and administration of the Logo Sign Program.~~
- ~~(b) The Department may enter into contract(s) for the construction of logo sign background sign panels. Such contract(s) shall be subject to the provisions of T.C.A., Title 54, Chapter 5, Sections 113 through 127 inclusive, and shall be awarded to a Tennessee based business enterprise~~
- (c) The construction contract(s) shall be for the construction and erection of the background sign panels.
- ~~(d) Disadvantaged Business Enterprises shall participate in ten percent (100%) of all contract(s) entered into by the Department for construction of signs in the Logo Sign Program.~~
- ~~(b) (2) Administrative Sservices Ccontract(s):~~

(Rule 1680-03-03-.023, continued)

- (a) The Department may enter into contract(s) for administration of the Logo Sign Program. The contract(s) ~~will be subject to the provisions of TCA, Title 12, Chapter 4, Sections 109 through 111, inclusive, and shall be subject to the provisions of T.C.A. §54-5-1103 awarded to a Tennessee-based business enterprise.~~
- (2) ~~Contracts shall be awarded to Tennessee-based business enterprises pursuant to T.C.A. §54-5-1105.~~
- ~~1. The administrative services contract(s) shall include the marketing and management of the Logo Sign Program, as well as the maintenance of the background sign panels.~~
 - ~~2. The administrative services contract(s) shall be awarded to the Tennessee based business enterprise that offers the lowest responsible bid, and shall be awarded on an objective competitive basis. The basis of all bids shall be the least cost to the retail (business) user of the Logo Sign Program.~~
 - ~~(i) In order to determine whether a bidder is responsible, the Department shall require any person or entity to submit information demonstrating capability to provide the administrative services. Before any person or entity may receive a Request for Proposal such person or entity must be pre-qualified with the Department, so that the public interest may be best served.~~
 - ~~(ii) All persons, corporations, or other entities, having the ability to perform the administrative services will be allowed to compete freely without unreasonable restrictions.~~
 - ~~(iii) For any one contract, all bidders will respond to the same Request For Proposal, so that they may bid on the same proposition and on the same terms.~~
 - ~~(iv) The Request For Proposal shall include the following provisions:

 - ~~(I) Specifications of the services to be provided;~~
 - ~~(II) The time frame for delivery of services;~~
 - ~~(III) The deadline for submitting bids, the person to whom the bids should be addressed, and the address of the office to which the bids should be submitted; and,~~
 - ~~(IV) The time and place that the bids will be opened.~~
 - ~~(V) The right is reserved to reject any or all Proposals, to waive technicalities or to advertise for new Proposals, if in the judgement of the awarding authority, the best interest of the Department will be promoted thereby.~~~~
- (3) ~~The Contractor will enter into separate agreements with all approved applicants (businesses) that have received a Space Available Notification as described in Rule 1680-3-3-.08. This agreement will provide, among other things for the costs to participate in the Logo Sign Program by the user (business).~~

(Rule 1680-03-03-.023, continued)

Authority: T.C.A. §§ 54-5-1103, 54-5-1105, and 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.03 filed and effective February 1, 2003.

1680-03-03-.04 CRITERIA FOR THE ERECTION OF SIGNS FOR THE LOGO SIGN PROGRAM.

- (1) The Department will allow the erection and maintenance of signs for the Logo Sign Program in accordance with the ~~Manual on Uniform Traffic Control Devices (MUTCD)~~, these ~~Rrules and Regulations~~, and contract provisions. However, to minimize the interference with the more critical regulatory, warning and guide signs, the logo sign background sign panels will be erected prior to the advance guide sign on the mainline, where possible, and at close spacing on the exit ramp. In addition to the aforementioned, the following criteria ~~will~~ should be met:
- (a) The desired spacing between each mainline background sign panel should be at least ~~eight hundred feet (800')-feet~~, and the mainline background sign panel shall not conflict or interfere with any other official highway guide sign.
 - (b) Exit ramp background sign panels shall not be erected where the ramp terminus offers no options for turns. However, where no businesses are visible from the terminus, the ~~Ccontractor~~ may install trailblazer signs at a location determined by the Department and in conformance to specifications for trailblazer signs.
 - (c) There shall be no more than a total of four background sign panels along the approach to any interchange, in each direction of travel, and no more than one background sign panel shall be erected for each eligible motorist service. The background sign panels ~~shall-should~~ be erected in the following order in relation to the direction of travel: first, ~~Aattraction~~ and/or ~~Ccamping~~; second, ~~Llodging~~; third, ~~Ffood~~; and fourth, ~~Ggas~~.
 - 1. A separate background sign panel shall be erected for each type of motorist service, except where no more than three approved businesses are available for each of two types of services. The Department in that case may elect to display a background sign panel for two types of services on the same background sign panel.
 - 2. A business will have its logo signs installed at an interchange that provides it with the shortest eligibility distance.
 - 3. A business may have logo signs installed at a second interchange, provided it meets all the requirements as set fourth in these ~~Rrules and Regulations~~ and the business does not prevent another eligible business from participating in the Logo Sign Program at that interchange.
 - 4. The number of logo signs on the background sign panel shall be limited to six for each motorist service.
 - 5. The placement of individual logo signs on all background sign panels will be as follows:
 - (i) All businesses that are accessible via a left turn from the exit ramp terminus will be placed first.
 - (ii) All businesses that are accessible via a right turn from the exit ramp terminus will then be placed.

(Rule 1680-03-03-.04, continued)

- (iii) The logo signs of all businesses will be placed according to eligibility distance from each direction of turn, starting with the logo sign of the business with the shortest eligibility distance and going to the logo sign of the business with the greatest eligibility distance.
6. A business is eligible to participate in the Logo Sign Program provided that it offers at least one of the specific motorist services (Ggas, Ffood, Llodging, Ccamping or Aattraction) and it meets the applicable minimum criteria set forth in Rule 1680-03-03-.05.
 7. In the event that a business provides more than one motorist service, it may be eligible to display a logo sign for each service it provides on the proper background sign panel, provided the following conditions are met;
 - (i) It meets all minimum criteria for the service,
 - (ii) It does not prevent participation by another business which offers a sole service and would otherwise qualify for placement on the background sign panel,
 - ~~(i) (iii)~~ Space is available on the background sign panel.
 8. Within the urbanized area boundary of cities of 100,000 or greater population as designated by the United States Bureau of Census in the most recent decennial federal census, the total number of boards at each individual interchange may vary based on the space allowance, but the total number shall not exceed four. Priority will be as follows: first, gas and/or food; second, lodging; and third, attraction and/or camping.
- (d) At interchange approaches having a single exit, each background sign panel shall bear the type of service followed by the exit number on a line above the logo signs.
 - (e) On interchange approaches having a double exit, each background sign panel shall consist of two sections.
 1. The top section shall bear the type of service and display the logo sign for the businesses accessible from the first exit.
 2. The lower section shall bear the type of service and display the logo sign for the businesses accessible from the second exit.
 3. The exit number shall be displayed on a line above the logo signs in each section.
 4. When a motorist service is to be signed at only one of the two exits, one section of the background sign panel may be omitted or a single exit interchange background sign panel may be employed.
 - (f) All businesses displayed on a mainline background sign panel will also be displayed on the exit ramp background sign panel. This only applies to interchanges that are eligible for exit ramp background sign panels.
 1. Exit ramp background sign panels shall consist of a logo sign identical to but smaller than the logo sign on the mainline background sign panel.

(Rule 1680-03-03-.04, continued)

2. The arrangement of individual logo signs on an exit ramp background sign panel will be the same as the arrangement of logo signs as stipulated in Rule ~~1680-03-03-04-(l)-(c)-5~~.
 3. There will be directional arrows and mileage to each business on the exit ramp background sign panels at single exit interchanges. (See Rule 1680-03-03-.13, Figure 2.)
- (g) ~~No descriptive advertising words, phrases or slogans shall be allowed on any logo sign.~~ Descriptive advertising words, phrases, or slogans shall not be allowed on any logo sign, except to indicate dates of operation of eligible campgrounds that open on a seasonal basis, to indicate that a business is "open 24 hours," or that a business offers "diesel" or "auto diesel fuel," or other as approved by ~~TDOT~~the Department. If more than ~~two (2)~~2 descriptive words, phrases, or slogans are requested, approval must be obtained from ~~TDOT~~the Department.
- (h) The distance that a ~~GAS~~gas, ~~FOOD~~food or ~~LODGING~~lodging motorist service business can be located from the ~~Primary Point of Intersection (PPOI)~~ to qualify for a logo sign shall not exceed three (3) miles in either direction. The distance that a ~~C~~amping or ~~A~~attraction motorist service business can be located from the ~~Primary Point of Intersection (PPOI)~~PPOI to qualify for a logo sign shall not exceed fifteen (15) miles in either direction.
- (i) Trailblazer signs may be installed to indicate the need for a turn when the crossroad terminates. In addition, trailblazer signs ~~may~~ should be used to indicate whenever a turn is needed to reach an eligible business. All trailblazer signs will have a supplemental sign showing a directional arrow and mileage to the business.
1. Where the road on which the trailblazer sign is needed is a ~~S~~state ~~H~~highway, the qualifying business will furnish the ~~C~~contractor with the appropriate trailblazer signs. The ~~C~~contractor will erect and maintain all trailblazer signs.
 2. Where the road on which the trailblazer sign is needed is a city or county road, it shall be the responsibility of the business to make arrangements with the appropriate local governmental agency allowing the contractor to erect and maintain the trailblazer sign(s).
 3. Trailblazer signs shall consist of a logo sign identical to but smaller than a mainline logo and a supplemental directional arrow and mileage sign. (See rule 1680-03-03-.13, Figures 3 & 4 for sign specifications.)
- (j) Logo signs shall not be installed at any directional interchange. A directional interchange is an interchange of two Interstate highways, or any other freeway-to-freeway interchange having comparable geometric design features.
- (k) The applicants and business participants in the Logo Sign Program agree to hold harmless the State of Tennessee, the Department of Transportation, and its employees for any loss of business caused by any damage to or removal of background sign panels, logo signs or trailblazer signs.
- (2) An interchange which was an eligible location for the Logo Sign Program as of March 9, 1989, shall continue to be an eligible location notwithstanding changes in the Urbanized Area Boundary.

An interchange which became an eligible location at a later date shall be unaffected by changes in

(Rule 1680-03-03-.04, continued)

the Urbanized Area Boundary for the duration of the term of the contract between the Department and the Contractor in effect at the time of any such change.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed September 7, 1990; effective October 22, 1990. Amendment filed January 17, 1992; effective March 3, 1992. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.04 filed and effective February 1, 2003.

1680-03-03-.05 SERVICES PERMITTED.

- (1) Eligible motorist service facilities shall comply with the laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin, and the laws concerning the granting of licenses and approvals for motorist service facilities.
- (2) The types of motorist service facilities shall be limited to Gas, Food, Lodging, Camping or Attraction. To qualify for the Logo Sign Program and to display a logo sign on a background sign panel, the following minimum criteria must be met:
 - (a) Gas
 1. Vehicle services, which shall include fuel, oil, air and water;
 2. Drinking water suitable for public use and two or more clean public rest rooms, with at least one for men and one for women, must be available during all hours the facility is open to the public;
 3. Continuous operation at least sixteen (16) hours per day, seven (7) days a week; and
 - ~~4. Telephone; and~~
 - ~~5.4. Located not more than three (3) miles from the primary point of intersection (PPOI), and meet the requirements set forth in Rule 1680-03-03-.06~~
 - (b) Food
 1. A valid permit as required by the Hotel, Food Service Establishment and Swimming Pool Inspection Act of 1985 as stipulated in Tennessee Code Annotated T.C.A., Title 68, Chapter 14, Part 3, and all other licenses and approvals as required by local governmental bodies;
 2. ~~Continuous operation, to serve three meals a day, 6 days a week, and opening not later than 7:00 AM for breakfast and closing no earlier than 8:00 PM; provided, however, if space is available, a specific business establishment shall not be excluded from participating in the specific service sign program because such establishment does not serve breakfast, and such establishment may occupy any available space on a specific service sign if doing so would not exclude a business establishment that does serve breakfast. Additionally, a business which is only open 6 days a week must identify the day of closure on its logo, e.g. Closed Sunday, with six inch letters located on the lower one third of the business logo which contrast in color to the color of the logo background.~~
Continuous operation, six (6) days a week and opening not later than 7:00 a.m., serving breakfast, and closing no earlier than 8:00 p.m. A business which is only open six (6) days a week must identify the day of closure on its logo, e.g. Closed

(Rule 1680-03-03-.05, continued)

Sunday, with six inch letters located on the lower one third of the business logo which contrast in color to the color of the logo background.

~~3. Telephone;~~

~~3.4. Indoor-On-premise~~ seating for at least twenty-five (25) persons;

~~45.~~ Two (2) or more clean public rest rooms, with at least one (1) for men and one (1) for women, must be available during all hours the facility is open to the public; and

~~56.~~ Located not more than three (3) miles from the primary point of intersection PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06.

~~67.~~ A business that meets all criteria set forth above ~~is to~~ will be considered "fully qualified." A business that meets the distance criteria but ~~perhaps~~ not all of the other criteria will be considered "partially qualified." ~~A partially qualified business will be eligible to participate in the program provided they do not keep off a business that is fully qualified. A fully qualified business shall have priority over a partially qualified business.~~ If a business is approved for the space as a "fully qualified" business, but then changes to become only "partially qualified," said business may have its contract revoked.

(c) Lodging~~ODGING~~

1. All appropriate State and local licenses or approvals;

2. Off street parking;

3. A minimum of twenty (20) sleeping units;

4. A private entrance and rest room which has hot and cold water and a tub or shower for each sleeping unit;

5. Telephone;

~~6.~~ Continuous operation twenty-four (24) hours a day; and;

~~6.~~ Located not more than three (3) miles from the primary point of intersection PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06.

(d) Camping~~AMPING~~

1. All appropriate State and local licenses and approvals, including health permits;

2. Continuous operation for at least six (6) months of the year.

(i) The contract between the Bbusiness and the Department's Ccontractor shall specify the seasonal opening and closing dates of operation for the campground, and the logo signs of tile business shall indicate the specific dates that the campground is open for operation.

(ii) The Bbusiness will be required to pay the total annual fee to the Ccontractor regardless of the number of months of operation.

(Rule 1680-03-03-.05, continued)

3. A ~~C~~campground shall consist of a minimum of ten (10) individual campsites each having accommodations for potable water and electrical hook-ups for conventional travel trailers, tents and campers;
4. Parking spaces for each campsite;
5. Each campsite shall have a minimum area of three hundred (300) square feet;
6. A sanitary disposal system for travel trailers and campers;
7. Separate shower facilities for men and women with hot and cold running water and two (2) or more rest rooms, one (1) for men and one (1) for women;
8. A full-time attendant on duty or on call twenty-four (24) hours a day to maintain and manage campground services; and
9. ~~Telephone; and~~
- ~~10.~~ Located not more than fifteen (15) miles from the ~~primary point of intersection~~PPOI and meet the requirements as set forth in Rule 1680-03-03-.06.

(e) Attraction~~T~~TRACTION

1. Adequate parking for the facility with a minimum of twenty (20) spaces;
2. Year-round operation and open to the public at least five (5) days a week, including at least one day on the weekend;
3. Located not more than fifteen (15) miles from the ~~primary point of intersection~~(PPOI)PPOI, and meet the requirements as set forth in Rule 1680-03-03-.06;
4. ~~Drinking water suitable for public use and~~ Two (2) or more clean public rest rooms, with at least one (1) for men and one for women, must be available during all hours the facility is open to the public;
- ~~5. Telephone; and~~
5. Open to members of the public of all age groups, and excluding businesses open only to adults, and;
6. Open to walk-ins. No appointments required.
7. Categories of businesses eligible for an Aattraction sign may include:
 - (i) Arenas or stadiums,
 - (ii) Cultural centers,
 - (iii) Amusement parks,
 - (iv) Zoos or aquariums,
 - (v) Race tracks,
 - (vi) Historical sites,
 - (vii) Museums,
 - (viii) Arts or crafts,
 - (ix) Wineries or breweries,
 - (x) Golf courses,
 - (xi) Recreational areas, and

(Rule 1680-03-03-.05, continued)

(xii) Shopping, Outlet or Antique Malls.

8. A business that meets all criteria set forth above ~~is to~~ will be considered "fully qualified." A business that meets the distance criteria and is open to walk-ins but ~~perhaps does not meet~~ all of the other criteria will be considered "partially qualified." ~~A fully qualified business shall have priority over a partially qualified business. A partially qualified business will be eligible to participate in the program provided they do not keep off a business that is fully qualified.~~ If a business is approved for the space as a "fully qualified" business, ~~but~~ then changes to ~~become~~ only "partially qualified", said business may have its contract revoked.
9. An ~~A~~ attraction shall not be eligible to participate in the Logo Sign Program if a ~~G~~uide ~~S~~sign has been erected for the ~~A~~ attraction in accordance with Chapter 1680-03-02, Manual on Uniform Traffic Control Devices - Supplemental Rules for Guide Signs on Freeways, Expressways and Conventional Highways.

Authority: T.C.A. §§ 54-5-11-01 and 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January, 17, 1992; effective March 3, 1992. Amendment filed May 20, 1997; effective September 28, 1997. Amendment filed February 27, 1998; effective June 26, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.05 filed and effective February 1, 2003.

(Rule 1680-03-03-.06, continued)

1680-03-03-.06 MEASUREMENTS.

- (1) For the purpose of determining which business in each category will receive priority for the Logo Sign Program the following will apply;
 - (a) The business having the shortest eligibility distance from the ~~Primary Point of Intersection (PPOI)~~ will have priority. In the event that two businesses have the same eligibility distance, the business with the shortest priority distance will have preference. This process will continue in ascending order as the eligibility distance increases from the ~~Primary Point of Intersection (PPOI)~~ until all positions on the background sign panel are filled.
 - (b) To qualify, the business must meet one of the following criteria-
 1. ~~GasAS, foodOOD and lodgingODGING~~;
 - (i) The business shall be located on the crossroad within three (3) miles of the ~~Primary Point of Intersection (PPOI)~~PPOI, and either the business or its on-premise sign shall be readily identifiable from the crossroad.
 - (ii) If the crossroad is less than three (3) miles in length and ~~terminates~~ terminates with a thoroughfare, a business may qualify provided it is located on the thoroughfare and is three (3) miles or less from the ~~Primary Point of Intersection (PPOI)~~PPOI and either the business or its on-premise sign is readily identifiable from the thoroughfare. (See Rule 1680-03-03-.13, Figure 98)
 2. ~~CAMPGROUNDS Campgrounds and ATTRACTIONS Attractions~~:
 - (i) A ~~Ccampground or Aattraction~~ shall be located within fifteen (15) miles of the ~~Primary Point of Intersection (PPOI)~~PPOI.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January 17, 1992; effective March 3, 1992. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.06 filed and effective February 1, 2003.

1680-03-03-.07 APPLICATION PROCESS.

- (1) Any business that wishes to participate in the Logo Sign Program shall complete and submit a signed application to the ~~Cc~~contractor.
- (2) A business may qualify to provide more than one motorist service under the Logo Sign Program, provided it meets all the requirements of these ~~Rrules and Regulations~~. If a business wishes to have a separate logo sign for each motorist service it provides, the business must submit a separate signed application for each motorist service.
- (3) If an application is approved, the ~~Cc~~contractor shall issue a "Notice of Eligibility." A "Notice of Eligibility" shall be issued regardless of the availability of space on the background sign panel for which the business has applied.
- (4) The "Notice of Eligibility" will be kept on file by the ~~Cc~~contractor for three (3) years from the date it is issued.

(Rule 1680-03-03-.07, continued)

- (5) Should the Cccontractor deny an application, the Cccontractor shall Pprovide by certified mail or hand delivery (and obtain a signed receipt) a "Notice of Non-Eligibility" to the business, outlining the facts that warranted the denial.

(6) A business may be bumped from a sign at the end of its existing contract. In order to bump a business, the new business must submit an application at least sixty (60) days prior to the contract end date for the business that will be bumped. A new business that has a shorter eligibility distance than a business with a current sign may bump that business from the sign. However, a new food or attraction business that is fully qualified but with a longer eligibility distance may bump a business that is partially qualified but with a shorter eligibility distance. All other criteria contained in these rules shall apply.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.07 filed and effective February 1, 2003.

1680-03-03-.08 SPACE AVAILABLE NOTIFICATION.

- (1) When space is available on a background sign panel, the Cccontractor will:
- Contact any establishment that is open for business at the interchange and has a shorter eligibility distance than a business with a current "Notice of Eligibility" on file with the Cccontractor or a current participant of the Logo Sign Program. This establishment must be provided the opportunity to submit an application to participate in the Logo Sign Program; and,
 - Approve or deny the establishment's application based upon the requirements of these Rrules and Regulations; and,
 - Issue a "Notice of Space Availability" to the Bbusiness with the current shortest eligibility distance that hold a "Notice of Eligibility"; and,
 - Make such inquiries, investigations and inspections as necessary to insure that the Bbusiness continues to meet the eligibility requirements set out in these Rrules and Regulations.
- (2) The Cccontractor will notify the business of the required number of mainline, exit ramp and trailblazer logo sign required.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.08 filed and effective February 1, 2003.

1680-03-03-.09 TERMINATION OF PARTICIPATION.

- (1) The Department or the Cccontractor may inspect a bBbusiness at any time during its contract period to assure that the Bbusiness continues to meet the eligibility requirements set out in these rules, is still in compliance to participate in the Logo Sign Program
- (2) The agreement between the Cccontractor and the Bbusiness shall contain provisions that cover breach of contract by the Bbusiness. The following concepts shall be included within the provisions:
- A Bbusiness believed by the Cccontractor to be breaching the contract, for any reason, shall be given a reasonable period of time to remedy the situation.

(Rule 1680-03-03-.0840, continued)

- (b) Should the **B**usiness fail to remedy the situation, its logo sign(s) shall be removed and the contract terminated with no pro-ration of monies paid.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.09 filed and effective February 1, 2003.

1680-03-03-.10 SIGN COMPOSITION.

- (1) All logo signs (**M**ainline, **E**exit **R**ramp and **T**railblazer) shall have a blue background and a silver-white border.
- (a) Symbols or trademarks shall be reproduced in the colors and shape consistent with customary use, and any integral legend shall be proportional in size.
- (b) Messages, symbols and trademarks which resemble any official **T**raffic **C**ontrol **D**evice are prohibited.
- (c) Logo signs ~~famished~~ furnished to the **C**ontractor shall be constructed of aluminum, 0.080 inches thick, and conforming to American Society of Testing and Materials (ASTM)-B 209 Alloy 606 1 -T6 or 5052-1138.
- (d) The logo sign blanks shall be flat and contain no visible lateral bow.
- (2) The logo sign shall be fabricated from encapsulated lens reflective sheeting and shall meet Tennessee Standard Specification 916.06, material Type II. The process color **A** used for screening the business logo on the encapsulated lens background shall be as recommended by the manufacturer of the reflective sheeting.

(Rule 1680-03-03-.10, continued)

Authority: T.C.A. § 5-4-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January 17, 1992; effective March 3, 1992. Rule has been assigned a new control number from 1680-9-1-.10 filed and effective February 1, 2003.

1680-03-03-.11 BUSINESS LOGO DIMENSIONS AND DETAILS.

- (1) Mainline business Logo Signs for all types of services will be 48" x 36" in size, 0.080" in thickness, and will have a 3" border radius and a 1/4" border width.
- (2) Exit Ramp business Logo Signs for all types of services will be 24" x 18" in size, 0.080" in thickness, and will have a 1 1/2" border radius and a 3/8" border width.
- (3) Trailblazer Logo Signs will be 24" x 18" in size, 0.080" in thickness, and will have a 1 1/2" border radius and a 3/8" border width.

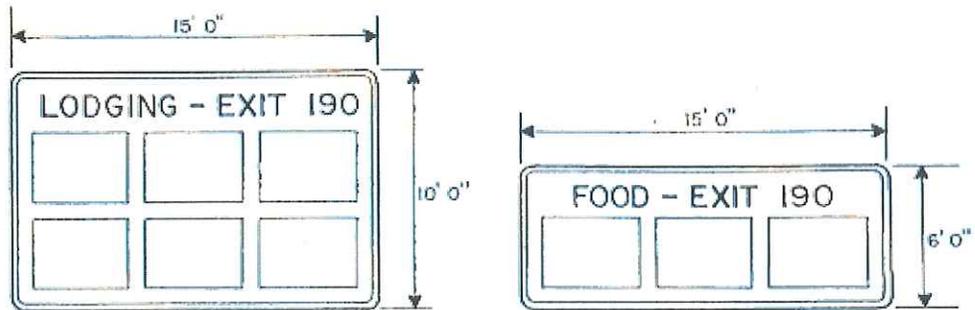
Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.11 filed and effective February 1, 2003.

1680-03-03-.12 BUSINESS LOGO SIGN MAINTENANCE.

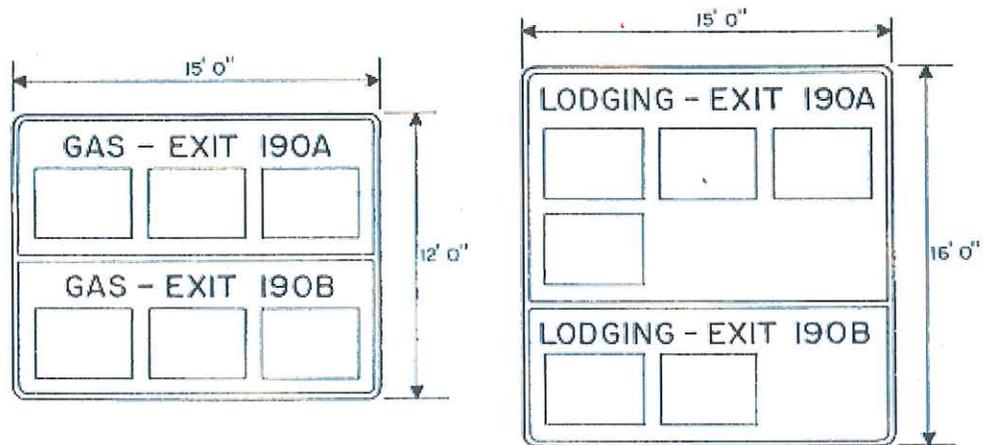
- (1) The Contractor will perform all maintenance work on all background sign panels, trailblazer signs and sign supports that are a part of the Logo Sign Program.
- (2) When the logo sign of a business becomes damaged because of acts of vandalism, natural causes, or accidental damage, the business will provide, at its expense, a new logo sign to the Contractor unless the damage was caused by the Contractor or its agent. If the Contractor or its agent damages the logo sign of a business, the Contractor will be responsible for the cost of replacement.
- (3) If in the opinion of the Department or the Contractor, a logo sign of a business becomes unsightly, badly faded, or in a state of disrepair, the business shall provide at its expense a new or refurbished logo sign to the Contractor upon request.

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Rule has been assigned a new control number from 1680-9-1-.12 filed and effective February 1, 2003.

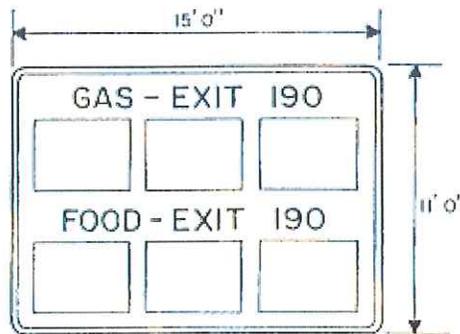
1680-3-3-.13 APPENDIX.



TYPICAL MAINLINE BACKGROUND SIGN PANEL DETAIL (SINGLE EXIT RAMP INTERCHANGE)



TYPICAL MAINLINE BACKGROUND SIGN PANEL DETAIL (DOUBLE EXIT RAMP INTERCHANGE)



TYPICAL COMBINATION MAINLINE BACKGROUND SIGN PANEL

FIGURE 1

(Rule 1680-03-03-.13, continued)

Add new Figure 4

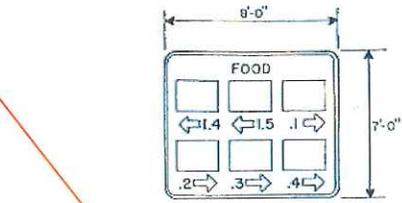
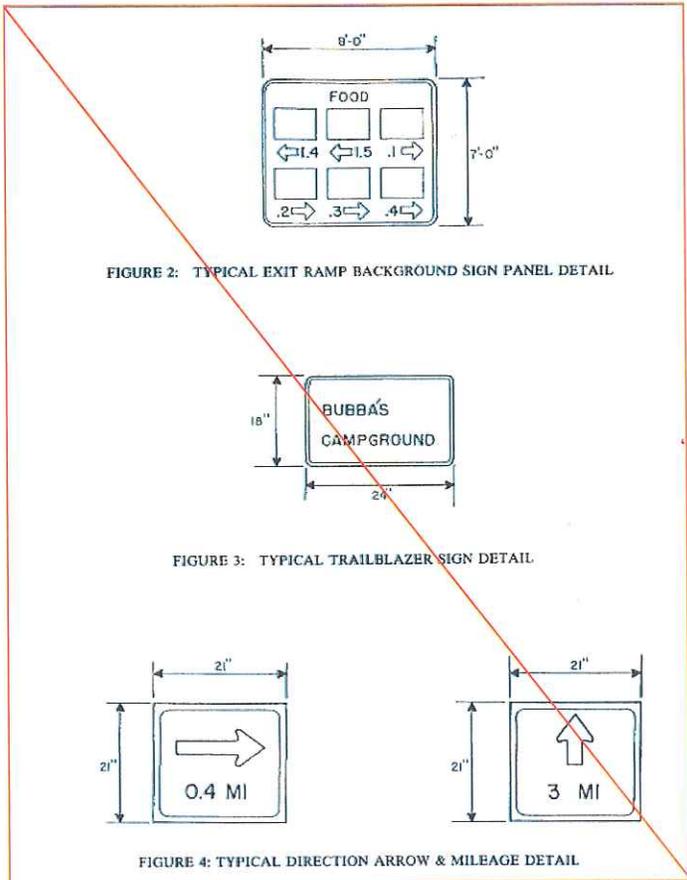


FIGURE 2: TYPICAL EXIT RAMP BACKGROUND SIGN PANEL DETAIL



FIGURE 3: TYPICAL TRAILBLAZER SIGN DETAIL

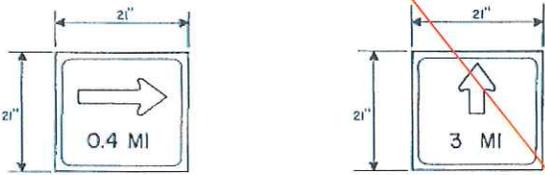


FIGURE 4: TYPICAL DIRECTION ARROW & MILEAGE DETAIL

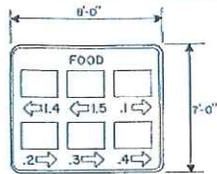


FIGURE 2: TYPICAL EXIT RAMP BACKGROUND SIGN PANEL DETAIL

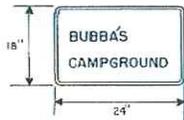


FIGURE 3: TYPICAL TRAILBLAZER SIGN DETAIL

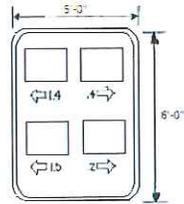


FIGURE 4: TYPICAL TRAILBLAZER BACKGROUND PANEL DETAIL



FIGURE 5: TYPICAL DIRECTION ARROW & MILEAGE DETAIL

(Rule 1680-03-03-.13, continued)

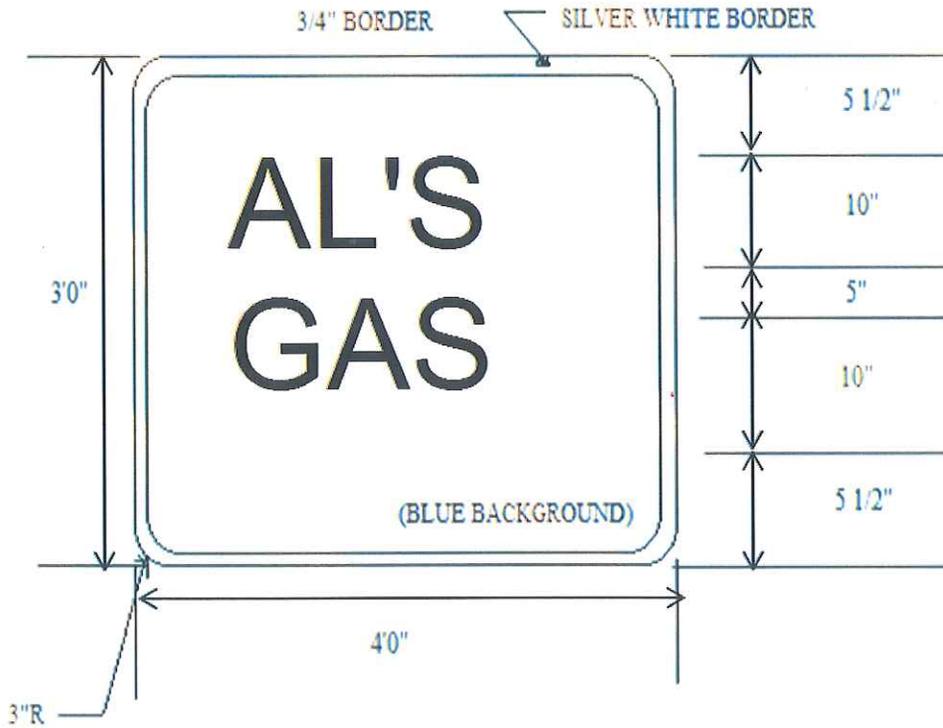


FIGURE 6: TYPICAL MAINLINE LOGO SIGN DETAIL
(FOR ALL MOTORIST SERVICES)

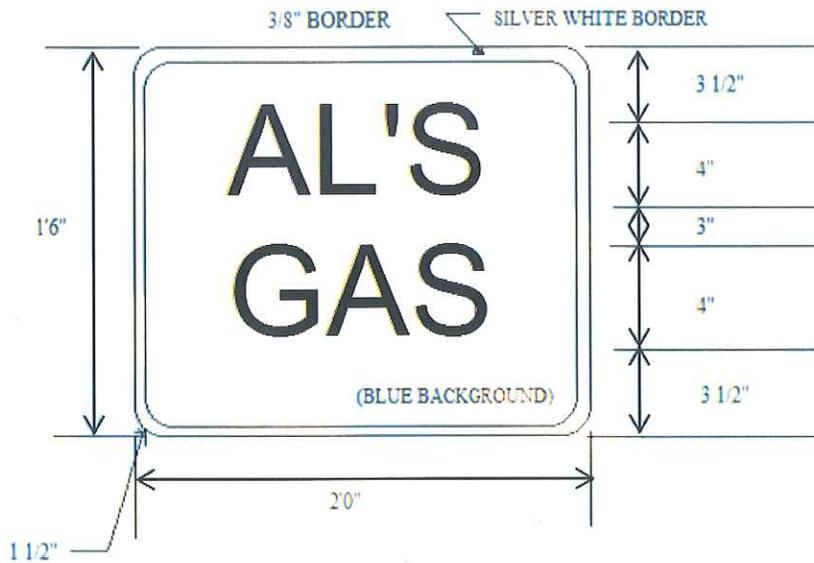


FIGURE 7: TYPICAL EXIT RAMP LOGO SIGN DETAIL
(FOR ALL MOTORIST SERVICES)

(Rule 1680-03-03-.13, continued)

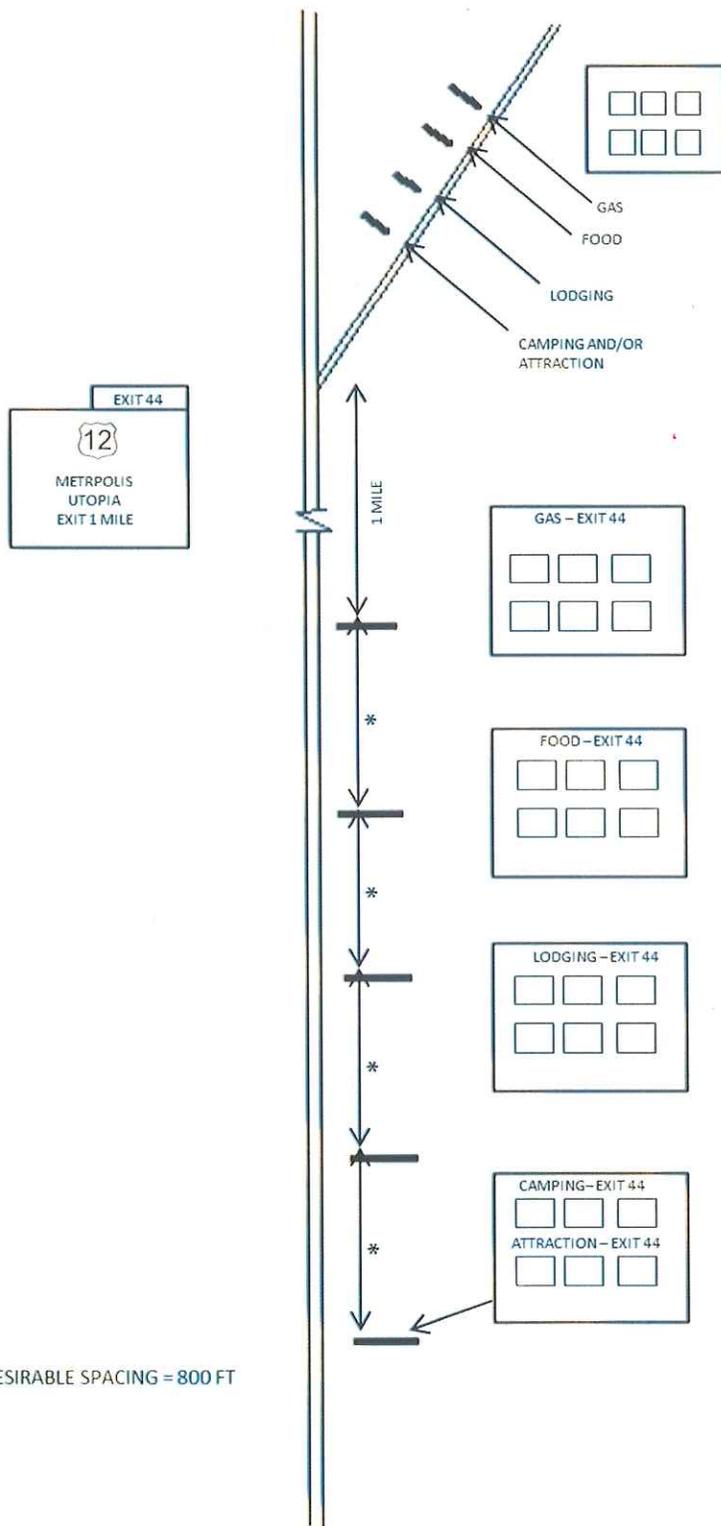


FIGURE 8: TYPICAL SIGN LOCATION DETAIL

(Rule 1680-03-03-.13, continued)

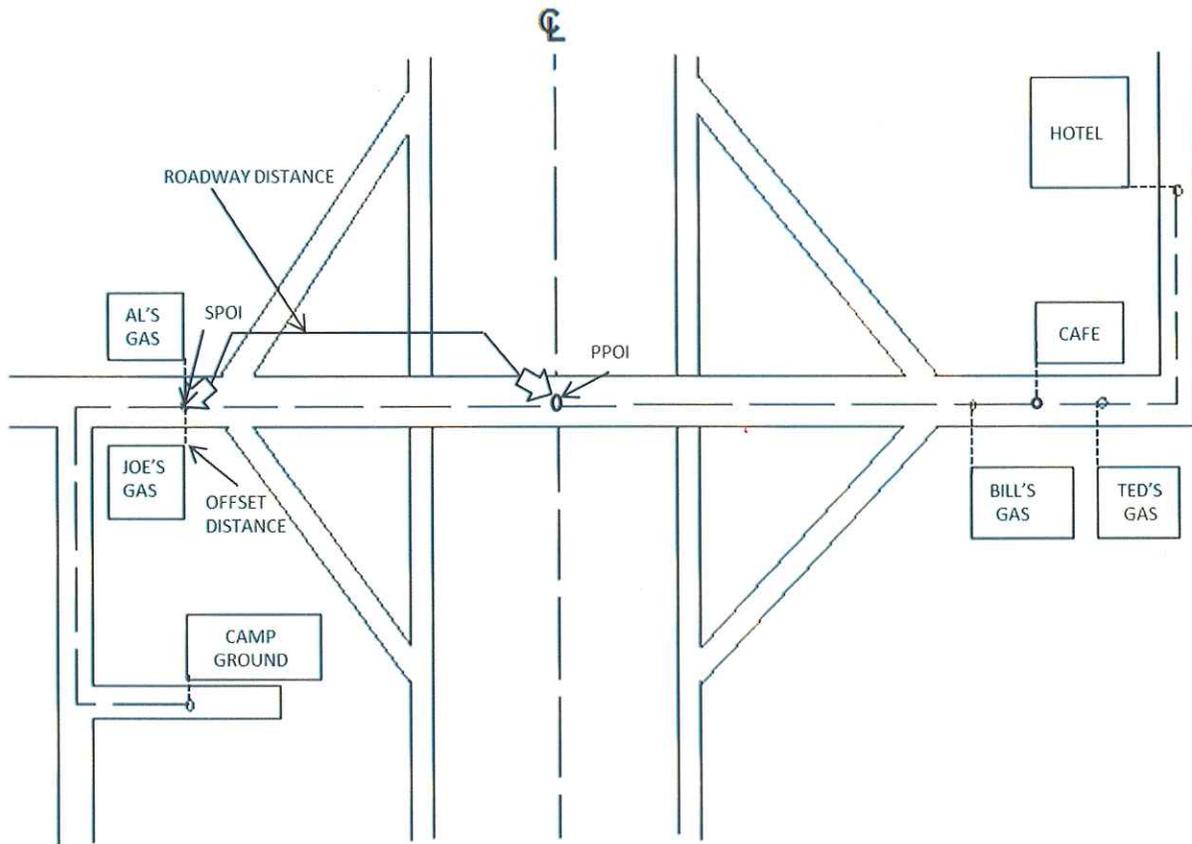


FIGURE 9

Authority: T.C.A. § 54-5-1108. **Administrative History:** Original rule filed January 23, 1989; effective March 9, 1989. Amendment filed January 11, 2002; effective May 31, 2002. Rule has been assigned a new control number from 1680-9-1-.13 filed and effective February 1, 2003.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)

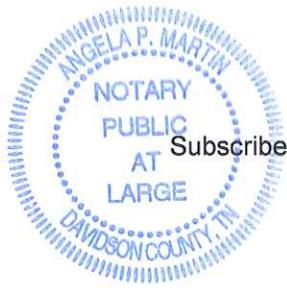
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 3-7-2014 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 3-7-2014

Signature: [Signature]

Name of Officer: John C. Schroer

Title of Officer: Commissioner



Subscribed and sworn to before me on: 3-7-2014

Notary Public Signature: Angela P. Martin

My commission expires on: 3-8-2016

All proposed 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.

[Signature]
 Robert E. Cooper, Jr.
 Attorney General and Reporter
5-9-14
 Date

Department of State Use Only

RECEIVED
 2014 MAY 14 AM 9:13
 OFFICE OF
 SECRETARY OF STATE

Filed with the Department of State on: 5/14/14

Effective on: 10/29/14

[Signature]
 Tre Hargett
 Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Commerce and Insurance

SUBJECT: Debt Management Services

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 47-18-104
and the Debt-Management Services Act,
Tennessee Code Annotated, Section 47-18-5501,
et. seq.

EFFECTIVE DATES: August 14, 2014 through June 30, 2015

FISCAL IMPACT: None

STAFF RULE ABSTRACT: These new rules authorize the department to
administer the registration and regulation of debt
service providers.

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.

No comments were submitted during or after the rulemaking hearing.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rulemaking 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.

This rule will have negligible 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)

This rule will have negligible effect on local governments.

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 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: 05-11-14
Rule ID(s): 5708
File Date: 5/16/14
Effective Date: 8/14/14

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 Commerce and Insurance
Division:	Consumer Affairs
Contact Person:	Aaron Rochelle
Address:	500 James Robertson Parkway Davy Crockett Tower, 5 th Floor Nashville, TN
Zip:	37243
Phone:	615-741-9355
Email:	aaron.rochelle@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
0780-08-01	Rules and Regulations for Debt Management Services
Rule Number	Rule Title
0780-08-01-.01	Purpose of Rules
0780-08-01-.02	Short Title
0780-08-01-.03	Retained Powers
0780-08-01-.04	Definitions
0780-08-01-.05	Administration of Act
0780-08-01-.06	Applicability
0780-08-01-.07	Registration Application
0780-08-01-.08	Renewal of Registration
0780-08-01-.09	Fees
0780-08-01-.10	Submission of Information
0780-08-01-.11	Standards of Practice
0780-08-01-.12	Examinations, Records, and Reports
0780-08-01-.13	Severability

(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 Commerce and Insurance
Division of Consumer Affairs
Chapter 0780-8-01
Rules and Regulations for Debt Management Services

New Rules

Table of Contents

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0780-08-01-.02 Short Title
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0780-08-01-.06 Applicability
0780-08-01-.07 Registration Application
0780-08-01-.08 Renewal of Registration
0780-08-01-.09 Fees
0780-08-01-.10 Submission of Information
0780-08-01-.11 Standards of Practice
0780-08-01-.12 Examinations, Records, and Reports
0780-08-01-.13 Severability

0780-08-01-.01 Purpose of Rules

The purpose of these rules is to institute the registration and regulation of providers of debt-management services and to protect the interests of consumers as required by the Uniform Debt-Management Services Act.

Authority: T.C.A. §§ 47-18-5501 and 47-18-5532

0780-08-01-.02 Short Title

These rules may be cited as the Tennessee Debt-Management Services Rules.

Authority: T.C.A. § 47-18-5501

0780-08-01-.03 Retained Powers

It is the express intent of these rules that such powers as are herein delegated by the Administrator are also retained and may be exercised by the Administrator at the Administrator's election.

Authority: T.C.A. § 47-18-5532

0780-08-01-.04 Definitions

- (1) When used in these rules and in the Uniform Debt-Management Services Act, unless the context otherwise requires:
 - (a) "Act" shall mean Chapter 469 of the Public Acts of 2009, otherwise known as the Uniform Debt-Management Services Act, and its codification in Tennessee Code Annotated.
 - (b) "Branch office" means any office of a provider within this state other than its principal place of business within this state.
 - (c) "Director" shall mean the Director of the Consumer Affairs Division of the Department of Commerce and Insurance of the State of Tennessee.
 - (d) "Division" shall mean the Director, staff, employees, and agents of the Consumer Affairs

Division of the Department of Commerce and Insurance of the State of Tennessee or such other agency as shall administer the Act.

(e) "UAPA" shall mean the Uniform Administrative Procedures Act as set forth in T.C.A. § 4-5-101, *et seq.*, and any rules promulgated pursuant thereto to the extent such rules are not inconsistent with the Act or these rules.

(2) Unless the context otherwise requires or a rule expressly provides otherwise, terms defined in the Act shall have the same meaning when used in these rules.

Authority: T.C.A. §§ 47-18-5502 and 47-18-5532

0780-08-01-.05 Administration of the Act

(1) General

(a) The Administrator delegates to the Director all of the power and duties granted to and imposed upon the Administrator by the Act except the power:

1. to issue orders and impose any sanction pursuant to T.C.A. §§ 47-18-5533 (a)(1),(2),(3) and (b), or 47-18-5534(b) and (c) in any contested case, as such term is defined in the UAPA; and

2. to adopt any rule as such term is defined in the UAPA.

(b) Without limiting the foregoing delegation, the Director is expressly empowered to:

1. conduct examinations and investigations as provided by T.C.A. § 47-18-5532(b);

2. issue registrations; and

3. accept on behalf of the Administrator settlement agreements reached between the Division and any person pursuant to T.C.A. § 4-5-105.

(c) Nothing herein limits the Director's authority, duties, or responsibilities set forth elsewhere in state law, regulation, or rule.

(2) Filing Requirements

(a) Applications, financial statements, reports, educational materials, and other information shall be filed on good quality white paper, 8½ by 11 or 8½ by 14 inches in size.

(b) All documents filed with the Division shall be in clear and easily readable form and suitable for photocopying.

(c) Exhibits may be attached or filed separately and shall be properly marked or identified.

(d) Each copy of educational materials and financial analysis models must be bound securely. The Division reserves the right to reject any such document the pages of which are not securely bound together.

(e) All applications, reports, financial statements, correspondence, educational materials, financial analysis models, exhibits and other information required or requested pursuant to the Act or these rules may be submitted to the Division in the paper format prescribed in this subpart (e) or through electronic data-gathering, access, retrieval, and storage methods acceptable to the Division.

(f) Unless expressly required or requested, only the original executed copy of each form is required.

- (3) Upon a request for records under Tennessee's Public Records Act, T.C.A. § 10-7-501 *et seq.*, the Division shall assess reasonable charges for copying and associated labor.

Authority: T.C.A. §§ 47-18-5501, 47-18-5505, 47-18-5506, and 47-18-5532

0780-08-01-.06 Applicability

- (1) A person forming an agreement to provide debt-management services and any person to whom the account is then transferred are providers subject to the provisions of the Act.
- (2) Any person conducting business in this state as a provider must apply to the Division to become registered.
- (3) Debt-management services do not include:
 - (a) legal services provided by an attorney licensed and in good standing in Tennessee during the entire time services are provided and in an attorney-client relationship;
 - (b) accounting services provided by a certified public accountant licensed and in good standing in Tennessee during the entire time services are provided and in an accountant-client relationship;
 - (c) financial planning services provided in a financial planner-client relationship by a person who is either licensed as an insurance provider and in good standing or registered as an investment adviser representative and in good standing in this state and who holds one of the following professional designations during the entire time services are provided:
 1. Certified Financial Planner (CFP), awarded by the Certified Financial Planner Board of Standards, Inc.;
 2. Chartered Financial Consultant (ChFC), awarded by the American College, Bryn Mawr, PA;
 3. Personal Financial Specialist (PFS), awarded by the American Institute of Certified Public Accountants;
 4. Chartered Financial Analyst (CFA), awarded by the Institute of Chartered Financial Analysts; or
 5. Chartered Investment Counselor (CIC), awarded by the Investment Counsel Association of America, Inc.
 - (d) services provided within the scope of the business or profession of:
 1. a judicial officer or person acting under court order or administrative order;
 2. an assignee for the benefit of creditors;
 3. a bank or government regulated bank affiliate;
 4. a title insurer, escrow company, or person providing bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

Authority: T.C.A. §§ 47-18-5502, 47-18-5503 and 47-18-5532

0780-08-01-.07 Registration Application

- (1) Applications for registration shall be submitted on forms approved by the Director.

- (2) Any application submitted without required information or failing to meet any requirement for registration will be held by the program office, and written notification of the information that is lacking or the reason(s) the application does not meet the requirements for registration will be sent to the applicant. The application will be held in "pending" status for a reasonable period of time, but such period is not to exceed one hundred eighty (180) days from the date of application. If the applicant fails to timely and completely respond to the written notification, the application will be closed.
- (3) Upon determination that an application submitted directly to the Division has been abandoned, the Division shall by Order of Abandonment cancel the pending application without prejudice and, within thirty (30) days of such cancellation, mail a copy of the Order of Abandonment to the last known business address of the applicant.
- (4) Any application once submitted may be withdrawn, provided, however, that the application fee shall not be refunded.
- (5) Applications must be complete before they are submitted for consideration. Applications shall at a minimum include:
 - (a) a complete and properly executed application form signed under penalty of perjury and before a notary by the person applying;
 - (b) a non-refundable application fee;
 - (c) a surety bond as required by T.C.A. § 47-18-5513, or an acceptable surety alternative that complies with the provisions of T.C.A. § 47-18-5514;
 - (d) evidence of insurance as required by T.C.A. § 47-18-5505(b)(4) in the amount of two hundred and fifty thousand dollars (\$250,000).
 1. Any insurance policy submitted by a provider as evidence of insurance required by the Act shall include the insurer's written agreement to provide the Administrator with written notice of termination or reduction of the policy, which shall be sent by certified U.S. mail to the Division.
 2. For purposes of administering the Act, the insurer's termination or reduction of liability shall be effective from and after the expiration of sixty (60) days from the Division's receipt of such written notice or on such later date as is stated in the written notice. The insurer's termination or reduction of liability shall not affect, reduce, or release its liability for any acts or practices that occurred during the time the policy was in force and prior to the effective date of termination or reduction of the policy.
 - (e) the articles of incorporation and by-laws of the applicant;
 - (f) a description of any ownership interest of greater than ten percent (10%) by a director, owner, or employee of the applicant in:
 1. any affiliate of the applicant; or
 2. any entity that provides products or services to the applicant or any individual related to the applicant's debt-management services.
 - (g) the name and address of each corporate person that owns an interest in or is otherwise affiliated with or controls, directs, or influences the operations of the applicant;
 - (h) the name and address of each corporate person in which the applicant owns an interest or is otherwise affiliated with or whose operations are controlled, directed, or influenced by the applicant;

- (i) the names and addresses of all employers of each of the applicant's directors during the immediately preceding ten (10) years;
- (j) the names, addresses, and amounts of compensation for the five (5) most highly compensated employees of the applicant for each of the three (3) years immediately preceding the application, or the period of the applicant's existence if less than three (3) years, if the applicant meets any of the criteria outlined in T.C.A. § 47-18-5506(17);
- (k) the identity of each director who is an affiliate as defined by T.C.A. § 47-18-5502(2);
- (l) evidence of tax-exempt status under the Internal Revenue Code, 26 U.S.C. §501, if applicant is a not-for-profit corporation and exempt from taxation;
- (m) consent to jurisdiction of the State of Tennessee and venue in Davidson County, Tennessee;
- (n) disclosure of and identification information for all trust accounts;
- (o) irrevocable consent to the authority of the Administrator to review and examine all trust accounts;
- (p) applicant's financial statements prepared in accordance with the provisions of T.C.A. § 47-18-5506(7);
- (q) evidence of the applicant's accreditation by an independent accrediting organization approved by the Director;
- (r) evidence of certification by an independent certifying program approved by the Director of all counselors and debt specialists conducting business in this state on behalf of the applicant;
- (s) detailed descriptions of the three most common education programs provided by the applicant to Tennessee consumers and copies of all materials associated with the education programs;
- (t) a description of the applicant's financial analysis and initial budget plan, including any form or electronic model used by the applicant to evaluate the financial conditions of Tennessee consumers;
- (u) copies of each agreement form provided by the applicant to Tennessee consumers and any other documents or information required to be signed by or provided to a Tennessee consumer;
- (v) a schedule of all fees and charges, including any recommended donations, provided by the applicant to Tennessee consumers;
- (w) sworn criminal history records checks, including fingerprints, conducted within the immediately preceding twelve (12) months for the purpose of providing debt-management services, for every officer of the applicant and every employee or agent who is authorized to have access to the applicant's trust account(s). The sworn criminal history records check must be submitted directly by the criminal history records check provider to the Division. Applicants who have had these sworn criminal history records checks performed for the purpose of providing debt-management services in another state within twelve (12) months prior to submitting the application may have the results of those records checks submitted directly by the other state to the Division as certified business records of the other state.
- (x) disclosure of any debt-management services agreements or plans entered into with Tennessee consumers since June 23, 2009; and

- (y) any other information required to determine whether the application should be approved or denied.
- (6) An applicant shall notify the Division within ten (10) days after a change occurs in any information originally reported in the initial registration application.

Authority: T.C.A. §§ 47-18-5504, 47-18-5505, 47-18-5506, 47-18-5507, 47-18-5508, 47-18-5509, 47-18-5510, 47-18-5513, 47-18-5514, and 47-18-5532

0780-08-01-.08 Renewal of Registration

- (1) Registrations shall expire on the last day of the twelfth (12th) month following their issuance or renewal and shall become invalid on such date unless renewed prior to their expiration date.
- (2) Renewal applications must be received by the Division not less than thirty (30) days or more than sixty (60) days prior to the expiration of a registration.
- (3) A provider choosing not to renew its registration shall notify the Division of its intention prior to the expiration date of the registration and shall surrender the registration certificate to the Division immediately upon its expiration.
- (4) Applications for the renewal of registrations shall be made on forms provided by the Director.
- (5) Applications for renewals will not be considered filed until the applicable fee prescribed in these rules and all other information required pursuant to the Act and these rules are received.
- (6) Applicants are responsible for annual renewal whether or not a notice of renewal is received from the Administrator.
- (7) A provider's application for renewal of its registration shall include at a minimum:
 - (a) a complete and properly executed renewal application form signed by the provider's representative under penalty of perjury before a notary;
 - (b) the applicable non-refundable renewal application fee as provided in Rule 0780-08-01-.09, below;
 - (c) a surety bond as required by T.C.A. § 47-18-5513, or an acceptable surety alternative that complies with the provisions of T.C.A. § 47-18-5514;
 - (d) evidence of insurance as required by T.C.A. § 47-18-5505(b)(4) in the amount of two hundred and fifty thousand dollars (\$250,000).
 - 1. Any insurance policy submitted by a provider as evidence of insurance required by the Act shall include the insurer's written agreement to provide the Administrator with written notice of termination or reduction of the policy, which shall be sent by certified U.S. mail to the Division.
 - 2. For purposes of administering the Act, the insurer's termination or reduction of liability shall be effective from and after the expiration of sixty (60) days from the Division's receipt of such written notice or on such later date as is stated in the written notice. The insurer's termination or reduction of liability shall not affect, reduce, or release its liability for any acts or practices that occurred during the time the policy was in force and prior to the effective date of termination or reduction of the policy.
 - (e) disclosure of any changes of information reported in the initial registration application or the immediately previous renewal application, as applicable;

- (f) the applicant's financial statements prepared in accordance with the provisions of T.C.A. § 47-18-5506(7);
 - (g) evidence of the applicant's accreditation by an independent accrediting organization approved by the Director;
 - (h) evidence of certification, by an independent certifying program approved by the Director, of all counselors and debt specialists conducting business in this state on behalf of the applicant;
 - (i) sworn criminal history records checks, including fingerprints, conducted within the immediately preceding twelve (12) months for the purpose of providing debt-management services, for every officer of the applicant and every employee or agent who is authorized to have access to the applicant's trust account(s). The criminal history records check must be submitted directly to the Division by the criminal history check provider. Applicants that have had a criminal records check performed for the purpose of registration as a provider in another state within twelve (12) months prior to submitting the registration application may have the results of that background check submitted directly from the other state to the Division as a certified business record of the other state.
 - (j) disclosure of the total amount of money received by the applicant from or on behalf of Tennessee consumers pursuant to debt-management services agreements and plans during the preceding twelve (12) month period and the total amount of money distributed to creditors of those Tennessee consumers during the same twelve (12) month period;
 - (k) disclosure of the gross amount accumulated during the preceding twelve (12) month period pursuant to debt-management services plans by or on behalf of Tennessee consumers with whom the applicant has debt-management services agreements; and
 - (l) any other information required to determine whether the application should be approved or denied.
- (8) An applicant shall notify the Division within ten (10) days after a change occurs in any of the information originally reported in the renewal application.

Authority: T.C.A. §§ 47-18-5504, 47-18-5506, 47-18-5511, 47-18-5513, 47-18-5514, and 47-18-5532

0780-08-01-.09 Fees

- (1) Nonrefundable debt-management services registration.....\$2,000.00
- (2) Nonrefundable renewal fee for debt-management services.....\$2,000.00

Authority: T.C.A. §§ 47-18-5505, 47-18-5511, and 47-18-5532

0780-08-01-.10 Submission of Information

- (1) An applicant or registrant shall inform the Division in writing of any change in business name or business structure at least ten (10) days before the change occurs. Registrations are non-transferable.
- (2) An applicant or registrant shall inform the Division in writing within thirty (30) days of receipt of notice and provide a copy of:
 - (a) any indictment or information filed in any court of competent jurisdiction naming the applicant or registrant, any affiliate, partner, officer, director, owner, or agent of the applicant or registrant, or any person occupying a similar status with or performing similar functions for the applicant or registrant, alleging the commission of any felony regardless of subject matter, or of any misdemeanor involving a security or any aspect of the debt-

management services business;

- (b) any complaint filed in any court of competent jurisdiction naming the applicant or registrant, any affiliate, partner, officer, director, owner, or agent, or any person occupying a similar status with or performing similar functions for the applicant or registrant, seeking a permanent or temporary injunction enjoining any of such person's conduct or practice involving any aspect of the debt-management services business;
 - (c) any complaint or order filed by a federal or state regulatory agency or the United States Postal Service naming the applicant or registrant, any affiliate, partner, officer, director, owner or agent, or any person occupying a similar status with or performing a similar function for the applicant or registrant, related to the debt-management services business.
- (3) Within ten (10) days of filing, an applicant or registrant shall file with the Division a copy of any answer, response, or reply to any complaint, indictment, or information described in subparts (2)(a) through (2)(c) above.
 - (4) Within ten (10) days of receipt, an applicant or registrant shall file with the Division a copy of any decision, order, or sanction that is made, entered, or imposed with respect to any proceedings described in subparts (2)(a) through (2)(c) above.
 - (5) Nothing in paragraphs (2), (3), or (4) is intended to relieve the applicant or registrant from any duty to comply with the legal process or any reporting requirements elsewhere specified in these rules or in the Act.
- (6) Trust Accounts
 - (a) An applicant or registrant shall file with the Division a notice of any relocation of trust accounts from one bank to another bank thirty (30) days prior to the date on which the relocation of the trust accounts becomes effective.
 - (b) In the event of the relocation of trust accounts from one bank to another, the applicant or registrant shall provide the new trust account numbers to the Division no later than two (2) days after receiving the new trust account numbers.
 - (c) An applicant or registrant shall notify the Division of a theft from a trust account within five (5) days of discovery of the theft.

Authority: T.C.A. §§ 47-18-5507, 47-18-5522, 47-18-5529, and 47-18-5532

0780-08-01-.11 Standards of Practice

- (1) Upon any request for additional information or upon receipt of notice of any written complaint against the provider, the provider shall, within ten (10) business days, file with the Division a written answer to the request for additional information or to the complaint.
- (2) A provider shall immediately determine the state of residence of a potential client during the first contact with the potential client. If the potential client is a resident of the state of Tennessee, the provider shall notify the potential client in writing of its current registration status in the state of Tennessee.
- (3) No later than thirty (30) days prior to the opening of a branch office, a provider shall notify the Division in writing of the opening of the branch office as well as the name of the person responsible for the branch office and the certified counselor(s) and certified debt specialist(s) working in the branch office.
- (4) A provider shall comply with all applicable federal and state laws and rules in providing debt-management services and otherwise comply with all federal and state laws and rules applicable to the provider.

- (5) A provider shall keep each client reasonably informed about the status of the debt-management services being performed for the client and shall promptly comply with the client's reasonable requests for information.
- (6) A provider shall not use improper or questionable methods of soliciting clients, including but not limited to misleading or deceiving clients or utilizing scare tactics or other improper tactics and shall not pay another person or accept payment from another person for engaging in improper methods.
- (7) A provider shall not associate its business with any business or person that engages in or attempts to engage in unfair, deceptive, or misleading practices or acts in its dealings with clients.
- (8) Unless responding to a request for information, subpoena, or order issued by a regulatory agency, law enforcement agency, or court of competent jurisdiction, a provider shall not disclose any client information obtained relative to a debt-management services agreement or plan to someone other than the client unless the disclosure is expressly authorized in writing by the client.
- (9) A provider shall not misrepresent its debt-management services or the features of any service or make unwarranted claims about the merits of a service that the provider offers.
- (10) A provider shall not accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the provider is responsible.
- (11) Before the execution of an agreement for debt-management services, a provider shall clearly and conspicuously disclose to the client any interest the provider has in a business that may affect the client. No provider shall allow its interest in any business to affect the quality or results of the debt-management services that the provider may be called upon to perform.
- (12) A provider shall fully comply with all Federal Trade Commission rules, regulations, and guidelines, including but not limited to the Guides Concerning Use of Endorsements and Testimonials in Advertising, 16 C.F.R. pt. 255.
- (13) A provider shall not engage in false or misleading advertising.
- (14) A provider shall not perform or recommend any debt-management services that would violate applicable federal or state laws.
- (15) A provider shall not engage in deceptive or unfair trade practices. Examples of deceptive or unfair trade practices include but are not limited to:
 - (a) proposing or communicating any alteration of a material term of a debt-management services agreement or plan to a client or a client's creditor without first receiving explicit written instructions from the client directing the provider to make a specific alteration;
 - (b) expressly or impliedly representing that any of its goods or services are "free" if the client will be asked to make any payment in connection with the goods or services, other than a payment that will be forwarded in its entirety to the client's creditors. A provider may represent that a consultation or other initial contact is "free" if the consultation or contact is provided with no obligation on the part of the client to make any payment in connection with the consultation or contact;
 - (c) expressly or impliedly representing that any payments made by clients in connection with providers are voluntary contributions or are payments to support a non-profit organization, unless more than fifty percent (50%) of the payment is paid to or for the benefit of the non-profit organization for purposes other than to pay the provider for services rendered to a non-profit organization;
 - (d) expressly or impliedly misrepresenting the effects of a debt-management plan on a client's

ability to obtain credit;

- (e) enrolling a debtor in a debt-management plan unless, prior to enrollment, the debtor has received credit counseling from a credit counselor who has sufficient experience and training to counsel in financial literacy, money management, budgeting, and responsible use of credit and is advised of the various options available to the debtor for addressing the debtor's financial problems;
- (f) enrolling a debtor in a debt-management plan if the debtor's estimated monthly living expenses and estimated monthly provider payments exceed his or her income. A debtor in this situation may be enrolled in a debt-management plan if the debtor is specifically advised not to enroll in a debt-management plan because the debtor cannot afford the debt-management plan payment and the debtor independently states that he or she believes that he or she can afford the debt-management plan payment by reducing expenses, obtaining additional income or funds from another source, or otherwise adjusting the budget estimate to make the debt-management plan affordable;
- (g) disclosing or using any individual's private financial and personal information that the provider receives in connection with providing debt-management services except in accordance with and as permitted by applicable law, including but not limited to the Gramm-Leach-Bliley Act, 15 U.S.C.A. §6801, *et seq.*;
- (h) entering into any agreement with any person that contains any standards or criteria under which the person must enroll debtors into a debt-management plan;
- (i) entering into any agreement with any person that sets any minimum enrollment rate or other standard mandating the number of individuals who must be enrolled in debt-management plans or an amount that the person must collect from clients;
- (j) entering into any agreement with any person that sets any minimum revenues or other standards mandating the amount of revenue that must be generated through a debt-management plan;
- (k) using the name or mark of a person other than the provider when communicating with debtors or creditors in connection with the performance of debt-management services;
- (l) entering into any agreement with a third party that limits the use of any data reflecting either the provider's or the third party's performance of any debt-management services, including data reflecting the payments that either the provider or the third party has processed or is processing in connection with a debt-management plan;
- (m) expressly or impliedly misrepresenting the purpose of any fee or contribution that is paid by clients;
- (n) failing to clearly and conspicuously disclose the nature and types of services that will be provided under any agreement prior to the consumer's agreeing to receive such services;
- (o) debiting, cashing, depositing, or otherwise collecting or attempting to collect monies from a client after a client has asserted a violation of state law, regulation, or rule in connection with the debt-management plan;
- (p) using logos, symbols, business names, or the like that might represent or imply to consumers an affiliation or association with any government entity;
- (q) failing to maintain and make available upon request to the Division full and complete substantiation for any and all claims and representations made to debtors and in any advertising or promotional materials;
- (r) submitting any false, misleading, or deceptive information to the Division relating to a registration application or renewal application; or

- (s) failing to comply with all of the prerequisites for providing debt-management services outlined in T.C.A. § 47-18-5517 and any applicable federal laws, regulations, or rules.

Authority: T.C.A. §§ 47-18-104, 47-18-5515, 47-18-5517, 47-18-5528, and 47-18-5532

0780-08-01-.12 Examinations, Records, and Reports

(1) Recordkeeping Requirements

- (a) A registrant shall retain copies of all records for five (5) years from the date of completion or cancellation of an educational program, financial analysis, or debt-management services agreement. If the registrant has been notified in writing by the Director to retain records for a longer period of time, the registrant shall retain records beyond this time period as requested.
- (b) Every debt-management services provider registered in this state shall make and keep current the following books and records relating to its business, at a minimum:
 1. ledgers reflecting all assets and liabilities, income and expense, and capital accounts.
 2. a record or ledger reflecting separately for each client the clearance dates of all money received from each client and all payments made on behalf of each client and in all cases the name of the client in which the money has been received or paid.
 3. copies of all communications, correspondence, and other records relating to debt-management services agreements and plans with, about, or on behalf of clients.
 4. a separate file containing all written complaints made or submitted by clients to the provider, counselors, or debt specialists relating directly or indirectly to debt-management services and any records received or produced in the course of investigating and resolving complaints.
 5. the personnel or contractor records for any employee, agent, or contractor of the provider about whom the provider has received complaints from clients regarding any conduct relative to the provider's services.
 6. a client information form for each client. If recommendations are to be made to the client, the form shall include such information as is necessary to determine suitability.
 7. a record of the proof of money balances of all trust accounts. Such balances shall be prepared currently at least once a month.
 8. all partnership certificates and agreements or, in the case of a corporation, all articles of incorporation, by-laws, minute books, and stock certificate books of the provider.
 9. a separate file containing copies of all advertising circulated by the provider in the conduct of its business.

(2) Every provider shall make and keep such accounts, correspondence, and other records as the Administrator prescribes by rule.

(3) All activities, books, accounts, and the records of a provider or a person to which a provider has delegated its obligations under an agreement are subject at any time and from time to time to such reasonable periodic, special, or other examinations, within or without this state, by

representatives of the Administrator, as the Administrator deems necessary or appropriate in the public interest or for the protection of clients or to ensure compliance with the Act. The cost of such examination shall be borne by the person examined in the same manner as is provided for insurance companies, except that not more than two (2) such examinations shall be charged to such person in any twelve-month period.

Authority: T.C.A. §§ 47-18-5506, 47-18-5512, 47-18-5522, and 47-18-5532

0780-08-01-.13 Severability

If any Rule, term, or provision of this Chapter shall be judged invalid for any reason, that judgment shall not affect, impair or invalidate any other Rule, term, or provision of the Chapter, and the remaining Rules, terms, and provisions shall be and remain in full force and effect.

Authority: T.C.A. §§ 47-18-5532 and 47-18-5541

* 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)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Commerce and Insurance, Division of Consumer Affairs on August 31, 2010, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (07/13/10)

Rulemaking Hearing(s) Conducted on: (add more dates). (08/31/10)



My Commission Expires

Date: April 25, 2014

Signature: Julie Mix McPeak

Name of Officer: Julie Mix McPeak

Title of Officer: Commissioner

Subscribed and sworn to before me on: 4/25/14

Notary Public Signature: Denise M Lewis

My commission expires on: 2/15/2016

All rulemaking hearing 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.

Robert E. Cooper, Jr.
 Attorney General and Reporter
5-9-14
 Date

Department of State Use Only

Filed with the Department of State on: 5/16/14

Effective on: 8/14/14

Tre Hargett
 Tre Hargett
 Secretary of State

RECEIVED
 2014 MAY 16 AM 11:28
 OFFICE OF
 SECRETARY OF STATE

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Commerce and Insurance

DIVISION: Real Estate Appraiser Commission

SUBJECT: Appraiser licensure or certification / Deletion of application and fee

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 62-39-203

EFFECTIVE DATES: August 21, 2014 through June 30, 2015

FISCAL IMPACT: No impact

STAFF RULE ABSTRACT: The amendments delete the application and fee for the downgrade of an appraiser license or certification and require foreign degree holders seeking to satisfy the general education requirements for an appraiser certification to have the foreign education evaluated for equivalency. The amendments specify the educational requirements to upgrade an appraiser license or certification. A rule which granted maximum credit for certain experience assignments is repealed in its entirety.

Public Hearing Comments:

There were public comments received regarding Rule 1255-02-.04 Course Guidelines. As proposed the amendments would have allowed applicants and licensees to take one hundred percent (100%) of the qualifying and continuing education in a distance learning format. The comments received at the hearing were primarily in opposition of the rule amendment. After receiving comments, the Tennessee Real Estate Appraiser Commission unanimously voted to not proceed with the rule.

Economic Impact Statement:

1. Types of small businesses directly affected:

There are two thousand and fifty six (2056) licensed or certified appraisers in TN – most operate as independent fee appraisers.

2. Projected reporting, recordkeeping, and other administrative costs:

There will be no alterations in small business reporting and recordkeeping.

3. Probable effect on small businesses and consumers:

The rules could affect small businesses in that the rules will articulate the process for having foreign education approved. In addition, the rules specify the educational requirements for upgrading an appraisal credential. The rule changes will likely have no effect on consumers.

4. Less burdensome, intrusive, or costly alternative methods:

The proposed changes to the existing rules are minimally burdensome/intrusive to small businesses. The necessary costs of the regulation are offset by the protections provided to citizens of Tennessee.

5. Comparison with federal and state counterparts:

There are no federal counterparts or state counterparts.

6. Effect of possible exemption of small businesses:

Appraisers are licensed as individuals so an exemption for an appraiser operating as a small business is not possible.

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 amendments will not have an impact local government.

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 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: 05-17-14
Rule ID(s): 5713-5716
File Date: 5/23/14
Effective Date: 8/21/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Tennessee Real Estate Appraiser Commission
Contact Person:	Keeling R. Baird
Address:	500 James Robertson Pkwy., Nashville, TN
Zip:	37243
Phone:	615-532-6303
Email:	Keeling.R.Baird@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1255-01	General Provisions
Rule Number	Rule Title
1255-01-.04	Application for Appraiser License or Certificate
1255-01-.07	Qualifications for State Certified Residential Appraisers
1255-01-.08	Qualification for General Certification
1255-01-.11	License and Certificate Renewal
1255-01-.12	Registered Trainee
Chapter Number	Chapter Title
1255-02	Evaluation of Appraiser Education
Rule Number	Rule Title
1255-02-.01	Educational Logging
1255-02-.03	Course Provider Applications
1255-02-.13	Fees
Chapter Number	Chapter Title
1255-03	Evaluation of Appraiser Experience
Rule Number	Rule Title
1255-03-.01	Hourly Credit Guidelines
1255-03-.02	Criteria for Standard and Review Appraisal Experience
Chapter Number	Chapter Title
1255-04	Continuing Education
Rule Number	Rule Title
1255-04-.01	Continuing Education Requirements

Redline - no signature necessary

Department of State
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1255-03-.02	Criteria for Standard and Review Appraisal Experience
Chapter Number	Chapter Title
1255-04	Continuing Education
Rule Number	Rule Title
1255-04-.01	Continuing Education Requirements

Chapter 1255-01
General Provisions

Amendments

Rule 1255-01-.04 Application for Appraiser License or Certificate is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-01-.04 Application for Appraiser License or Certificate

- (1) A person who wishes to file an application for a real estate appraiser license or certificate may obtain the required form upon request to the Commission.
- (2) At the time of filing an application for licensure or certification, each applicant shall sign a pledge to comply with the standards set forth in the Act and the Commission's rules and state that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against a state licensed or certified appraiser, as set forth in the Act.
- (3) Each applicant shall complete all application and examination requirements within one (1) year of the date the Commission grants approval for the applicant to take the required examination. An applicant may not take the required examination more than four (4) times within the one (1) year period following approval; thereafter, an applicant wishing to take the required examination shall reapply and submit a new application fee. The Commission may grant exceptions to the requirements set forth in this paragraph upon appropriate individual request.
- (4) Any person may apply for upgrade ~~or downgrade~~ of an unexpired license or certificate by filing an application for the same on a form which may be obtained from the Commission. The appropriate application fee must be filed with the application.
- (5) Filing and Fees. Properly completed applications must be accompanied by the appropriate fees. Once the application has been filed and processed, the application fee may not be refunded. The following fees shall be charged:
 - (a) Application for initial real estate appraiser license\$125.00
 - (b) Application for initial real estate appraiser certificate \$125.00
 - (c) License or certificate issuance fee\$350.00
 - (d) Application for upgrade/~~downgrade~~\$125.00
 - (e) Letter of good standing\$ 25.00
- (6) Payment of application fees shall be made by certified check, bank check or money order made payable to the State of Tennessee.

Authority: T.C.A. §§ 62-39-203, 62-39-204, 62-39-206, 62-39-307, 62-39-312, 62-39-315 and 62-39-333. Administrative History: Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed October 26, 1993; effective January 11, 1994. Amendment filed December 16, 1997; effective March 1, 1998. Amendment filed January 19, 2001; effective April 5, 2001.

Rule 1255-01-.07 Qualifications for State Certified Residential Appraisers is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-01-.07 Qualifications for State Certified Residential Appraisers

- (1) An applicant applying for a state certified residential real estate appraiser certification shall first register as a real estate appraiser trainee, or be a licensed or certified general real estate appraiser. The applicant shall then satisfy all of the following education, experience and examination requirements:
 - (a) General Education. An applicant shall satisfy the following general education

requirements as a prerequisite for certification as a state certified residential real estate appraiser:

1. Associate degree or higher, or in lieu of a degree, a minimum of twenty-one (21) college semester hours in all specified coursework as follows:
 - (i) English composition,
 - (ii) principles of economics (micro or macro),
 - (iii) computers-word processing/spreadsheets,
 - (iv) finance,
 - (v) business or real estate law,
 - (vi) algebra, geometry, or higher mathematics, and
 - (vii) statistics.
- (b) Appraisal Education. An applicant shall satisfy the following appraisal education requirements as a prerequisite to sit for the state certified residential appraiser examination:
 1. Two hundred (200) classroom hours of courses in subjects related to real estate appraisal (hereinafter "qualifying education requirement"). These modules shall include:
 - (i) Successful completion of fifteen (15) hours of the National Uniform Standards of Professional Appraisal Practice Course or its equivalent. Equivalency shall be determined through the Appraiser Qualifications Board Course Approval Program or by an alternate method established by the Appraiser Qualifications Board,
 - (l) The Commission shall grant an applicant credit toward the qualifying education requirement for the National Uniform Standards of Professional Appraisal Practice Course only when at least one of the course instructors is an AQB Certified USPAP Instructor who is also a state certified residential real estate appraiser or state certified general real estate appraiser.
 - (ii) Successful completion of a thirty (30) hour course in Appraisal Principles,
 - (iii) Successful completion of a thirty (30) hour course in Appraisal Practice or Procedures,
 - (iv) Successful completion of a fifteen (15) hour course in Residential Market Analysis and Highest and Best Use,
 - (v) Successful completion of a fifteen (15) hour course in Residential Appraiser Site Valuation and Cost Approach,
 - (vi) Successful completion of a thirty (30) hour course in Sales Comparison and Income Approaches,
 - (vii) Successful completion of a fifteen (15) hour course in Residential Report Writing and Case Studies,
 - (viii) Successful completion of a fifteen (15) hour course in Statistics, Modeling and Finance,

- (ix) Successful completion of a fifteen (15) hour course in Advanced Residential Applications and Case Studies, and
 - (x) Successful completion of twenty (20) hours of appraisal subject matter electives. These may include hours over minimum shown above in other modules.
2. A course hour is defined as fifty (50) minutes of teaching out of each sixty (60) minute segment.
 3. The Commission may grant credit toward the qualifying education requirement only where the length of the educational offering is at least fifteen (15) hours and an applicant successfully completes an examination pertinent to that educational offering.
 4. An applicant may obtain credit for the qualifying education requirement from any of the following:
 - (i) colleges or universities
 - (ii) community or junior colleges
 - (iii) real estate appraisal or real estate related organizations
 - (iv) state or federal agencies or commissions
 - (v) proprietary schools
 - (vi) other providers approved by the Commission
 5. The qualifying education requirement may include the one hundred fifty (150) hour qualifying education requirement for the state licensed real estate appraiser classification.
 6. An applicant may refer to Chapter 1255-02 Evaluation of Education for further delineation of the qualifying education requirements.
 7. In the event of a denial, an applicant for certification may file a written request for reconsideration with the Commission, appealing the Commission's evaluation of the applicant's education. The Commission shall consider the filed written request for reconsideration and reevaluate the applicant's education. In the event that the applicant's application for certification is denied after the education reevaluation, then the denial shall not create a contested case proceeding (as defined by the Tennessee Administrative Procedures Act, Tenn. Code Ann., Title 4, Chapter 5) and the applicant may then reapply for certification.

(c) Foreign Education. An applicant seeking to satisfy the general education requirements for a state certified residential appraiser credential with college level education from a foreign institution shall have their education evaluated for equivalency by an accredited, degree-granting domestic college or university, The American Association of Collegiate Registrars and Admissions Officers (AACRAO), a foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES), or a foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a state licensing board that issues credentials in another discipline.

(d) Experience. An applicant shall satisfy the following experience requirements as a prerequisite for certification as a state certified residential real estate appraiser:

1. An applicant shall complete a minimum of two thousand five hundred (2,500) hours of appraisal experience over a period of at least twenty-four (24) months and the Commission shall treat the hours accumulated over the twenty-four (24) months as cumulative. A registered trainee applicant shall complete the minimum of twenty-four (24) months of appraisal experience under the direct supervision of an appraiser certified by a real estate appraiser commission or board in any state. The experience must be sufficient to indicate to the Commission that the applicant is competent in the Uniform Standards of Professional Appraisal Practice. Acceptable appraisal experience includes, but is not limited to the following: fee and staff appraisal, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis/study.
2. The applicant may also obtain equivalent experience. The Commission shall determine what is considered equivalent experience, which demonstrates the applicant's competence in the Uniform Standards of Professional Appraisal Practice. Equivalent experience shall be limited to the following:
 - (i) A minimum of twenty-four (24) months of experience as a licensed or certified real estate appraiser in another state, territory or possession of the United States, or in any country; provided, that the applicant has otherwise met all other requirements of Title 62, Chapter 39, and the rules promulgated by the Commission.
3. An applicant shall provide to the Commission a detailed listing of the types of real estate appraisal reports or file memoranda completed by the applicant for each twelve (12)-month period during which the applicant claims that he or she has gained experience. The applicant shall provide verification for experience credit claimed on forms prescribed by the Commission which shall include the following information:
 - (i) type of property;
 - (ii) date of report;
 - (iii) address of appraised property;
 - (iv) description of work performed by the trainee/applicant and scope of the review and supervision of the supervising appraiser;
 - (v) number of actual work hours by the trainee/applicant on the assignment, up to the maximum allotted by property type;
 - (vi) client name and address; and,
 - (vii) signature and State certification number of the supervising appraiser, if applicable.
4. No experience credit will be granted that was obtained prior to January 30, 1989. An applicant shall submit sufficient recent experience to demonstrate the ability to apply the current Uniform Standards of Professional Appraisal Practice provisions.
5. There is no minimum number of hours that must have been obtained in any one (1) twelve (12)-month period.

(e) Examination. An applicant shall successfully complete the Appraiser Qualifications Board endorsed Uniform State Certified Residential Real Property Appraiser Examination. An applicant

must obtain certification designation within twenty-four (24) months from the date of passing score on the exam.

- (f) If, after passing the residential certification examination, a registered trainee fails to meet all other requirements for residential certification prior to the expiration of the trainee's registration and the trainee fails to renew such registration, then the trainee may reapply for certification and retake the examination.
- (g) Once the applicant has completed all of the required qualifying education and experience, then the applicant may submit his or her application for certification. The Commission office shall not process an applicant's application if the required qualifying education and experience has not been satisfied or if the application is incomplete. The Commission office shall keep an incomplete application active for six (6) months, unless the applicant requests an extension in writing to the Commission.
- (h) An applicant may complete the education, experience, and/or the examination requirements for licensure before January 1, 2008, in accordance with the Real Property Appraiser Qualifications Criteria including all interpretations and supplementary information as of November 1, 2005, as promulgated by the Appraiser Qualifications Board. In the event that an applicant starts, but does not complete all of the education, experience, and/or examination requirement for certification before January 1, 2008, then the applicant must complete the incomplete component(s) in accordance with the Appraiser Qualifications Criteria which became effective on January 1, 2008.
 1. An applicant completing the education segment of the qualification criteria prior to January 1, 2008 will be required to complete one hundred twenty (120) hours of qualifying education of which shall include:
 - (i) Successful completion of fifteen (15) hours of the National Uniform Standards of Professional Appraisal Practice Course or its equivalent. Equivalency shall be determined by the Appraiser Qualifications Board Course Approval Program or by an alternate method established by the Appraiser Qualifications Board,
 - (I) The Commission shall grant an applicant credit toward the qualifying education requirement for the National Uniform Standards of Professional Appraisal Practice Course only when the course is instructed by an Appraiser Qualifications Board Certified Instructor(s), of which there must be at least one (1) state certified residential real estate appraiser or state certified general real estate appraiser.
 - (ii) Successful completion of a thirty (30) hour course in Appraisal Principles, and
 - (iii) Successful completion of a thirty (30) hour course in Appraisal Practice or Procedures.
 - (iv) The remaining hours selected from courses approved as qualifying education at the time the course was offered.
 2. An applicant applying for a State Certified Residential Appraiser certification who holds a current State Licensed Appraiser credential may satisfy the educational requirements for the State Certified Residential Real Estate Appraiser credential by completing the following additional educational hours:
 - (i) Successful completion of a fifteen (15) hour course in Statistics, Modeling and Finance;
 - (ii) Successful completion of a fifteen (15) hour course in Advanced Residential Applications and Case Studies; and
 - (iii) Successful completion of twenty (20) hours of appraisal subject matter electives. These may include hours over the minimum shown above in other modules.

3. An applicant applying for a State Certified Residential Appraiser certification pursuant to subsection (2) must also satisfy the college-level educational requirements as specified in 1255-01-.07(1)(a).

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-311, 62-39-312, 62-39-313, 62-39-329, 62-39-333, and 62-39-337. **Administrative History:** Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed December 16, 1997; effective March 1, 1998. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Repeal and new rule filed December 6, 2007; effective February 19, 2008.

Rule 1255-01-.08 Qualification for General Certification is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-01-.08 Qualifications for General Certification

- (1) An applicant applying for a state certified general real estate appraiser license shall first register as a real estate appraiser trainee, or be a licensed or certified residential real estate appraiser, and complete the experience requirements established in rule 1255-01-.12 and shall then satisfy the following education, experience and examination requirements as a prerequisite for certification:
- (a) General Education. An applicant shall satisfy the following general education requirements as a prerequisite for certification as a state certified general real state appraiser:
1. Bachelors degree or higher, or in lieu of a degree, a minimum of thirty (30) college semester hours in all specified coursework as follows:
 - (i) English composition,
 - (ii) micro-economics and macro-economics,
 - (iii) computers-word processing/spreadsheets,
 - (iv) finance,
 - (v) business or real estate law,
 - (vi) algebra, geometry, or higher mathematics,
 - (vii) statistics, and
 - (viii) electives in accounting, geography, agricultural economics, business management, or real estate.
- (b) Appraisal Education. An applicant shall satisfy the following appraisal education requirements as a prerequisite to sit for the state certified general appraiser examination:
1. Three hundred (300) classroom hours of courses in subjects related to real estate appraisal. These modules shall include (hereinafter "qualifying education requirement"):
 - (i) Fifteen (15) hours of the three hundred (300) hours must include the successful completion of the National Uniform Standards of Professional Appraisal Practice Course or its equivalent. Equivalency shall be determined through the Appraiser Qualifications Board Course Approval Program or by an alternate method established by the Appraiser Qualifications Board,

- (l) The Commission shall grant an applicant credit toward the qualifying education requirement for the National Uniform Standards of Professional Appraisal Practice Course only when at least one of the course instructors is an AQB Certified USPAP Instructor who is also a state certified residential real estate appraiser or state certified general real estate appraiser.
 - (ii) Successful completion of a thirty (30) hour course in Appraisal Principles,
 - (iii) Successful completion of a thirty (30) hour course in Appraisal Practice or Procedures,
 - (iv) Successful completion of a thirty (30) hour course in General Appraiser Market Analysis and Highest and Best Use,
 - (v) Successful completion of a fifteen (15) hour course in Statistics, Modeling and Finance,
 - (vi) Successful completion of a thirty (30) hour course in General Appraiser Sales Comparison Approach,
 - (vii) Successful completion of a thirty (30) hour course in General Appraiser Site Valuation and Cost Approach,
 - (viii) Successful completion of a sixty (60) hour course in General Appraiser Income Approach,
 - (ix) Successful completion of a thirty (30) hour course in General Appraiser Report Writing and Case Studies, and
 - (x) Successful completion of thirty (30) hours of appraisal subject matter electives. These may include hours over minimum shown above in other modules.
2. A course hour is defined as fifty (50) minutes of teaching out of each sixty (60) minute segment.
 3. An applicant's qualifying education requirement may include the one hundred fifty (150) classroom hour requirement for the licensed real estate appraiser classification or the two hundred (200) hour requirement for the certified residential real estate appraiser classification.
 4. The Commission may grant an applicant credit toward the qualifying education requirement only where the length of the educational offering is at least fifteen (15) hours and the applicant successfully completes an examination pertinent to that educational offering.
 5. An applicant may obtain credit for the qualifying education requirement from the following:
 - (i) colleges or universities
 - (ii) community or junior colleges
 - (iii) real estate appraisal or real estate related organizations
 - (iv) state or federal agencies or commissions
 - (v) proprietary schools

(vi) other providers approved by the Commission

6. An applicant should refer to Chapter 1255-02 Evaluation of Education for further delineation of educational requirements.
7. In the event that an applicant is denied, then an applicant for certification may file a written request for reconsideration with the Commission, appealing the Commission's evaluation of his or her education. The Commission shall consider the filed written request for reconsideration and reevaluate the applicant's education. In the event that the applicant's application for certification is denied after the education reevaluation, then the denial shall not create a contested case proceeding (as defined by the Tennessee Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5) and the applicant may then reapply for certification.

(c) Foreign Education. An applicant seeking to satisfy the general education requirements for a state certified general appraiser credential with college level education from a foreign institution shall have their education evaluated for equivalency by an accredited, degree-granting domestic college or university, The American Association of Collegiate Registrars and Admissions Officers (AACRAO), a foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES) or a foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a state licensing board that issues credentials in another discipline.

(d) Experience. An applicant must satisfy the following experience requirements as a prerequisite for certification as a state certified general real estate appraiser:

1. An applicant shall complete three thousand (3,000) hours of appraisal experience over a period of at least thirty (30) months preceding the date of the applicant's application to the Commission and the Commission shall treat the hours as cumulative. A registered trainee applicant shall complete the minimum of thirty (30) months of appraisal experience under the direct supervision of an appraiser certified by a real estate appraiser commission or board in any state. The experience must be sufficient to indicate to the Commission that the applicant is competent in the Uniform Standards of Professional Appraisal Practice. Acceptable appraisal experience includes, but is not limited to the following: fee and staff appraisal, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis/study.
2. An applicant may obtain equivalent experience. The Commission shall determine what is considered equivalent experience, which demonstrates the applicant's competence in the Uniform Standards of Professional Appraisal Practice. Equivalent experience shall be limited to the following:
 - (i) A minimum of thirty (30) months of experience as a licensed or certified real estate appraiser in another state, territory or possession of the United States, or in any country; provided, that the applicant has otherwise met all requirements of Title 62, Chapter 39, and the rules promulgated by the Commission.
3. An applicant shall complete at least one thousand five hundred (1,500) hours of the total three thousand (3,000) hours in non-residential appraisal work. Residential means one (1) to four (4) residential units. An applicant shall ensure that his or her experience shall satisfactorily demonstrate competence in the cost, income capitalization and direct sales comparison approaches to value.

4. An applicant shall provide to the Commission a detailed listing of the types of real estate appraisal reports or file memoranda completed by the applicant for each twelve (12)-month period during which the applicant claims that he or she has gained experience. The applicant shall provide verification for experience credit claimed on forms prescribed by the Commission, which shall include the following information:
 - (i) type of property,
 - (ii) date of report,
 - (iii) address of appraised property,
 - (iv) description of work performed by the trainee/applicant and scope of the review and supervision of the supervising appraiser,
 - (v) number of actual work hours by the trainee/applicant on the assignment, up to the maximum allotted by property type,
 - (vi) client name and address, and
 - (vii) signature and State certification number of the supervising appraiser, if applicable.
5. No experience credit will be granted that was obtained prior to January 30, 1989. An applicant shall submit sufficient recent experience to demonstrate the ability to apply the current Uniform Standards of Professional Appraisal Practice provisions.
6. There is no minimum number of hours that must have been obtained in any one (1) twelve (12)-month period.

(e) Examination. An applicant shall successfully complete the Appraiser Qualifications Board endorsed Uniform State Certified General Real Property Appraiser Examination. An applicant must obtain licensure or certification designation within twenty-four (24) months from the date of passing score on the exam.

(f) If, after passing the general certification examination, a registered trainee fails to meet any other requirements for certification prior to the expiration of the trainee's registration and the trainee fails to renew such registration, then the trainee may reapply for certification and retake the examination.

(g) Once the applicant has completed all of the required qualifying education and experience, then the applicant may submit his or her application for certification. The Commission office shall not process an applicant's application if the required qualifying education and experience has not been satisfied or if the application is incomplete. The Commission office shall keep an incomplete application active for six (6) months, unless the applicant requests an extension in writing to the Commission.

(h) An applicant may complete the education, experience, and/or the examination requirements for licensure before January 1, 2008, in accordance with the Real Property Appraiser Qualifications Criteria including all interpretations and supplementary information as of November 1, 2005, as promulgated by the Appraiser Qualifications Board. In the event that an applicant starts, but does not complete all of the education, experience, and/or examination requirement for certification before January 1, 2008, then the applicant must complete the incomplete component(s) in accordance with the Appraiser Qualifications Criteria which became effective on January 1, 2008.

1. An applicant completing the education segment of the qualification criteria prior to January 1, 2008, will be required to complete one hundred-eighty (180) hours of qualifying education, which shall include:

(i) Successful completion of fifteen (15) hours of the National Uniform Standards of Professional Appraisal Practice Course or its equivalent. Equivalency shall be determined by the Appraiser Qualifications Board Course Approval Program or by an alternate method established by the Appraiser Qualifications Board,

(I) The Commission shall grant an applicant credit toward the qualifying education requirement for the National Uniform Standards of Professional Appraisal Practice Course only when the course is instructed by an Appraiser Qualifications Board Certified Instructor(s), of which there must be at least one (1) state certified residential real estate appraiser or state certified general real estate appraiser.

(ii) Successful completion of a thirty (30) hour course in Appraisal Principles, and

(iii) Successful completion of a thirty (30) hour course in Appraisal Practice or Procedures.

(iv) The remaining hours selected from courses approved as qualifying education at the time the course was offered.

2. An applicant applying for a State Certified General Appraiser certification who holds a current State Licensed Appraiser credential may satisfy the educational requirements for the State Certified General Appraiser credential by completing the following additional educational hours:

(i) Successful completion of a thirty (30) hour General Appraiser Market Analysis and Highest and Best Use course;

(ii) Successful completion of a thirty (30) hour General Appraiser Site Valuation and Cost Approach course;

(iii) Successful completion of a thirty (30) hour General Appraiser Sales Comparison Approach course;

(iv) Successful completion of a thirty (30) hour General Report Writing and Case Studies course;

(v) Successful completion of a fifteen (15) hour Statistics, Modeling and Finance course;

(vi) Successful completion of a sixty (60) hour General Appraiser Income Approach course; and

(vii) Successful completion of fifteen (15) hours of Appraisal Subject Matters electives.

3. An applicant applying for a State Certified General Appraiser Certification who holds a current State Certified Residential Appraiser credential and completed the educational component may satisfy the educational requirements for the State Certified General Appraiser credential by completing the following additional educational hours:

(i) Successful completion of a thirty (30) hour General Appraiser Market Analysis and Highest and Best Use course;

(ii) Successful completion of a thirty (30) hour General Appraiser Sales Comparison Approach course;

- (iii) Successful completion of a thirty (30) hour Site Valuation and Cost Approach course;
 - (iv) Successful completion of a sixty (60) hour General Appraiser Income Approach course; and
 - (v) Successful completion of a thirty (30) hour General Appraiser Report Writing and Case Studies course.
- (i) An applicant applying for a State Certified Residential Appraiser certification pursuant to subsection (h) must also satisfy the college-level educational requirements as specified in 1255-01-08(1)(a).

Authority: T.C.A. §§ 62-39-203, 62-39-204, 62-39-311, 62-39-312, 62-39-313, 62-39-329, 62-39-333, and 62-39-337. **Administrative History:** Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed December 16, 1997; effective March 1, 1998. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Repeal and new rule filed December 6, 2007; effective February 19, 2008. Amendment filed April 14, 2008; effective August 28, 2008.

Rule 1255-01-.11 License and Certificate Renewal is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-01-.11 License and Certificate Renewal

- (1) To obtain renewal of a license or certificate, the holder of a current, valid license or certificate must make application on a form available from the Commission not earlier than one hundred twenty (120) days nor later than thirty (30) days prior to the expiration of the license or certificate then held.
- (2) An application for renewal must be accompanied by the following renewal fee, plus the applicable federal registry fee:
 - (a) Renewal of real estate appraiser license \$350.00
 - (b) Renewal of real estate appraiser certificate \$350.00
- (3) Each application for renewal of a license or certificate shall be accompanied by sufficient evidence of having completed the continuing education requirement for renewal specified in the Act and the rules and presented in the form prescribed in Chapter 1255-4 Continuing Education.
- (4) If a license or certificate holder fails to file his or her application to renew his or her a license or certificate with the Commission before thirty (30) days prior to the expiration thereof, the license or certificate holder may, upon payment of a one hundred dollar (\$100.00) penalty, apply for renewal.
- (5) No late renewal will be granted if a completed application is not received by the Commission within twelve (12) months since the expiration of the license or certificate.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206 62-39-301, 62-39-307, 62-39-315 and 62-39-333. **Administrative History:** Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed October 26, 1993, effective January 11, 1994. Amendment filed December 16, 1997; effective March 1, 1998. Amendment filed January 19, 2001; effective April 5, 2001. Amendment filed December 6, 2007; effective February 19, 2008.

Rule 1255-01-.12 Registered Trainee is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-01-.12 Registered Trainee

- (1) Application. An applicant for registration as a real estate appraiser trainee shall successfully complete the following requirements prior to obtaining registration:
 - (a) Obtain and complete the required application form from the Commission.
 - (b) Provide proof on the application form showing that he or she has obtained a high school diploma or its equivalent.
 - (c) Provide on the application form the name and certificate number of the certified real estate appraiser under whose direct supervision the applicant will serve.
 - (d) Provide the business address of his or her supervising appraiser and use that address as his or her business address. If an applicant has more than one (1) supervising appraiser, then the applicant shall use the business address of at least one (1) of his or her supervising appraisers.
 - (e) Complete an approved thirty (30)-hour course in Appraisal Principles, an approved thirty (30)-hour course in Practices and Procedures, and the fifteen (15)-hour National Uniform Standards of Professional Appraisal Practice Course.
 - (f) Submit with the application a nonrefundable application and registration fee of one hundred twenty-five dollars (\$125.00).
- (2) Upon receipt of a properly completed application form with the required aforementioned documentation and the required fee, the Commission shall review the application to determine whether to issue the applicant a real estate appraiser trainee registration certificate and number.
- (3) Education. Before registration, an applicant for trainee registration shall complete seventy-five (75) hours of courses in subjects related to real estate appraisal, which shall include, but shall not be limited to coverage of the Uniform Standards of Professional Appraisal Practice (hereinafter, "course credit"). An applicant shall complete the required course credit as a prerequisite to applying for registration as a registered trainee. All applicants shall submit evidence of completion of a minimum of an approved thirty (30)-hour course in Appraisal Principles, an approved thirty (30)-hour course in Practices and Procedures, and the fifteen (15)-hour National Uniform Standards of Professional Appraisal Practice Course. An applicant shall also ensure that his or her course credit complies with the following:
 - (a) A course hour is defined as fifty (50) minutes of teaching out of each sixty (60) minute segment.
 - (b) An applicant may obtain course credit only where the minimum length of the education offering is fifteen (15) hours and the individual successfully completes the examination pertinent to that educational offering.
 - (c) An applicant may obtain course credit from the following:
 1. colleges or universities,
 2. community or junior colleges,
 3. real estate appraisal or real estate related organizations,
 4. proprietary schools,
 5. other providers approved by the Commission.
 - (d) An applicant shall obtain course credit within the five (5)-year period immediately preceding an applicant's submission of his or her application for registration as a registered trainee.

- (e) The content for courses shall include, but is not limited to, coverage of the following real estate appraisal related topics:
1. influences on real estate value,
 2. legal considerations in appraisals,
 3. types of value,
 4. economic principles,
 5. real estate markets and analysis,
 6. valuation process,
 7. property description,
 8. highest and best use analysis,
 9. appraisal statistical concepts,
 10. sales comparison approach,
 11. site value,
 12. cost approach,
 13. income approach,
 14. valuation of partial interests, and
 15. appraisal standards and ethics.

(4) Experience.

- (a) There is no experience prerequisite for an applicant to become a registered trainee.
- (b) A registered trainee may have more than one (1) supervising appraiser.
- (c) A registered trainee shall be subject to direct supervision by a supervising appraiser who shall be a state certified residential real estate appraiser or a state certified general real estate appraiser in good standing.
- (d) A registered trainee shall only appraise those properties which the supervising appraiser is permitted to appraise.
- (e) If a trainee's registration has expired or the trainee is no longer under the supervision of a state certified residential or state certified general real estate appraiser, then the registered trainee shall not perform the duties as a registered trainee until he or she submits an affidavit on a form provided by the Commission which states that he or she has a supervising appraiser. The registered trainee's supervising appraiser shall sign the affidavit stating that he or she is the supervising appraiser responsible for the registered trainee.
- (f) A registered trainee shall maintain an appraisal log of his or her experience, shall maintain a separate appraisal log for each supervising appraiser, and shall, at a minimum, include the following in the appraisal log:
 1. type of property,

2. date of report,
 3. address of appraised property,
 4. description of work performed by the trainee/applicant and scope of the review and supervision of the supervising appraiser,
 5. number of actual work hours by the trainee/applicant on the assignment, up to the maximum allotted by property type,
 6. client name and address, and
 7. signature and State certification number of the supervising appraiser.
- (g) A registered trainee may conduct property inspections alone (without being accompanied by the supervising appraiser) only after completing five hundred (500) hours of acceptable experience. In order to conduct property inspections pursuant to this paragraph, the registered trainee shall submit a form to the Commission on which both the registered trainee and the supervising appraiser shall certify the experience.
- (h) A registered trainee shall comply with the Uniform Standards of Professional Appraisal Practice.
- (5) Examination.
- (a) There is no examination prerequisite for an applicant to become a registered trainee.
 - (b) A registered trainee or applicant for registration as a registered trainee may apply to take the examination for a state licensed real estate appraiser license or a state certified residential appraiser; provided, that the applicant and/or registered trainee has completed all appropriate education requirements. An applicant for registration as a trainee and/or registered trainee may not apply to take the examination for a state certified general real estate appraiser until the trainee has completed all other requirements for general certification.
 - (c) If a registered trainee applies to take the examination prior to application for licensure and completion of the experience interview they shall remit a nonrefundable fee of fifty dollars (\$50.00) with his or her application to take the examination for a state licensed real estate appraiser or a state certified residential real estate appraiser. A registered trainee must obtain licensure or certification within twenty four (24) months of the examination date.
 - (d) A license or residential certificate will be issued to a registered trainee or applicant for registration as a registered trainee who passes the examination, only upon the registered trainee or applicant for registration as a registered trainee completing all requirements for licensure or residential certification. If all other requirements are not met prior to the expiration of a trainee's registration and the registered trainee fails to renew, then he or she loses credit for passing the examination.
 - (e) Once the registered trainee has completed all of the required qualifying education and experience, then the trainee may submit his or her application for registration. The Commission office shall not process an applicant's application if the required qualifying education and experience has not been satisfied or if the application is incomplete. The Commission office shall keep an incomplete application active for six (6) months, unless the applicant requests an extension in writing to the Commission.
- (6) Renewal.
- (a) A registered trainee's registration shall expire two (2) years after the date of issuance.

- (b) A registered trainee must renew his or her registration, at least thirty (30) days prior to its expiration, by filing the prescribed form with the Commission and paying a renewal fee of one hundred twenty-five dollars (\$125.00).
 - (c) If a registered trainee fails to file the prescribed form and pay the renewal fee within thirty (30) days prior to its expiration, the registered trainee may, upon payment of a one hundred dollar (\$100.00) late renewal penalty in addition to the renewal fee, apply for renewal. No late renewal will be granted if more than six (6) months has passed since the expiration of the registered trainee's registration. The registered trainee may then reapply to be a registered trainee.
- (7) Continuing Education.
- (a) A registered trainee who remains in the classification of registered trainee in excess of two (2) years shall be required to obtain a minimum of twenty-eight (28) classroom hours of instruction in courses, seminars, workshops or conferences approved by the Commission, prior to the next renewal period (hereinafter, "continuing education").
 - (b) As part of a registered trainee's continuing education, a registered trainee shall complete the seven (7) hour National Uniform Standards of Professional Appraisal Practice Course at least once every two (2) years as defined and required by rule 1255-04-.01(2).
 - (c) A classroom hour is defined as fifty (50) minutes of actual instruction for each sixty (60) minute segment.
 - (d) The Commission may grant continuing education credit only where the length of the educational offering is at least two (2) hours.
 - (e) An applicant may obtain continuing education credit from the following:
 - 1. colleges or universities
 - 2. community or junior colleges
 - 3. real estate appraisal or real estate related organizations
 - 4. state or federal agencies or commissions
 - 5. proprietary schools
 - 6. other providers approved by the Commission
 - (f) The Commission may grant continuing education credit for educational offerings which are consistent with the purpose of continuing education stated in paragraph (g) below and cover real estate appraisal topics such as the following:
 - 1. ad valorem taxation
 - 2. arbitration
 - 3. business courses related to practice of real estate appraisal
 - 4. construction estimating
 - 5. ethics and standards of professional practice
 - 6. land use planning, zoning and taxation
 - 7. management, leasing, brokerage and timesharing

8. property development
9. real estate appraisal (valuations/evaluations)
10. real estate law
11. real estate litigation
12. real estate financing and investment
13. real estate appraisal related computer applications
14. real estate securities and syndication
15. real property exchange

- ~~(g) The Commission may grant up to one half (1/2) of an individual's continuing education credit for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which the Commission determines are equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.~~
- (g) The purpose of continuing education is to ensure that a registered trainee participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraisal.
- (8) Each registered trainee shall notify the Commission of such registered trainee's current residence and principal place of business, all mailing and other addresses at which the registered trainee is currently engaged in the business of assisting in the preparation of real estate appraisal reports, and the name of the registered trainee's supervising appraiser(s). When a registered trainee changes any of the above addresses or supervising appraiser(s), the registered trainee shall notify the Commission, in writing, of such change within thirty (30) days thereafter.
- (9) No registered trainee may represent him or herself as a licensed or certified appraiser or use the appellation "State Licensed Real Estate Appraiser," "State Certified Residential Real Estate Appraiser," "State Certified General Real Estate Appraiser," or any form thereof, or do any other act which gives or is designed to give the impression that the registered trainee is a licensed or certified real estate appraiser.
- (10) Supervising Appraisers for Registered Trainees.
- (a) Prior to serving at the supervising appraiser for a registered trainee, an appraiser shall have obtained a minimum of two (2) years experience as a state certified residential or state certified general real estate appraiser. However, in the event that a licensed appraiser upgrades to a certified general or certified residential, then that appraiser may supervise a registered trainee immediately after being upgraded, provided that he or she has a minimum of five (5) years of appraiser experience.
- (b) The supervising appraiser shall sign each written appraisal report, relating to real property in this state, which was prepared by a registered trainee under the supervising appraiser's direct supervision.
- (c) A supervising appraiser shall ensure that the appraisal reports prepared by the registered trainee are prepared under the supervising appraiser's direct supervision. "Direct Supervision" of a registered trainee means that a supervising appraiser shall:
1. Accompany the registered trainee and personally inspect each subject property with the registered trainee on all assignments until the trainee has complete five hundred (500) hours of

acceptable appraisal experience, and accompany the registered trainee and personally inspect each subject property with the registered trainee on all assignments that are over fifty (50) miles from the supervising appraiser's office, even after the registered trainee has accumulated over five hundred (500) hours of acceptable appraisal experience;

2. Review the registered trainee's appraisal report(s) to ensure the registered trainee's research of general and specific data has been adequately conducted and properly reported, that the registered trainee's application of appraisal principles and methodologies has been properly applied, that the registered trainee's analysis is sound and adequately reported, and that any analyses, opinions, or conclusions of the registered trainee are adequately developed and reported so that the appraisal report is not misleading;
3. Review the registered trainee's work product and discuss with the registered trainee any edits, corrections, or modifications that need to be made to such work product, and make such edits, corrections, or modifications as are required to such work product; and
4. Accept responsibility for the appraisal report by signing the appraisal report and certify that the appraisal report has been prepared in compliance with the current edition of the Uniform Standards of Professional Appraisal Practice by:
 - (i) making a clear and prominent disclosure that the registered trainee has provided significant real property appraisal assistance in each appraisal report in accordance with Uniform Standards of Professional Appraisal Practice Standards Rule 2-2 and Standards Rule 2-3;
 - (ii) prohibiting the registered trainee from signing any appraisal report or other document involved in the appraisal which states or implies that said trainee is "licensed" or "certified" in any manner, and by prohibiting the registered trainee from engaging in any activity which is limited to licensed or certified appraisers, or which is designed to give third parties the impression that the registered trainee is a licensed or certified appraiser;
 - (iii) ensuring that the registered trainee gains sufficient knowledge, skills, and abilities that will enable such trainee to accomplish all of the following:
 - (I) Define the appraisal problem, which requires the trainee to:
 - I. Identify and locate the real estate;
 - II. Identify the property rights to be valued;
 - III. Identify the use of the appraisal;
 - IV. Define value(s) to be estimated;
 - V. Establish date(s) of value estimate(s)
 - VI. Identify and describe the scope of the appraisal; and
 - VII. Identify and describe limiting conditions.
 - (II) Conduct preliminary analysis, and select and collect applicable data, which requires the trainee to:
 - I. Identify general data (regional, city, and neighborhood)-social, economic, governmental and environmental factors;
 - II. Identify specific data (subject and comparables)-site and improvement, cost and depreciation, income/expense and capitalization rate, history of ownership and use of property; and
 - III. Identify competitive supply and demand in the subject market (inventory of competitive properties, sales and listings, vacancies and offerings, absorption rates, demand studies).
 - (III) Conduct an analysis of the subject property, which requires a trainee to analyze:

- I. Site improvements;
 - II. Size;
 - III. Costs;
 - IV. Elements of comparison; and
 - V. Units of comparison;
- (IV) Conduct a highest and best use analysis (specified in terms of use, time, and market participants), which requires a trainee to analyze:
 - I. Land as if vacant and available; and
 - II. Property as improved (existing or proposed).
 - (V) Estimate land value, including on-site improvements.
 - (VI) Estimate value of the property using each of the three approaches to value-cost, sales comparison and income capitalization.
 - (VII) Reconcile each value indication and reconcile the final value estimate.
 - (VIII) Report estimate(s) of value(s) as defined.
- (d) A supervising appraiser may supervise a maximum of three (3) registered trainees at one time.
 - (e) A supervising appraiser shall keep copies of appraisal report for a period of at least five (5) years or at least two (2) years after final disposition of any judicial proceeding in which testimony was given, whichever period expires last. The supervising appraiser shall allow the registered trainee to have reasonable access to his or her appraisal reports that he or she prepared upon the registered trainee's request for copies of the reports.
 - (f) A supervising appraiser shall notify the board in writing if he or she is no longer the supervising appraiser for a registered trainee within thirty (30) days thereafter. If the disassociation is for cause, the cause shall be communicated to the Commission.
 - (g) In any appraisal in which a registered trainee has inspected a subject property, the supervising appraiser is also required to disclose in the appraisal report whether the supervising appraiser has inspected the subject property both inside and out, and whether the supervising appraiser has made an exterior inspection of all comparables relied upon in the appraisal.

Chapter 1255-2
Evaluation of Appraiser Education

Amendments

Rule 1255-02-.01 Educational Logging is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-02-.01 Educational Logging

Each applicant for a license or certificate will be required to prepare an educational log.

- (1) The educational log shall provide the following information:
 - (a) Date of course
 - (b) Name of course

- (c) Content of course
 - (d) Provider
 - (e) Total classroom hours
 - (f) Location of course
- (2) ~~The log shall be certified by the applicant and authenticated by signature.~~ An applicant may be required to provide additional information on education if deemed necessary by the Commission.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-303, 62-39-312 and 62-39-333. **Administrative History:** Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed October 26, 1993; effective January 11, 1994. Amendment filed December 16, 1997; effective March 1, 1998. Amendment filed December 6, 2007; effective February 19, 2008.

Rule 1255-02-.03 Course Provider Applications is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-02-.03 Course Provider Applications

- (1) All applicants shall obtain qualifying education credit by successfully completing courses that are approved by the Commission ~~from course providers who are approved by the Commission.~~ The Commission shall approve qualifying education courses and course providers based on the qualifications of the providers and the content of the courses. The Commission shall consider the following providers for approval:
 - (a) colleges or universities
 - (b) community or junior colleges
 - (c) real estate appraisal or real estate related organizations
 - (d) state or federal agencies or commissions
 - (e) proprietary schools
 - (f) other providers approved by the Commission.
- (2) The Commission shall may approve all any qualifying education courses ~~on an individual basis;~~
 - (a) individually; or
 - (b) as a group if multiple courses are being reviewed from the same provider.
- (3) Anyone seeking approval as a real estate appraisal course provider, and any real estate appraisal course provider seeking approval of a course or courses, shall submit the following with an application provided by the Commission:
 - (a) a resume outlining the education and experience of the instructor(s) of such course(s);
 - (b) a detailed description of the content of each course and the appropriate module(s) for education credit;
 - (c) the projected schedule for the teaching of such course(s);
 - (d) notwithstanding approval prior to July 1, 1991, all providers seeking approval of courses shall submit course outlines to the Commission for approval of each course; and

- (e) such other information as the Commission may reasonably request.

Authority: T.C.A. §§62-39-203, 62-39-204, and 62-39-333. **Administrative History:** Original rule filed October 26, 1993; effective January 11, 1994. Amendment filed December 16, 1997; effective March 1, 1998. Amendment filed January 19, 2001; effective April 5, 2001. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Amendment filed December 6, 2007; effective February 19, 2008.

Rule 1255-02-.13 Fees is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-02-.13 Fees

- (1) The required fee from a course provider for approval of courses fifteen (15) hours or longer shall be two hundred dollars (\$200.00) for each course. Once the application has been filed and processed, the application fee may not be refunded.
- (2) The required fee from a course provider for approval of courses less than fifteen (15) hours shall be one hundred dollars (\$100.00) for each course. Once the application has been filed and processed, the application fee may not be refunded.
- (3) Course approval shall be valid for a two year (2)-year period from the date of approval and shall be renewed biennially thereafter.
 - (a) The provider of an approved course who wishes to renew such approval shall submit an application, on a form approved by the Commission, along with a renewal fee of two hundred dollars (\$200.00) for each course fifteen (15) hours and over or one hundred dollars (\$100.00) for each course less than fifteen (15) hours, within thirty (30) days prior to the approval's expiration.
 - (b) In order to renew course approval and in addition to the payment of the appropriate fee, the provider shall also submit with the application a notarized statement certifying that the provider has not significantly changed the content of the course since its original approval.
 - (c) If a provider fails to renew course approval within thirty (30) days or the approval's expiration date, the provider may, upon payment of a fifty dollar (\$50.00) penalty, apply for a late renewal. No late renewals or course approval will be granted if over six (6) months have passed since expiration.
- (4) The Commission will not require a fee from state supported universities, colleges and junior colleges which provide courses for qualifying or continuing education.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206, and 62-39-333. **Administrative History:** Original rule filed October 26, 1993; effective January 11, 1994. Amendment filed December 16, 1997; effective March 1, 1998. Amendment filed January 19, 2001; effective April 5, 2001. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Amendment filed December 6, 2007; effective February 19, 2008.

Rule 1255-03-.01 Hourly Credit Guidelines is repealed.

~~Rule 1255-03-.01 Hourly Credit Guidelines:~~

- ~~(1) The Commission shall grant a maximum credit for experience as follows:~~

~~Hours~~

- ~~(a) Residential:~~

- ~~1. single family (one (1) unit dwelling) 8~~

- ~~2. multi family (two (2) to four (4) units) 15~~
 - ~~3. vacant land (less than ten (10) acres) 5~~
 - ~~4. vacant land from ten (10) acres to two hundred fifty (250) acres 15~~
 - ~~5. vacant land over two hundred fifty (250) acres 30~~
 - ~~6. subdivision sites (per site) (not to exceed fifty (50) hours) 5~~
- ~~(b) Land: undeveloped non-residential tracts, residential multi-family sites, commercial sites, industrial sites, land in transition, etc. 20~~
- ~~(c) Rural/Agricultural:~~
- ~~1. Ten (10) to two hundred fifty (250) acres 20~~
 - ~~2. Two hundred fifty (250) to one thousand (1,000) acres with improvements. (30)~~
 - ~~3. Two hundred fifty (250) acres or more without improvements. 30~~
 - ~~4. Over one thousand (1,000) acres with improvements. 40~~
 - ~~5. An additional twenty (20) hours credit will be awarded for specialty property. "Specialty" means agricultural income-producing operations such as orchards, dairies, minerals, granary, livestock, hog barns, etc.~~
- ~~(d) Residential Multi-Family (five (5) to twelve (12) Units): Apartments, condominiums, townhouses, and manufactured homes. 35~~
- ~~(e) Residential Multi-Family (thirteen or more (13+) Units): Apartments, condominiums, townhouses, and mobile home parks (add ten (10) hours for proposed project projections). 50~~
- ~~(f) Commercial Single-Tenant: Office building, retail store, restaurant, service station, bank, day care center, etc. 35~~
- ~~(g) Commercial Multi-Tenant: Office building, shopping center, hotel, etc. (add ten (10) hours for proposed project projections). 60~~
- ~~(h) Industrial: Warehouse, manufacturing plant, etc. 50 institutional: Nursing home, hospital, school, church, government building, etc. 50~~
- ~~(2) The Commission shall grant thirty percent (30%) of the maximum experience hours allotted for the specified property type for exterior only inspection appraisals or appraisal assignments requiring no inspection of the subject property. No experience credit shall be given for evaluations.~~
- ~~(3) The Commission may award credit for hours of appraisal experience for the appraisal of other types of real property not listed. The Commission shall, on an individual basis, determine the amount of credit to be awarded for such appraisals based on information provided.~~
- ~~(4) The Commission may award credit on an individual basis for real estate counseling, highest and best use analysis and feasibility analysis, based upon a written request by the applicant.~~
- ~~(5) In appropriate circumstances, the Commission may grant partial or whole credit for demonstration reports. No more than twenty-five percent (25%) of the experience requirement may be obtained through demonstration reports from AQB approved case study courses or practicum courses or demonstration reports approved by the Commission.~~

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-313, 62-39-329, 62-39-333, and 62-39-337. Administrative History: Original rule filed August 1, 1991; effective September 15, 1991. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Repeal and new rule filed December 6, 2007; effective February 19, 2008.

Rule 1255-03-.02 Criteria for Standard and Review Appraisal Experience is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-03-.02 Criteria for Standard and Review Appraisal Experience

(1) **Acceptable Experience.**

~~(a) The Commission may award varying amounts of credit depending upon whether a Standard Appraisal, Condemnation, Review Appraisal or Mass Appraisal was performed.~~

(a) **Standard Appraisal:** If the applicant performed at least fifty percent (50%) of the appraisal report, then the Commission shall grant full credit for that appraisal, even if this work was reviewed by a supervising appraiser who signed the appraisal report. Except as provided below for "review appraisals," credit will not be granted for appraisals where an applicant performed less than fifty percent (50%) of the work.

~~(i) Experience credit for limited reports will be given one half (½) of the credit normally allotted for the property type. No more than twenty-five percent (25%) of the total experience awarded can be derived from limited reports.~~

~~(ii) Except as provided below for "review appraisals," credit will not be granted for appraisals where an applicant performed less than fifty percent (50%) of the work.~~

~~2. Condemnation Appraisals:~~

~~(i) If a partial acquisition appraisal is performed and an valuation of both the before and after values are given then an additional twenty-five percent (25%) credit will be awarded. This credit shall be rounded to the nearest hour.~~

(b) **Review Appraisals:** If the applicant performed a "technical review" of an appraisal performed by another person and the applicant prepared a separate written review appraisal report, in conformance with Standard 3 of the Uniform Standards of Appraisal Practice, the applicant will receive credit for the actual work hours performed on the assignment, fifty percent (50%) of the hours normally allotted for that appraisal.

~~(ii) A "technical review" includes inspecting the property appraised, verifying the data, and checking calculations. No more than seventy-five percent (75%) of the total experience awarded can be derived from technical review.~~

(c) **Mass Appraisals.** The Commission shall grant experience credit to appraisers who perform mass appraisals in compliance with Standard Six of Uniform Standards of Professional Appraisal Practice and who demonstrate that they:

1. use techniques to value properties similar to those used by appraisers practicing under Uniform Standards of Professional Appraisal Practice Standard One; and

2. effectively use the appraisal process as referenced in the Guidelines of Standard Six of the Uniform Standards of Professional Appraisal Practice.

3. Properties which conform to the preceding definitions should be credited for the actual work hours performed on the assignment, for fifty percent (50%) of the hours normally allotted for the appraisal. Mass appraisals shall comprise no more than twenty-five percent (25%) of the total experience hours required to become licensed or certified.

- (2) Requests for Reconsideration: If an applicant wishes to appeal the evaluation of his experience he may file a written request for individual review by the Commission. Nothing in this rule shall create the right to a formal contested proceeding (as defined by the Tennessee Administrative Procedures Act).
- (3) An applicant should also refer to Chapter 1255-1 General Provisions for further delineation of experience requirements.
- (4) No experience credit shall be given for evaluations.
- (5) In appropriate circumstances, the Commission may grant partial or whole credit for demonstration reports. No more than twenty-five percent (25%) of the experience requirement may be obtained through demonstration reports from AQB approved case study courses or practicum courses or demonstration reports approved by the Commission.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-303, 62-39-312, 62-39-313, 62-39-329, 62-39-333, and 62-39-337, as amended by 1991 Public Acts, Chapter 366. Administrative History: Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed October 26, 1993; effective February, 2008 (Revised) January 11, 1994. Amendment filed January 19, 2001; effective April 5, 2001. Amendments filed December 13, 2004; effective February 26, 2005. Amendments filed December 6, 2007; effective February 19, 2008.

Rule 1255-04-.01 Continuing Education Requirements is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended the rule shall read:

Rule 1255-04-.01 Continuing Education Requirements

- (1) As a prerequisite to renewal of a real estate appraiser license or certificate, the licensee or certificate holder shall complete at least twenty-eight (28) hours of continuing education instruction approved by the Commission during each renewal period, which is every two (2) years (hereinafter "continuing education").
 - (a) A course hour is defined as fifty (50) minutes of teaching out of each sixty (60) minute segment.
 - (b) The Commission will grant credit toward the continuing education requirement only where the length of the educational offering is at least two (2) hours.
 - (c) A state licensed, state certified residential or a state certified general real estate appraiser may obtain credit for the continuing education requirement from the following:
 - 1. colleges or universities
 - 2. community or junior colleges
 - 3. real estate appraisal or real estate related organizations
 - 4. state or federal agencies or commissions
 - 5. proprietary schools
 - 6. other providers approved by the Commission
 - (d) The Commission may grant credit for educational offerings which cover real estate appraisal related topics, such as the following, which are consistent with the purpose of continuing education:

1. ad valorem taxation
2. arbitration, dispute resolution
3. courses related to practice of real estate appraisal or consulting
4. development cost estimating
5. ethics and standards of professional practice, USPAP
6. land use planning, zoning, taxation
7. management, leasing, timesharing
8. property development, partial interests
9. real estate law, easements, and legal interests
10. real estate litigation, damages, condemnation
11. real estate financing and investment
12. real estate appraisal related computer applications
13. real estate securities and syndication

- (2) All licensees and certificate holders shall successfully complete the seven (7)-hour National Uniform Standards of Professional Appraisal Practice Update Course, or its equivalent, a minimum of once every two (2) years. Equivalency shall be determined through the Appraisal Qualifications Board Course Approval Program. The seven (7)-hour National Instructor Recertification Course for Uniform Standards of Professional Appraisal Practice shall fulfill the seven (7) hour continuing education requirement for AQB approved instructors of the National Uniform Standards of Professional Appraisal Practice.
- (3) The Commission shall grant continuing education credit for the National Uniform Standards of Professional Appraisal Practice Update Course only when at least one of the instructors is an Appraiser Qualifications Board Certified Instructor and a state certified general or residential real estate appraiser.
- (4) The Commission shall grant continuing education credit for any course that a licensee has taken more than once if the course has undergone a significant update or if the licensee has not taken the course in the last five (5) years.
- (5) Seminars.
 - (a) The Commission may offer seminars to the licensees for which fees, as appropriate, may be collected to cover costs.
 - (b) These seminars may be used by the licensees for continuing education credit.

- (c) These seminars may include, but are not limited to the following subjects: laws and rules, policies and Uniform Standards of Professional Appraisal Practice.
- (6) The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraisal.
- (7) The Commission may grant up to one half (1/2) of an individual's continuing education credit for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which the Commission determines are equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

Authority: T.C.A. §§62-39-203, 62-39-204, 62-39-206, 62-39-306, 62-39-325 and 62-39-333. **Administrative History:** Original rule filed August 1, 1991; effective September 15, 1991. Amendment filed October 26, 1993; effective January 11, 1994. Amendment filed December 16, 1997; effective March 1, 1998. Repeal and new rule filed December 13, 2004; effective February 26, 2005. Repeal and new rule filed December 6, 2007; effective February 19, 2008.

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nancy Point	X				
Tim Walton	X				
Norman Hall	X				
James Wade	X				
Michael Green	X				
Rosemarie Johnson	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Real Estate Appraiser Commission (board/commission/ other authority) on January 17, 2012 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: November 14, 2011

Rulemaking Hearing(s) Conducted on: (add more dates). December 12, 2011

Date: May 5, 2014

Signature: Keeling R. Baird

Name of Officer: Keeling R. Baird

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: May 5th 2014

Notary Public Signature: Joyce O. Carmichael

My commission expires on: January 9, 2018

All rulemaking hearing 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.

Robert E. Cooper, Jr.
 Attorney General and Reporter
5-16-14
 Date

Department of State Use Only

Filed with the Department of State on: 5/23/14

Effective on: 8/21/14

Tre Hargett
 Tre Hargett
 Secretary of State

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