

Sunset Public Hearing Questions for
BOARD OF SOCIAL WORKER LICENSURE
 Created by Section 63-23-101, *Tennessee Code Annotated*
 (Sunset termination June 2014)

1. Provide a brief introduction to the board, including information about its purpose, statutory duties, staff and administrative attachment.

The Board of Social Worker Licensure was created in 1984 by an act of the State Legislature. This Board is charged with the responsibilities of governing the practice of social work, safeguarding the health, safety, and welfare of Tennesseans, by requiring that all that practice social work within this state be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue licenses qualified candidates who have completed appropriate education and successfully completed required examinations. The Board is also responsible for the investigation of alleged violations of the Practice Act and rules, and is responsible for the discipline of licensees who are found guilty of such violation(s).

The Board is administratively attached to the Tennessee Department of Health. As such, the administrative staff of the Division of Health Related Boards supports the Board by issuing licenses to those qualified candidates who have graduated from approved schools and who have completed appropriate post graduate work. Social workers may be licensed by either examination or endorsement from other states. Renewal notices are mailed from the Board's administrative office forty-five (45) days prior to the expiration of the license to the most current address on record. Licenses can be renewed on-line one hundred twenty (120) days prior to expiration at Tennessee.gov/health. Click on the "License Renewal" link and follow the prompts. Licensees are responsible for renewing their licenses on time and keeping the Board apprised of current information. It is a violation of the law and of the board's rules to practice on an expired license.

2. Provide a list of current members of the board. For each member please indicate who appointed the member, how the member's presence on the board complies with Section 63-23-101, *Tennessee Code Annotated*, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older.

The Board consists of eleven (11) members: one (1) citizen member, two (2) licensed baccalaureate social workers, one (1) licensed master's social worker, four (4) licensed advanced practice social workers and three (3) licensed clinical social workers, all of whom are appointed by the Governor.

MEMBER	REPRESENTATION	GENDER/ETHNICITY/ DATE OF BIRTH
Pamela P. Sams Murfreesboro, TN Rutherford County	Licensed Clinical Social Worker	Female Caucasian

Teresa C. Housteau Knoxville, TN Knox County	Licensed Clinical Social Worker	Female Caucasian Over 60
Georgia Y. Alexander Hendersonville, TN Sumner County	Licensed Clinical Social Worker	Female African American Over 60
Frances C. Mazzaferro Antioch, TN Davidson County	Licensed Advanced Practice Social Worker	Female Caucasian Over 60
Sheryl A. Demott Nashville, TN Davidson County	Licensed Advanced Practice Worker	Female Caucasian Over 60
Barrett Michelle Horton McKenzie, TN Carroll County	Licensed Advanced Practice Social Worker	Female Caucasian
Vicki Gardine Williams Nashville, TN Davidson County	Licensed Advanced Practice Social Worker	Female African American Over 60
Julia Axley Hixson, TN Hamilton County	Licensed Baccalaureate Social Worker	Female Caucasian
Steven W. Pharris Smyrna, TN Rutherford County	Licensed Masters Social Worker	Male Caucasian
Amy Marie Smith Burns, TN Dickson County	Licensed Baccalaureate Social Worker	Female Caucasian
Karen Armstrong Morristown, TN Hamblen County	Consumer	Female Caucasian

3. What per diem or travel reimbursement do members receive? How much was paid to board members during fiscal years 2011 and 2012?

Members receive a per diem of \$50.00 per day and reimbursement of travel expenses for mileage, hotel and meals (and airfare, if needed.)

Total travel reimbursement for the Board - FYs 2011 and 2012:

	2011	2012
Per Diem	\$1800.00	\$1600.00
Mileage	\$3107.20	\$2758.84
Hotel	\$2922.24	\$1754.62
Parking	\$89.00	\$76.00
Meals	\$2005.00	\$1234.50
Airfare	\$2072.68	\$530.10
Total	\$11,986.12	\$7941.06

4. How many times did the board meet during fiscal years 2011 and 2012, and how many members were present at each meeting?

Meeting Date	Number Present	Meeting Date	Number Present
08/05/2010	9	08/04/2011	8
11/18/2010	9	11/17/2011	8
03/03/2011	9	02/02/2012	10
05/05/2011	8	05/03/2012	9

5. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of its meetings and making its minutes available to the public?

The Board is subject to the Sunshine law requirements. The Sunshine or Public Meeting notice is submitted by the Board's administrative office to the Health Related Board's Internet administrator by the 15th day of the month preceding the Board meeting date. The Health Related Boards' Internet administrator ensures that the Sunshine Notice is posted on the Internet and that the Commissioner's office is notified.

Written minutes are maintained in an official board minute book kept by the administrative office. After approval by the Board, minutes are published on the Board's Internet website.

6. How does the board ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the board operates under a formal conflict of interest policy, please attach a copy of that policy.

As a result of the September 2012 Performance Audit of 8 Selected Health Related Boards, the Office of Health Related Boards has revised its conflict of interest policy and is now in the process of securing signatures from each board member on the revised form. We have confirmed signed copies of a conflict of interest form on file for 9 of 11 members. The remaining two have been contacted and signed forms are being secured. The conflict of interest policy is reviewed with the Board regularly and a copy is maintained in each member's manual. Board members are reminded at each meeting that they are expected to disclose on the record the existence of any conflict of interest (or appearance of a conflict of interest) and recuse themselves from participating in any board matter in which a conflict of interest exist. (Policy Attached.)

7. What were the board's revenues (by source) and expenditures (by object) for fiscal year 2012 and to date for 2013? Does the board carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the board does not carry a fund balance, what was the source of the revenue for the excess expenditures?

(Financial Statement for FY2011 and FY2012 with projection for FY2013 attached.)

8. How many social workers are there in the state? Are they all under the authority of the board? If not, what types of social workers are not and should they be included under the board's authority?

There are a total of 5,952 licensed social workers in the state. All are under the authority of the Board.

9. How many individuals hold a license under criteria set out in Section 63-23-102 through 105, *Tennessee Code Annotated*? How many individuals are licensed under each of these sections, what are the functions of each type of social worker and how do they differ in education and experience?

Criteria	Number of licensees
Baccalaureate Social Worker	906
Licensed Master Social Worker	2403
Licensed Advanced Practice Social Worker	338
Licensed Clinical Social Worker	2305

Baccalaureate Social Worker – T.C.A. 63-23-102.

A baccalaureate social worker may render services or offer to render services to individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, and consultation guided by the social work theory base.

A social worker at this level shall work in or for an agency or organization and may not practice privately or independently. Baccalaureate social workers are not qualified to diagnose or treat mental illness nor provide psychotherapy services. A social worker at this level cannot receive direct payment or third-party reimbursement. A social worker may not prescribe medication or interpret psychological tests.

A baccalaureate social worker must have graduated and received a baccalaureate degree in social work from a council on social work education approved program and have successfully passed the association of social work board's bachelor's licensing exam.

Licensed Master's Social Worker – T.C.A. §63-23-103

A licensed master social worker may render services or offer to render services to individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, and consultation guided by the social work theory base.

The practice of master's social work may include the practice of clinical social work under the clinical supervision of a licensed clinical social worker as an avenue for licensure as a

clinical social worker. A social worker at this level shall not provide services to clients in exchange for direct payment or third-party reimbursement. Licensed master's social workers shall engage only in supervised practice in or for an agency or organization and may not practice privately or independently.

A licensed master social worker may not practice privately or hold themselves out as a licensed clinical social worker. A social worker may not prescribe medication or interpret psychological tests.

A licensed master social worker must have graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or Ph.D. in social work. They must have successfully passed the association of social work board's master's licensing exam.

Licensed Advance Practice Social Worker – T.C.A. §63-23-104

A licensed advanced practice social worker may render services or offer to render services to individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, and consultation guided by the social work theory base.

The nonclinical advanced practice of social work may occur independently outside the jurisdiction of an agency or organizational setting in which the social worker assumes responsibility and accountability for the nature and quality of the services provided to clients, pro bono or in exchange for direct payment or third-party reimbursement. The practice of advanced social work as a nonclinical social worker may include the practice activities of a licensed baccalaureate social worker or licensed master's social worker, or both. The practice of advanced master's or doctorate social work may include the practice of clinical social work under the clinical supervision of a licensed clinical social worker as an avenue for licensure as a clinical social worker without the benefit of direct payments or third-party reimbursements for clinical practice.

Practice at this level may include the provision of supervision for licensed or temporarily licensed master's social workers seeking to become licensed advanced practice social workers. Licensed advanced practice social workers may not hold themselves out as a licensed clinical social worker. A social worker may not prescribe medication or interpret psychological tests.

A licensed advanced practice social worker must have graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or Ph.D. in social work. They must have successfully passed the association of social work board's advanced generalist licensing exam. They must have practiced for no less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed advanced practice social worker or licensed clinical social worker.

Licensed Clinical Social Worker – T.C.A. §63-23-105

The practice of clinical social work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis and treatment of mental, emotional and behavioral disorders, conditions and addictions, including severe mental illness in adults and serious emotional disturbances in children, case management, direct practice, information and referral, clinical and nonclinical supervision, and the development, implementation, and administration of policies, programs and activities. Treatment methods include the provision of individual, marital, couple, family, and group therapy, mediation, counseling, supportive counseling, advanced case management, direct practice and psychotherapy.

Clinical social workers are qualified to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), and other diagnostic classification systems in assessment, diagnosis, treatment planning and other activities.

The advanced practice of clinical social work may occur outside the jurisdiction of an agency or organizational setting in which the social worker assumes responsibility and accountability for the nature and quality of the services provided to clients, pro bono or in exchange for direct payment or third-party reimbursement.

Practice at this level may include the provision of supervision for licensed or temporarily licensed master's social workers seeking advanced licensure as an advanced practice social worker or as a licensed clinical social worker. Licensed clinical social workers may engage in both independent clinical and agency-based, nonclinical, macro social work practice. A social worker may not prescribe medication or interpret psychological tests. The practice of advanced master's or doctorate social work as a licensed clinical social worker may include the practice activities of a licensed baccalaureate social worker, licensed master's social worker and/or licensed advanced practice social worker. A social worker may not prescribe medication or interpret psychological tests.

A licensed clinical social worker must have graduated and received a master's degree in social work from a council on social work education approved program or has received a doctorate or Ph.D. in social work. They must have successfully passed the association of social work board's clinical licensing exam. They must have worked for no less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker.

10. How many new licenses and how many renewals of each type has the board issued during fiscal years 2011 and 2012? How does the board ensure that unlicensed social workers are not practicing in the state?

Fiscal Year 2011 new licenses and renewals:

Level	New	Renewal
Baccalaureate Social Worker	12	20
Licensed Master's Social Worker	71	709
Advanced Practice Social Worker	310	5
Licensed Clinical Social Worker	71	856

Fiscal Year 2012 new licenses and renewals:

Level	New	Renewal
Baccalaureate Social Worker	18	153
Licensed Master's Social Worker	10	605
Advanced Practice Social Worker	175	65
Licensed Clinical Social Worker	153	560

If it is discovered an unlicensed social worker is working in this state, a Cease and Desist letter is sent from the Office of General Counsel to the individual. Working as a social worker without benefit of a license is a Class A misdemeanor.

11. Does the board have procedures for issuing licenses through reciprocity agreements with other states or countries? If so, how does the board assure itself that the other states' or countries' standards were as stringent as those required in Tennessee?

The Board may issue a license to a person by reciprocity provided however, in the board's opinion, the requirements for the original licensure are substantially equivalent to Tennessee's and the person has not previously failed the examination given by the board. The applicant must have an educational degree of master or doctor of social work from a college, university or school of social work accredited by the Council on Social Work Education; completed two years post-master's clinical experience under the supervision of an individual whose credentials are equivalent to a Tennessee LCSW; and, passed the Association of Social Work Boards (ASWB) clinical level approved examination in the state where the original license was issued and obtained a minimum passing score of 75.

12. How many license applications did the board deny during fiscal years 2011 and 2012? What were the reasons for denial?

2011 – 22 applications were denied for credentialing issues.

2012 – 14 applications were denied for credentialing issues.

13. How many certifications or licenses did the board revoke or suspend during fiscal years 2011 and 2012? What were the reasons for any revocations or suspensions?

There were five (5) licenses revoked during fiscal years 2011 and 2012. Reasons for the revocations were:

- (1) Unprofessional Conduct/Dual relationship/out of state discipline. Sex with a client.**
- (2) Billing Fraud/Guilty of a crime.**
- (3) Impairment.**
- (4) Working beyond scope/violating board order.**
- (5) Voluntary surrender (revoked). Guilty of a crime/unprofessionalism. Convicted of 1st Degree Murder.**

14. How many complaints or accusations did the board investigate during fiscal years 2011 and 2012? How many resulted in some form of remedial action being taken by the board including placing a licensed social worker on probation or the issuance of a reprimand?

FY 2010 (July 2010 – June 2011) Complaints received 19; one (1) complaint resulted in probation.

FY 2011 (July 2011 – June 2012): Complaints received 31; one (1) complaint resulted in probation; five (5) complaints resulted in revocations (see 13 above).

15. Describe the process by which the board receives, handles, and tracks complaints. Are there written procedures? Are complaints rated by level of seriousness or other priority-handling method? Is a complaint log kept? At what point is a complaint closed?

The Office of Investigations in the bureau of Health Licensure and Regulations investigates all complaints against any health professional licensed by Health Related Boards. Any complaint received by the Board is referred to the Office of Investigations. Complaints are triaged at intake to ensure that emergency issues are handled immediately, with investigations commencing on the same and/or following day. Routine complaints are rated according to the level of seriousness, entered into the regulatory board tracking system, and reviewed by a Board consultant and department attorney. Written procedures are in place to serve as a guideline for the effective investigation and preparation of the necessary evidence for purposes of prosecution. A complaint may be closed at initial review and/or after an investigation. A complaint is closed when one of the following occurs: 1) the investigation could not substantiate a violation had occurred; 2) a letter of warning or concern is issued to the licensee by the Board consultant; or, 3) the Board takes action against the licensee.

16. Of enforcement actions undertaken by the board during fiscal years 2011 and 2012, how did the board become aware of the situations resulting in the enforcement action?

The Board became aware of the action that gave rise to the discipline through a complaint filed with the Department of Health, Division of Health Related Boards, Office of Investigations.

17. How many contested cases did the board hear during fiscal years 2011 and 2012? How many such cases were heard by an administrative law judge and reviewed by the board? Of the cases heard, how many resulted in penalties being dismissed? Reduced? Upheld?

There was one case heard by the board. In 2011 – LCSW – probated for two years. Violations were Healthcare fraud/unprofessionalism/conviction of a felony. There were no contested cases heard by an administrative judge.

18. What steps has the board taken to increase consumer awareness of the board as a mechanism to respond to consumer complaints and regulate the industry?

The Tennessee Department of Health maintains a website at <http://health.state.tn.us/Boards/complaints.htm> which provides consumers with an in-depth description of the complaint process, including how to file a complaint and what can be expected from the Department of Health.

19. Has the board promulgated rules as authorized by Section 63-23-110 *Tennessee Code Annotated*? If so, please cite the reference.

Since the Board’s inception, there have been rules promulgated as authorized by statute. The rules governing the practice of Social Work Licensure can be found at Chapter 1365-01 of the Official Compilation of the Rules and Regulations of the State of Tennessee. Below are the rules promulgated during fiscal years 2011 and 2012.

RULES:	EFFECTIVE DATE
1365-01-.01, .02, .03, .04, .05, .06, .07, .08, .09, .10, .11, .12, .13, .14, .15, .16, .17, .18, .19, .20, .21, .22, .23	September 29, 2010 (Chapter rewrite)

20. Describe any items related to the board that require legislative attention and your proposed legislative changes.

At this time, the Board has no items that require legislation.

21. Should the board be continued? To what extent and in what ways would the absence of the board endanger the public health, safety or welfare?

Yes. The Board is responsible for safeguarding the health, safety and welfare of Tennesseans by requiring that all who practice social work within this state be qualified. To dissolve the Board could lead to unqualified persons providing services to clients which could cause harm.

22. Please list all board programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity. **The Board does not receive federal financial assistance.**

23.

If the board does receive federal assistance, please answer questions 25 through 32. If the board does not receive federal assistance, proceed directly to question 31.

24. Does your board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

25. Does your board have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

26. To which state or federal agency (if any) does your board report concerning Title VI? Please describe the information your board submits to the state or federal government and/or provide a copy of the most recent report submitted.

27. Describe your board's actions to ensure that board staff and clients/program participants understand the requirements of Title VI.

28. Describe your board's actions to ensure it is meeting Title VI requirements. Specifically, describe any board monitoring or tracking activities related to Title VI, and how frequently these activities occur.

29. Please describe the board's procedures for handling Title VI complaints. Has your board received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

30. Please provide a breakdown of current board staff by title, ethnicity, and gender.

31. Please list all board contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The only contract held by the Board is the Association of Social works Board Contract for Examination for licensure as a social worker. It is a no-cost contract between the Association and Department of Health. The candidate pays the fee directly to the Contractor. The fee is \$230.00 for Bachelor or Master Exam and \$260 for Generalist or Clinical Exam.

Tennessee Board for Master Social Workers
FY 13 Actual Revenue and Expenditures thru December 31, 2012
and Projection for Fiscal Year Ending June 30, 2013

<u>Acct. Code</u>	<u>Description</u>	<u>thru Dec. 31, 2012</u>	<u>FY 2013 Projection</u>	<u>FY 2012</u>	<u>FY 2011</u>	<u>FY 2010</u>	<u>FY 2009</u>
701	Salaries & Wages	\$15,956.79	\$31,913.58	\$39,038.23	\$61,496.84	\$58,791.86	\$60,067.56
70102	Longevity	\$0.00	\$0.00	\$2,357.59	\$3,933.33	\$3,448.94	\$0.00
70104	Overtime	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
702	Employee Benefits	\$6,628.58	\$13,257.16	\$20,928.80	\$33,212.18	\$28,178.66	\$30,471.75
Payroll Expenditures (701-702)		\$22,585.37	\$45,170.74	\$62,324.62	\$98,642.35	\$90,419.46	\$90,539.31
703	Travel	\$1,666.32	\$3,332.64	\$5,946.15	\$6,455.81	\$5,081.53	\$7,080.75
704	Printing & Duplicating	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
705	Utilities & Fuel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
706	Communications	\$2,322.30	\$6,100.00	\$5,659.49	\$10,311.08	\$5,878.99	\$6,904.76
707	Maintenance & Repairs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
708	Prof. Svc. & Dues	\$1,158.12	\$4,500.00	\$4,119.25	\$6,792.60	\$4,158.66	\$4,228.75
709	Supplies & Materials	\$0.00	\$0.00	\$42.28	\$0.00	\$0.00	\$0.00
710	Rentals & Insurance	\$0.00	\$0.00	\$0.00	\$0.00	\$8,622.00	\$8,622.00
711	Motor Vehicle Ops.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
712	Awards & Indemnities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
713	Grants & Subsidies	\$1,050.00	\$1,200.00	\$250.00	\$0.00	\$0.00	\$40.00
714	Unclassified	\$0.00	\$0.00	\$6,800.00	\$0.00	\$0.00	\$0.00
715	Stores for Resale	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
716	Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
717	Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
718	Buildings	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
721	Training of State Employees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
722	Computer Related Items	\$0.00	\$0.00	\$2,880.58	\$1,334.44	\$0.00	\$0.00
725	State Prof. Svcs.	\$8,813.32	\$17,626.64	\$16,952.55	\$2,104.98	\$1,253.00	\$0.00
Total Other Expenditures (703-725)		\$15,010.06	\$32,759.28	\$42,761.32	\$42,761.32	\$27,758.56	\$31,785.75
Total Direct Expenditures		\$37,595.43	\$77,930.02	\$104,974.92	\$141,403.67	\$118,178.02	\$122,325.06
Allocated Expenditures							
Administration		\$21,864.72	\$65,600.00	\$74,435.44	\$81,616.93	\$52,426.92	\$53,824.50
Investigations		\$6,433.76	\$12,867.52	\$10,391.02	\$8,398.67	\$6,867.61	\$10,499.00
Legal		\$10,781.40	\$21,562.81	\$6,565.44	\$14,487.25	\$30,944.38	\$34,482.49
Cash Office		\$2,766.00	\$5,532.00	\$5,152.49	\$5,626.83	\$3,772.99	\$3,527.03
Total Allocated Expenditures		\$41,845.88	\$105,562.33	\$96,544.40	\$110,129.68	\$94,011.90	\$102,333.02
Total Expenditures		\$79,441.31	\$183,492.35	\$201,519.32	\$251,533.35	\$212,189.92	\$224,658.08
Board Fee Revenue		\$197,919.75	\$389,000.00	\$317,707.02	\$574,632.96	\$326,759.36	\$289,568.68
Projected Current Year Net			\$205,507.65	\$116,187.70	\$323,099.61	\$114,569.44	\$64,910.60
Projected Cumulative Carryover			\$859,646.44	\$654,138.79	\$537,951.09	\$214,851.48	\$100,282.04



Tennessee Department of Health Division of Health Related Boards Administrative Policies and Procedures

Subject: Conflict of Interest

File No: 302.01

Approved by: _____
Rosemarie A. Otto, Director

Effective: September 1, 2002
Revised: June 1, 2013

Purpose: To assure that activities of Health Related Boards employees and board members do not conflict or have the appearance of conflicting with the provision of unbiased service to the public.

Policy: All full-time employees and board members of Health Related Boards shall adhere to the Department of Health's and the Health Related Boards' Conflict of Interest Policies (attached).

Procedure:

Employees: All employees will be required to read and sign the Health Related Boards' Conflict of Interest Policy for Employees (Exhibit 1) **and** the Department's Personnel Confidentiality Statement Form PH-3131 (Exhibit 2) upon initial hire and annually thereafter. A copy of both documents will be provided to each employee each time a signature is required. Signed copies shall be retained in the administrative office of the Division of Health Licensure and Regulation.

Board Members: All Board members will be asked to read and sign the Department's Conflict of Interest Policy for Board Members (Exhibit 3). Board members will be required to read and sign the Conflict of Interest Policy upon initial appointment and annually thereafter. Signed copies will be maintained on file in the Division of Health Licensure and Regulation.

DEPARTMENT OF HEALTH
CONFLICT OF INTEREST POLICY
EMPLOYEES

EXHIBIT 1

1. PURPOSE: To assure that an employee's activities do not conflict or have the appearance of conflicting with the provision of unbiased service to the public.
2. APPLICABILITY: This policy shall apply to all full-time employees of the Tennessee Department of Health.
3. DEFINITIONS:
 - A. CONFLICT OF INTEREST: a situation in which an employee's activities impair, or give the appearance of impairing, the person's ability to provide full unbiased public service.
 - B. SUBSTANTIAL FINANCIAL INTEREST: ownership by an employee or by the employee's spouse of ten percent (10%) or more of the stock of a corporation or ten percent (10%) or more of any other business entity.
 - C. ORGANIZATIONAL UNIT – a subdivision designated by the Commissioner of Health for administrative purposes.
4. CONDUCT WHICH CREATES A CONFLICT OR THE APPEARANCE OF A CONFLICT:
 - A. An employee shall not engage in any conduct, employment, or other activity which impairs, or gives the appearance of impairing, the person's ability to provide full unbiased public service.
 - B. An employee shall not violate applicable state or federal laws concerning conflict of interest
 - C. An employee shall not knowingly take any action which might prejudice the department's interest in a civil or criminal case.
5. FINANCIAL INTERESTS:
 - A. It is a conflict of interest for an employee, who has a public duty to recommend, approve, disapprove, monitor, regulate, investigate, or superintend, in any manner, a contract or other activity, to have a substantial financial interest in a business that does, or seeks to do, business with the employee's organizational unit.
 - B. An employee shall not have a financial interest in an outside entity of such significance that the departmental responsibilities and duties of the employee cannot be rendered in a fair and impartial manner.
 - C. An employee shall not engage in a financial transaction for personal gain relying upon information obtained solely through one's employment.
 - D. An employee shall not receive any compensation from a private source for services which are, or should be, performed as part of one's official duties, except as provided by statute or as approved by the Commissioner.

- 6. **OUTSIDE EMPLOYMENT AND ACTIVITIES:**
 - A. An employee who has a public duty to recommend, approve, disapprove, monitor, regulate, investigate, or superintend program activities shall not engage in outside employment with an entity that is regulated by the employee's organizational unit.
 - B. An employee shall not serve on a board of directors for a non-state agency that is regulated by, or that has or seeks funding from the employee's organizational unit unless the Commissioner deems such to be in the Department's interest and grants a waiver of this restriction.
- 7. **GIFTS AND FAVORS:** An employee shall not accept any item of significant monetary value (e.g., gift, gratuity, favor, entertainment, loan, unusual discount) except usual social and business courtesies (e.g., a meal, box of candy, samples) from a person who has or is seeking to obtain a contractual or other financial relationship with the employee's organizational unit or whose activities are regulated by such.
- 8. **HONORARIA:** An employee shall not accept honoraria or other compensation for activities which are, or should be, performed as part of one's official duties, except as provided by the Comprehensive Travel Regulations of the Department of Finance and Administration.
- 9. **ACTION TO RESOLVE A CONFLICT OF INTEREST:** An employee who has a conflict of interest must immediately eliminate such conflict. If an employee's activities give the appearance of a conflict of interest, such activities must be eliminated. If there is uncertainty whether a current or proposed activity is a conflict of interest, an employee should notify the Commissioner in writing of the potential conflict and receive approval for such activity.
- 10. **VIOLATION OF CONFLICT OF INTEREST:** An employee with a conflict of interest in violation of this policy is subject to disciplinary action in accordance with the Department of Human Resources' rules and regulations. An employee who violates a statutory conflict of interest is also subject to sanctions provided by statute.

CONFLICT OF INTEREST POLICY ACKNOWLEDGEMENT

By signing below, I acknowledge that I have read and agree to comply with the Department of Health's Conflict of Interest Policy for Employees and certify that I shall notify the Division of Health Related Boards immediately in writing if I feel that there may be a conflict of interest in an assignment. I also understand that the release of any confidential information obtained to any unauthorized person is prohibited. Further, to the extent a conflict of interest may exist, I have disclosed same in the space provided below.

DISCLOSURE OF CONFLICT OF INTEREST

I wish to disclose the following conflict. Please provide details about the nature of the conflict in the space provided:

Signature

Supervisor's Signature

Print Name

Print Name

Date

Date

Social Security Number

PH-3131

TENNESSEE DEPARTMENT OF HEALTH

EXHIBIT 2

PERSONNEL CONFIDENTIALITY STATEMENT

By signing below, I acknowledge and understand that, as a State employee of the Tennessee Department of Health or as a County, Contract, or Municipal employee working for the Tennessee Department of Health, I am prohibited from releasing to any unauthorized person any medical information which may come to my attention in the course of my duties.

Moreover, I acknowledge and understand that any breach of confidentiality, patient or otherwise, resulting from my written or verbal release of information or records provides grounds for disciplinary action, which may include my immediate termination as an employee of the department.

DRUG-FREE WORKPLACE

I, as a State employee of the Tennessee Department of Health, or as a County, Contract, or Municipal employee working for the Tennessee Department of Health, hereby certify that I have received a copy of the Tennessee Department of Health's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace or on state property and violation of this policy can subject me to discipline up to and including termination. I realize that as a condition of employment, I must abide by the terms of this policy and will notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to a federal agency, where appropriate, and I hereby waive any and all claims that may arise for conveying this information to the federal agency. By signing below, I acknowledge that I have agreed to comply with the Drug-Free Workplace Policy of the Tennessee Department of Health.

SEXUAL HARRASSMENT ACKNOWLEDGEMENT

By signing below, I acknowledge that I have read and agree to comply with the Tennessee Department of Health's Personnel Confidentiality Statement.

Signature

Supervisor's Signature

Print Name

Print Name

Date

Date

Social Security Number

PH-3131

RDA N/A

TENNESSEE DEPARTMENT OF HEALTH
CONFLICT OF INTEREST POLICY
BOARD MEMBERS

EXHIBIT 3

PURPOSE: To assure that the individual interests of board members do not conflict with their responsibilities to the Board to which they are appointed.

APPLICABILITY: This policy shall apply to all board members.

I. DEFINITIONS:

- A. CONFLICT OF INTEREST: A circumstance in which a board member's individual interest impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions or to provide full, unbiased service to the Board.
- B. FINANCIAL INTEREST: Ownership by a board member or a board member's immediate family members of ten percent (10%) or more of the stock of a corporation or ten percent (10%) or more of any other business entity; or a relationship as a director, advisor, or other active participant in the affairs of a party. An office in an educational, professional, religious, charitable, or civic organization is not a financial interest.

II. CONDUCT:

- A. A board member shall not engage in conduct which impairs or impedes, or gives the appearance of impairing, the board member's ability to make full unbiased decisions, or to provide full, unbiased public service to the Board.
- B. A board member shall not knowingly take any action which might prejudice his or her ability, or other members of the board's ability, to make an unbiased decision on any matter in which the board member, or the board member's immediate family members, has a financial interest.
- C. A board member will not willingly participate as an expert witness in a contested case hearing before the Board.
- D. It is a conflict of interest for a board member to vote in a manner involving a party in which the board member, or the board member's immediate family members, holds a financial interest.
- E. A board member shall not accept any item of significant monetary value, except usual social and business courtesies, from a party or provider seeking specific board approval of action.
- F. A board member who is employed by, or has contracted to provide services to, a health care provider seeking specific board approval or action, shall abstain from voting on the board approval or action.
- G. A board member shall not accept honoraria or other compensation for activities which are, or should be, performed as part of one's official duties, except as provided by the Comprehensive Travel Regulation of the Department of Finance and Administration.

III. DISCLOSURE:

- A. Each board member shall disclose to the Board on a case-by-case basis, any personal relationship, interest or dealings that impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions on a matter.
- B. For the purposes of contested cases, the Board will be governed by Tennessee Code Annotated Sec. 4-5-302, attached as Exhibit A to this policy.

IV. RECUSAL:

- A. Any board member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussion or vote on the matter, and shall leave the hearing room during the discussion or vote.
- B. It is improper for any board member having a conflict of interest to attempt to influence another board member at any time, including prior to the discussion on the matter for which the conflict exists.
- C. In business matters, the board chair, with the advice of the advising attorney, shall be the final authority to determine whether a board member must be recused.

CONFLICT OF INTEREST POLICY ACKNOWLEDGEMENT

By signing below, I acknowledge that I have read and agree to comply with the Department of Health's Conflict of Interest Policy for Board Members. Further, to the extent a conflict of interest may exist, I have disclosed same in the space provided below.

DISCLOSURE OF CONFLICT OF INTEREST

I wish to disclose the following conflict. Please provide details about the nature of the conflict in the space provided:

Signature

Print Name

Date