

Sunset Public Hearing Questions for  
**COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS**  
Created by Section 63-17-202, *Tennessee Code Annotated*  
(Sunset Termination June 2016)

1. Provide a brief introduction to the Council for Licensing Hearing Instrument Specialists, including information about its purpose, statutory duties, staff and administrative attachment.

**The Council for Licensing Hearing Instrument Specialists was created in 1995 by an act of the State Legislature. This Council is under the Board of Communication Disorders and Sciences, formerly the Board of Hearing Aid Dispensers (created in 1979). Its mission is to safeguard the health, safety, and welfare of Tennesseans by ensuring that all that practice the profession of dispensing and fitting hearing instruments are qualified. The Council, in conjunction with the Board of Communication Disorders and Sciences, 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 Council is authorized to issue a license to qualified applicants who have completed appropriate education and successfully completed required examinations. The Council 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 violations.**

**The administrative staff of the Division of Health Related Boards supports the Committee by issuing licenses to those who meet the requirements of the law and rules. Renewal notices are mailed from the Council's administrative office forty-five (45) days prior to the expiration of the license to the current address on record. If a licensee has "opted in" to receive renewal notification via email, an email will be sent out to the licensee reminding them to renew their license approximately forty-five (45) days prior to the expiration date. Licenses can be renewed on-line seventy (70) days prior to expiration. Licensees are responsible for renewing their licenses on time and keeping the Council apprised of current address information. It is a violation of the law and of the council's rules to practice on an expired license.**

**The five (5) member Council has a statutory requirement to meet once a year, however generally meets three (3) times throughout the year to conduct administrative business. The meetings are open to the public. All members of the Council are appointed by the Governor and serve five (5) year terms.**

2. Provide a list of current members of the council and explain how membership complies with the provisions of Section 63-17-202, *Tennessee Code Annotated*. Are there any vacancies on the council and, if so, what is being done to fill those vacancies?

<b>Thomas Stewart</b>	<b>Hearing Instrument Specialist</b>	<b>Male; Caucasian</b>
<b>Randy Williams</b>	<b>Hearing Instrument Specialist</b>	<b>Male; Caucasian</b>
<b>Dr. Frederick Rayne</b>	<b>Physician</b>	<b>Male; Caucasian</b>
<b>Jerry L. Hall</b>	<b>Hearing Instrument Specialist</b>	<b>Male; Caucasian</b>
<b>Lordy Dell Smith</b>	<b>Citizen</b>	<b>Female; African American; Over 60</b>

**There are no vacancies on the council.**

3. How many times did the council meet in fiscal year 2014 and to date in fiscal year 2015? How many members were present at each meeting?

<b>Meeting Date</b>	<b>Number Present</b>	<b>Meeting Date</b>	<b>Number Present</b>
February 27, 2014	4	March 27, 2015	4
June 26, 2014	5	May 8, 2015	5
October 23, 2014	5		

4. What per diem or travel reimbursement do council members receive? How much was paid to council members during fiscal year 2014 and to date in fiscal year 2015?

**Members receive a per diem of \$50.00 per day and reimbursement of travel expenses for mileage, hotel and meals (airfare, if needed.) Members are reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration.**

\* Figures are based on calendar year.

	<b>2014*</b>	<b>2015*</b>
<b>Per Diem</b>	<b>\$650.00</b>	<b>\$400.00</b>
<b>Mileage</b>	<b>\$1465.46</b>	<b>\$987.00</b>
<b>Hotel</b>	<b>\$114.64</b>	<b>\$94.69</b>
<b>Parking/Baggage/Taxi/Registration</b>	<b>0</b>	<b>0</b>
<b>Meals</b>	<b>\$198.00</b>	<b>\$99.00</b>
<b>Airfare</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>\$2428.10</b>	<b>\$1580.69</b>

5. What were the council's revenues (by source) and expenditures (by object) for fiscal year 2014 and to date for fiscal year 2015? Does the council carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the council does not carry a fund balance, what was the source of the revenue for the excess expenditures?

(See attached balance sheet)

For FY14 the council's revenues were \$86,108.59, with total expenditures of \$33,100.98 and a net of \$53,007.61. The carryover is \$128,363.31.

Projected FY15, the council's revenue is \$80,165.28, with total expenditures of \$16,748.56 and a net of \$63,416.72. The projected carryover is \$191,780.03. The council operations fee of \$300 per licensee paid in the non-renewal year will expire on December 31, 2016; this fee generates approximately \$20,100 per year. This fee was put into place in 2011 but did not take effect until January 1, 2013, to offset a negative fund balance.

A rulemaking hearing was held June 26, 2015 to delete the \$175 fee for the written exam and re-take fee if necessary. This fee is now being paid directly to the company who provides the exam instead of the council.

6. Is the council subject to Sunshine law requirements (per 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 council have for informing the public of its meetings and making its minutes available to the public?

The council is subject to the Sunshine law requirements of T.C.A. 8-44-101 et seq. A public meeting notice is posted to the council's website on the 15<sup>th</sup> of the month preceding the month the council meets as well as posting the information on the Public Participation Calendar. The HRB Internet administrator ensures that the Sunshine Notice is posted on the Internet and that the Commissioner's Office is notified. Regarding minutes, the council's administrative staff attends all meetings and takes minutes. Those minutes are then prepared for review and ratification by the council at its next regularly scheduled meeting. After the minutes are ratified, they are then placed on the council's web site. Additionally, as of January 1, 2015, each meeting of the Council is streamed live so the public can view the meeting as it is actually being held.

7. Please describe what policies and procedures the council has in place to address potential conflicts of interest by council members, staff and employees.

All Council members are educated on the Department of Health's Conflict of Interest Policy and reminded during the course of each meeting of the obligation to strictly adhere to it. Council members are required to sign a conflict of interest statement upon appointment or as soon as practicable and annually thereafter. It is the responsibility of the council administrator to insure that the Conflict of Interest Statement is properly and timely signed. The council's administrative office keeps signed copies on file in the Central Office of Health Related Boards.

8. Has the council promulgated rules? If yes, please cite the reference.

**The council has promulgated rules under Tenn. Comp. R. & Regs. 1370-02. Recently, a rulemaking hearing was held June 26, 2014. The amended rules include: 1370-02-.06 Fees. These rules were to delete the examination fee which was paid to the council. The fee is now paid directly to the examination organization. These rules were finalized in the Office of General Counsel and sent to the Attorney General's office where they are undergoing legal review. Further, the council has authorized the Office of General Counsel to draft rules to lower the renewal fee from \$700 to \$500 which would lower revenue by approximately \$13,400 yearly, depending on the number of renewals.**

9. Does the council have a website? Is so, please provide the web address. What kind of public information is provided on the website?

**The Council maintains a website at: <http://tn.gov/health/topic/HIS-board>. Included on the website are meeting dates; council members; meeting minutes; applications; statutes, rules and policies; licensure and educational information; as well as links to other Department of Health information.**

10. How many licensed hearing instrument specialists are there in the state of Tennessee? Are they all under the authority of the council? If not, what types of practitioners are not and should they be included under the council's authority?

**As of June 10, 2015, the total number of active licensees is 134. All active licensees are under Council authority.**

11. How many new licenses and how many renewals has the Council issued in fiscal year 2014 and to date in fiscal year 2015? How does the Council ensure that licensees meet all licensure requirements?

	<b>2014</b>	<b>2015</b>
<b>New Licenses</b>	<b>8</b>	<b>7</b>
<b>New Apprentices</b>	<b>4</b>	<b>2</b>
<b>Renewals</b>	<b>56</b>	<b>19</b>

**New apprentice and new full license applications are reviewed in accordance with current Council rules and statutes. Applicants are notified of missing items, and must submit all documentation in accordance with the Council rules. After an application is deemed to be complete, the applicant undergoes stringent testing, administered jointly by the Council members and the administrative staff. These exams are designed to test the applicant's knowledge of the profession, while maintaining the safety and welfare of the**

**public that they will be working with. An applicant must pass each portion of the exam with a minimum score of 75 to be issued a license.**

**Renewal applications are processed in accordance with Council rules and statutes. In addition, the Council requires an auditing of continuing education documentation from each licensee who renews. This information is submitted in accordance with the Health Related Board policies and procedures, via the Compliance Unit. The continuing education documents are then reviewed by the Council administrator for compliance with the Council's continuing education rules. If a licensee is found to be non-compliant, they are notified and appropriate disciplinary action is taken, if needed, according to the Council policy on maintaining continuing education.**

12. How many licenses were issued under reciprocity and how did the Council assure itself that the other state's or country's standards were as stringent as those required in Tennessee?

**No new licenses have been issued under reciprocity. The administrative staff verifies documentation provided by the applicant. This documentation includes verification documentation submitted directly from other states that the applicant is or has been licensed in. After an application is deemed to be complete, the applicant undergoes stringent testing, administered jointly by the Council members and the administrative staff. These exams are designed to test the applicant's knowledge of the profession, while maintaining the safety and welfare of the public that they will be working with. An applicant must pass each portion of the exam with a minimum score of 75 to be issued a license.**

13. How many license applications did the Council deny during fiscal year 2014 and to date in fiscal year 2015? What were the reasons for denial?

**No applications were denied during the time period requested.**

14. How many licenses did the Council revoke or suspend in fiscal year 2014 and to date in fiscal year 2015? What were the reasons for the revocations or suspensions?

**Only one license was suspended, due to default on a Tennessee Student Assistance Corporation (TSAC) loan pursuant to Tenn. Code Ann. § 63-1-141 which states that upon receiving a copy of a final order of default on a student loan from TSAC, the council shall suspend the license of the practitioner. When TSAC determines that the debt is paid in full or satisfactory arrangements have been made to repay the debt, TSAC shall send notice of same to the council, the suspension will be lifted and the license shall be placed back in active status.**

15. How many complaints did the Council investigate during fiscal year 2014 and to date in fiscal year 2015? What kinds of complaints were received? How many resulted in some form of remedial action being taken by the Council?

**Investigated: FY 2014 – 10; FY 2015 – 12**

**Types of complaints include unprofessional conduct; advertising; fraud; care of services.**

**There was no formal disciplinary action taken in 2014 or 2015.**

16. Describe the process by which the council 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 maintained? What is the average time to resolve a complaint? At what point is a complaint closed?

**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 processed according to an established review procedure utilizing practicing members of the profession as consultants and a staff attorney assigned by the Department of Health. Complaints are designated by priority code, which can change during the course of an investigation. Complaints are tracked utilizing a computerized database system.**

**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 can be closed at initial review and/or after an investigation.**

**Benchmarks have been established for the review and the investigative stages. A 30 day benchmark is established for the review process with a 90 day benchmark established for the investigation process.**

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

**The Department of Health maintains a website at <http://tn.gov/health/article/hcf-complaint> which provides consumers with an in depth description of the complaint process including how to file a complaint and what they may expect from the Department of Health.**

18. How many contested cases did the council hear in fiscal year 2014 and to date in fiscal year 2015? How many such cases were heard by an administrative law judge and reviewed by the council? Of the cases heard, how many resulted in penalties being upheld? Reduced? Dismissed?

**The Board did not hear any contested cases.**

19. Of enforcement actions undertaken by the council in fiscal year 2014 and to date in fiscal year 2015, how did the council become aware of the situations resulting in the enforcement action?

**There were no enforcement actions taken. When this situation arises, the council is made aware through the presentation of an Agreed Order, Consent Order, or Contested Case.**

20. Does the council have the authority to impose civil penalties? Is so, what penalties have been assessed and what is the total amount of such penalties?

**Pursuant to T.C.A. § 63-1-120, the council has the authority to impose civil penalties. Penalties have been assessed as indicated in the chart below.**

Type	Amount
CE Violations	\$2,350.00
Council Operations Fee Violations	\$ 300.00
Lapsed License Violations	0

**These penalties were assessed in FY 2014 and 2015.**

21. Has the council developed and implemented quantitative performance measures for ensuring it is meeting its goals? (Please answer either yes or no). If the council has developed and implemented quantitative performance measures, answer questions 22 through 29. If the council has not developed quantitative performance measures, proceed directly to question 30.

**Yes. The Health Related Boards administrative office has established benchmarks for the processing of applications and renewals. The application benchmark is 730 days from the date the application is received in the administrative office to issuance of licensure. The benchmark for renewals is fourteen days. For renewals in 2014, two (2) were over the established benchmark. One (1) renewal over the benchmark can be attributed to an incomplete renewal application which did not contain all required documentation and the other had to have a duplicate form mailed due to the fact the initial renewal and check for fees was never received by the administrative office.**

**For initial applications received in 2014, none were over the established benchmark.**

22. What are your key performance measures for ensuring the council is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.

**To promote the mission of the Department of Health which is to protect, promote and improve the health and prosperity of the people in Tennessee. The Health Related Boards' role in that mission is to insure that only the best, most qualified practitioners provide healthcare services in the state. In order to balance that obligation with our desire to provide excellent customer service to healthcare providers, the Health Related Boards has established benchmarks to assure that applications for licensure are received, processed and reviewed in a timely manner. Twice yearly, a benchmark report is prepared and reviewed to determine if board staffs are meeting those benchmarks.**

23. What aspect[s] of the program are you measuring?

**We are measuring whether or not council administrative staff are processing applications and renewals in a timely manner within the established benchmark times.**

24. Who collects relevant data and how is this data collected (e.g., what types information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, customer survey) of the raw data used for the performance measure.

**Relevant data is collected twice yearly by the director from reports generated by the licensing system used by the Health Related Boards. It is generated in an Excel spreadsheet.**

25. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.

**The Health Related Boards has established benchmarks to assure that applications for licensure and renewal are received, processed and reviewed in a timely manner.**

26. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?

**The reported performance measure is a real number.**

27. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.

**The benchmark report is reviewed by the Director of the Health Related Boards and forwarded to the Assistant Commissioner for the Health Related Boards.**

28. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.

**Yes. Please see attached document from the Health Related Boards Administrative Policies and Procedures.**

29. Describe any concerns about the council's performance measures and any changes or improvements you think need to be made in the process.

**At this time there are no concerns.**

30. What were the major accomplishments of the council during fiscal year 2014 and to date in fiscal year 2015?

**The council has created a task force to review examinations given to applicants, to ensure that the council-written exams are valid and relevant to the profession. This task force meets periodically, as needed; to discuss the exams, and make changes as may be deemed necessary. This task force is also reviewing current rules as related to the exam process, both for initial exams as well as retakes.**

**The council has changed the testing process for the International Hearing Society (IHS) exam to conform with the IHS's conversion to a computer-based testing. The council held a rulemaking hearing to eliminate the exam fee that was previously collected for the council administrative staff to proctor the exam.**

31. Please describe any reports prepared by the council during fiscal years 2013 and 2014 and to date in fiscal year 2015 and specify to whom the reports are sent. Please attach copies of the reports.

**There were no reports prepared.**

32. Provide an explanation of any items related to the council that may require legislative attention, including your proposed legislative changes.

**There are none at this time.**

33. Should the council be continued? To what extent and in what ways would the absence of the council affect the public health, safety, or welfare of the citizens of the State of Tennessee?

**Yes, the Council should be continued. Absent the presence of the Council for Licensing Hearing Instrument Specialists, members of the public whose health care is provided by hearing instrument specialists would be uncertain that their healthcare provider is fully qualified to practice his/her profession and does so in a safe and ethical manner.**

34. Please list all council 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.

**This Board does not receive federal financial assistance.**

If the council does receive federal assistance, please answer questions 35 through 42. If the council does not receive federal assistance, proceed directly to question 41.

35. Does the council prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
36. Does the council 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.
37. To which state or federal agency (if any) does the council report concerning Title VI? Please describe the information your council submits to the state or federal government and/or provide a copy of the most recent report submitted.
38. Describe the council's actions to ensure that association staff and clients/program participants understand the requirements of Title VI.

39. Describe the council's actions to ensure it is meeting Title VI requirements. Specifically, describe any council monitoring or tracking activities related to Title VI, and how frequently these activities occur.
40. Please describe the council's procedures for handling Title VI complaints. Has the council 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).
41. Please provide a breakdown of current council staff by title, ethnicity, and gender.

<b>POSITION</b>	<b>RACE</b>	<b>GENDER</b>
<b>Administrative Director</b>	<b>Caucasian</b>	<b>Female</b>
<b>Administrator</b>	<b>Caucasian</b>	<b>Male</b>
<b>Licensing Tech</b>	<b>African American</b>	<b>Male</b>

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

**There is a contract with the International Hearing Society (IHS) that allows IHS to be the primary source of the ILE National Exam. The Council accepts the IHS recommendation on pass/fail scoring, and allows IHS to conduct the exams in a computerized format. Business owner information is not known.**

**Tennessee Council for Licensing Hearing Instrument Specialists**  
**Actual Revenue and Expenditures thru December 31, 2014**  
**and Projection for Fiscal Year Ending June 30, 2015**

<u>Acct. Code</u>	<u>Description</u>	<u>thru Dec. 31, 2014</u>	<u>FY 2015 Projection</u>	<u>FY 2014</u>	<u>FY 2013</u>	<u>FY 2012</u>	<u>FY 2011</u>
701	Salaries & Wages	2,610.79	\$5,221.58	\$7,225.92	\$5,323.94	\$2,575.73	\$1,867.30
704	Longevity	\$0.00	\$0.00	\$164.97	\$73.06	\$0.00	\$0.00
70104	Overtime	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
702	Employee Benefits	670.29	\$1,340.58	\$1,781.84	\$1,054.42	\$1,853.89	\$910.19
	<b>Payroll Expenditures (701-702)</b>	<b>\$3,281.08</b>	<b>\$6,562.16</b>	<b>\$9,172.73</b>	<b>\$6,451.42</b>	<b>\$4,429.62</b>	<b>\$2,777.49</b>
703	Travel	\$561.18	\$1,683.54	\$1,994.12	\$827.20	\$1,705.09	\$1,327.29
704	Printing & Duplicating	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.69
705	Utilities & Fuel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
706	Communications	\$195.29	\$390.60	\$897.91	\$494.50	\$425.63	\$465.92
707	Maintenance & Repairs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
708	Prof. Svc. & Dues	\$448.04	\$987.96	\$2,820.40	\$859.07	\$419.00	\$836.48
709	Supplies & Materials	\$0.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00
710	Rentals & Insurance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
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	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
714	Unclassified	\$0.00	\$0.00	\$0.00	\$0.00	\$2,310.00	(\$3,907.93)
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	\$0.00	\$0.00	\$28.00	\$0.00
725	State Prof. Svcs.	\$153.59	\$309.88	\$533.77	\$693.04	\$390.60	\$666.63
	<b>Total Other Expenditures (703-725)</b>	<b>\$1,358.10</b>	<b>\$3,422.06</b>	<b>\$6,246.20</b>	<b>\$2,873.81</b>	<b>\$5,278.32</b>	<b>(\$564.92)</b>
	<b>Total Direct Expenditures</b>	<b>\$4,639.18</b>	<b>\$9,984.22</b>	<b>\$15,418.93</b>	<b>\$9,325.23</b>	<b>\$9,707.94</b>	<b>\$2,212.57</b>
	<b>Allocated Expenditures</b>						
	Administration	\$516.16	\$1,627.86	\$1,498.81	\$1,930.89	\$1,563.93	\$1,517.79
	Investigations	\$1,564.77	\$3,129.53	\$2,664.67	\$5,011.24	\$6,879.90	\$3,095.98
	Legal	\$953.25	\$1,906.50	\$3,413.36	\$6,249.66	\$6,352.39	\$9,585.00
	Cash Office	\$50.23	\$100.45	\$105.21	\$119.55	\$110.56	\$117.44
	<b>Total Allocated Expenditures</b>	<b>\$3,084.41</b>	<b>\$6,764.34</b>	<b>\$17,682.05</b>	<b>\$13,311.34</b>	<b>\$14,906.78</b>	<b>\$14,316.21</b>
	<b>Total Expenditures</b>	<b>\$7,723.59</b>	<b>\$16,748.56</b>	<b>\$33,100.98</b>	<b>\$22,636.57</b>	<b>\$24,614.72</b>	<b>\$16,528.78</b>
	<b>Board Fee Revenue</b>	<b>\$44,502.25</b>	<b>\$80,165.28</b>	<b>\$86,108.69</b>	<b>\$75,256.25</b>	<b>\$61,225.91</b>	<b>\$46,737.60</b>
	<b>Projected Current Year Net</b>		<b>\$63,416.72</b>	<b>\$53,007.61</b>	<b>\$52,621.68</b>	<b>\$36,611.19</b>	<b>\$30,208.82</b>
	<b>Projected Cumulative Carryover</b>		<b>\$191,780.03</b>	<b>\$128,363.31</b>	<b>\$75,355.70</b>	<b>\$22,734.02</b>	<b>(\$13,877.17)</b>



**Division of Health Related Boards  
Administrative Policies and Procedures**

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**Subject:** Application Processing Benchmarks

**File No:** 106.04

**Approved by:** \_\_\_\_\_  
Rosemarie Otto, Director

**Effective Date:** May 31, 2013

**PURPOSE:** To establish fair benchmarks that measures the timeliness of application processing (both initial and renewal) by board administrative staff and, consistency in reviewing and retaining reports relative thereto.

**POLICY:** It is the policy that staff effectiveness in achieving benchmarks be reviewed on a semi-annual basis. A report shall be prepared by the Director of Health Related Boards and transmitted to the Assistant Commissioner for the Division of Health Licensure and Regulation. Said report shall be retained in the Office of the Director for Health Related Boards for ten (10) years.

**PROCEDURES:**

A. **Frequency of Report:** Each Unit director shall request that a semi-annual report be prepared twice a year (January 1 through June 30 and July 1 through December 31) the purpose of which is to evaluate the effectiveness of board staff in achieving the benchmarks for application processing set forth below.

B. **Timeliness of Report:** The report must be requested not more than thirty (30) days following the conclusion of the reporting period above.

C. **Content of Report:** Each Unit director must review the report and identify those applications whose processing times exceed the established benchmarks and provide an explanation for application processing times in excess of established benchmarks. The Unit director may utilize administrators for the purpose of preparing a report to the Director of Health Related Boards relative to those applications exceeding established benchmarks.

D. **Reporting Time Frames.** For the *period January 1 through June 30*, the report must be available to the Director of Health Related Boards on or before August 15 and transmitted to the Assistant Commissioner for the Division of Health Licensure and Regulation on or before August 31. For the *period July 1 through December 31*, the report must be available to the Director of Health Related Boards on or before February 15 and transmitted to the Assistant Commissioner for the Division of Health Related Boards on or before February 28.

E. **Form of Reports:** Computer-generated reports will be prepared for initial and renewal applications. The first report will be prepared by the director of health related boards or his/her designee and contain the profession number and name, the duration of time the application was pending, the number of initial applications over the benchmark and the total number of application approved during the reporting period. The second report, prepared by directors and/or managers, will be in the form of an excel spreadsheet containing the license number, type of application, and a hand-generated note stating the reason for not meeting the established benchmark, when applicable.

F. **Transmittal and Retention of Reports:** The Director for Health Related Boards is responsible for receiving the individual reports and providing an electronic copy to the Assistant Commissioner for the Division of Health Licensure and Regulation. An electronic copy must be maintained in the Office of the Director of Health Related Boards for at least ten (10) year following the reporting period.

**BENCHMARKS:**

A. **One Hundred Day Benchmark:** Except for the boards specifically identified below, all initial applications must be processed within one hundred (100) days from the date the application is date stamped as received in the administrative office until the license is issued.

**B. Exceptions:**

1. **Board of Veterinary Examiners.** There is established a benchmark for processing initial applications for licensure for veterinarians of not to exceed three hundred and sixty-five (365) days.

2. **Board of Examiners for Nursing Home Administrators.** There is established a benchmark for processing initial applications for licensure of nursing home administrators of not to exceed seven hundred thirty (730) days.

3. **Medical Laboratory Board.** There is established a benchmark for processing **personnel** application of not to exceed two hundred (200) days.

4. **Board of Social Worker Licensure.** There is established a benchmark for processing initial applications for licensure of social workers of not to exceed five hundred fifty (550) days.

5. **Board of Podiatric Medical Examiners.** There is established a benchmark for processing initial applications for licensure of podiatrists of not to exceed five hundred fifty (550) days.

6. **Board of Alcohol and Drug Abuse Counselors.** There is established a benchmark for processing initial applications for licensure of alcohol and drug abuse counselors of not to exceed five hundred fifty (550) days.

7. **Board of Examiners in Psychology.** There is established a benchmark for processing initial applications for licensure of psychologists of not to exceed three hundred sixty-five (365) days.

8. **Board of Communication Disorders and Sciences' Council for Licensing Hearing Instrument Specialists.** There is established a benchmark for processing initial applications for licensure of hearing instruments specialists of not to exceed seven hundred thirty (730) days.

9. **Board of Dispensing Opticians.** There is established a benchmark for processing initial applications for licensure of dispensing opticians of not to exceed three hundred sixty five (365) days.

10. **Board of Pharmacy.** There is established a benchmark for processing initial applications for licensure of pharmacists of not to exceed one hundred twenty (120) days.

11. **Polysomnography Professional Standards Committee.** There is established a benchmark for processing initial applications for licensure of Polysomnography technologists of not to exceed four hundred fifty-five (455) days.

12. **Genetic Counselors.** There is established a benchmark for processing initial applications for licensure of Polysomnography technologists of not to exceed four hundred fifty-five (455) days.

13. **Board of Nursing.** There is established a benchmark for processing initial applications for licensure by **examination** of registered and practical nurses of not to exceed one thousand twenty-five (1025)days in order to comply with Rule 1000-01-.01(3)(f)2 and 1000-02-.01(3)(f)2 which allow an applicant failing NCLEX three years to qualify by re-examination.

14. **Medical Laboratory Board.** There is established a benchmark for processing Medical Laboratory Facility application of not to exceed two hundred (200) days.

C. **Fourteen Day Benchmark:** Except for the boards specifically identified below, all renewal applications must be processed within fourteen (14) days from the date the renewal application is date stamped as received in the administrative office until the license is renewed.

**D. Exceptions:**

1. **Veterinary Facilities.** There is established a benchmark for processing of renewal applications for veterinary facilities of not to exceed 90 days.

2. **Certified Animal Control Agencies.** There is established a benchmark for processing of renewal applications for certified animal control agencies of not to exceed 90 days.

3. **Certified Professional Midwifery.** There is established a benchmark for processing of renewal applications for certified professional midwives of not to exceed 50 days.



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

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**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.

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**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:

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\_\_\_\_\_  
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

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**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. Being employed by or serving as an officer in an educational, professional, religious, charitable, or civic organization does not constitute 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 matter involving a party if the board member serves as a director, advisor, lobbyist, or other active participant in the affairs of such party.
- E. . It is a conflict of interest for a board member to vote in a matter involving a party in which the board member, or the board member's immediate family members, holds a financial interest.
- F. . 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.
- G. . 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.

H. . 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:

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date