

Sunset Public Hearing Questions for  
**BOARD OF PHYSICAL THERAPY EXAMINERS**  
Created by Section §63-13-318, *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 Physical Therapy is responsible for safeguarding the health, safety, and welfare of Tennesseans by requiring that all who practice physical therapy within the state be qualified to practice. The Board interprets the laws, rules, and regulations to determine the appropriate standards in an effort to ensure the highest degree of professional conduct. The Board is 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 physical therapist and physical therapy assistant applicants who meet the requirements of the law and rules, renewing licenses and collecting fees. Licensees are responsible for renewing their license on time and keeping the Board apprised of current information.**

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 63-13-318, *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. Have any members been removed from the board under the provisions of Section 63-13-318(j), *Tennessee Code Annotated*?

**The Board of Physical Therapy consists of five (5) members appointed by the Governor. Three (3) members of the board must be licensed physical therapists who have had at least five (5) years experience in the actual practice or teaching of physical therapy immediately preceding their appointment. One (1) member of the board must be a licensed physical therapy assistant who has had at least five (5) years experience in the actual practice or teaching in a physical therapy assistant curriculum immediately preceding the appointment. The Tennessee Physical Therapy Association may supply a list to the Governor of a least three (3) nominees for each appointment or vacancy to be filled. One (1) member must be a consumer who is not a physical therapist and is not commercially or professionally associated with the health care industry.**

**No member has been removed from the board under the provisions of Section 63-13-318 (j).**

<b>Board Member Name</b>	<b>60+ Years</b>		<b>Non-Minority</b>	<b>Male</b>	<b>Female</b>	<b>Grand Division</b>
Brigina T. Wilkerson, PT Knoxville, TN Knox County		African American			X	East
Brandon K. Hollis, PT Lexington, TN Henderson County			Caucasian	X		West
Lisa K. Fortner, PTA McKenzie, TN Carroll County	X		Caucasian		X	West
Michael L. Voight, PT, PhD Nashville, TN Davidson County			Caucasian	X		Middle
Minty R. Ballard, CITIZEN Brentwood, TN Williamson County	X	African American			X	Middle
<b>TOTALS</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	

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 \$100.00 per day plus travel expenses with adjusted mileage rates, hotel reimbursement, and meals.**

**Physical Therapy Per Diem and Travel Reimbursement**

	<b>2011</b>	<b>2012</b>
<b>Per Diem</b>	<b>\$1700.00</b>	<b>\$1400.00</b>
<b>Mileage</b>	<b>1525.82</b>	<b>1065.02</b>
<b>Hotel</b>	<b>259.93</b>	<b>779.28</b>
<b>Meals</b>	<b>429.00</b>	<b>363.75</b>
<b>Total</b>	<b>\$3914.75</b>	<b>\$3608.05</b>

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

**The Board of Physical Therapy met four times in both FY2011 and FY2012.**

<b>FY2011</b>	<b>Members Present</b>	<b>FY2012</b>	<b>Members Present</b>
<b>8/20/10</b>	<b>5</b>	<b>8/12/11</b>	<b>5</b>

11/19/10	3	11/18/11	4
2/11/11	4	2/17/12	3
5/6/11	4	5/11/12	4

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 15<sup>th</sup> 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 minutes book kept by the administrative office. After approval by the Board, minutes are published on the Board’s 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 that for this particular board a signed copy of a conflict of interest form is on file. 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. Has the board promulgated rules? If so, please cite the reference.

**FY2011—Rule 1150-01-.01, .02, .04, .08, and .12 effective date November 17, 2010**

**FY2012—Rule 1150-01-.06 effective date March 26, 2012**

9. Please distinguish between occupational therapists and physical therapists. How are they similar and how do they differ?

**Occupational therapy practice means the therapeutic use of everyday life activities (occupations) for the purpose of enabling individuals or groups to participate in roles and situations in home, school, workplace, community and other settings. Occupational therapy addresses the physical, cognitive, psychosocial and sensory aspects of performance in a variety of contexts to support engagement in occupations that affect health, well-being and quality of life. Occupational therapy services are provided for the purpose of promoting health and wellness to those clients who have, or are at risk of developing, illness, injury, disease, disorder, impairment, disability, activity limitation or participation restriction and may include: (1) Training in the use of prosthetic devices; (2) Assessment, design, development, fabrication, adaptation, application, fitting and training in the use of assistive technology and adaptive and selective orthotic devices; (3) Application of physical agent modalities with proper training and certification; (4) Assessment and application of ergonomic principles; (5) Adaptation or modification of environments (home, work, school or community) and use of a range of therapeutic procedures (such as wound care management, techniques to enhance sensory, perceptual and cognitive processing, and manual therapy techniques) to enhance performance skills, occupational performance or the promotion of health and wellness.**

**Physical therapy practice means (1) examining, evaluating and testing individuals with mechanical physiological and developmental impairments, functional limitations, and disability or other health and movement-related conditions in order to determine a physical therapy treatment diagnosis, prognosis, a plan of therapeutic intervention, and to assess the ongoing effect of intervention; and (2) alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include, but are not limited to: therapeutic exercise; functional training; manual therapy; therapeutic massage; assistive and adaptive orthotic, prosthetic, protective and supportive equipment; airway clearance techniques; debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities including patient-related instruction and electrophysiologic studies (motor and sensory nerve conduction, and somatosensory evoked potentials).**

10. How many physical therapists are there in the state? Are they all under the authority of the board? If not, what types of practitioners are not and should they be included under the board's authority?

**There are 4715 physical therapists and 3046 physical therapist assistants in the State of Tennessee. All practitioners of physical therapy are under the board's authority.**

11. How many new licenses in each of the license categories and how many renewals has the board issued during fiscal years 2011 and 2012? How does the board ensure that licensees meet all licensure requirements?

	FY2011		FY2012	
	PT	PTA	PT	PTA
<b>New Licenses</b>	<b>694</b>	<b>652</b>	<b>297</b>	<b>489</b>
<b>Renewals</b>	<b>2443</b>	<b>1076</b>	<b>1744</b>	<b>1135</b>

**Each applicant must submit detailed documentation to the Board as per the statutes and rules adopted by the Board. The administrative staff reviews this documentation; and if all is in order, issues a temporary authorization to work letter or presents the applicant's file to the Board for review before a license is issued. The Board must ratify all permanent licenses.**

**The Board ensures that licenses continue to meet licensure requirements through the biennial renewal process. Licensees must complete continuing education in accordance with thirty (30) hours for PTs and twenty (20) hours for PTAs pursuant to Rules 1150-1-.12 3 (a) and (b). At the time of renewal, each licensee must also disclose any circumstance that would impact his/her ability to practice physical therapy in the State of Tennessee. Failure to meet any of these requirements would subject the licensee to discipline pursuant to Rule 1150-1-.15. In addition, the Board relies on the complaint process to identify and address violations of applicable standards.**

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

**The Board issued by reciprocity 450 licenses in FY2011 and 176 licenses in FY2012. All applicants applying by reciprocity must meet the same requirements as does an individual applying for initial licensure with the addition that a verification of licensure must be sent from each state from which the applicant has ever held a license.**

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

**None**

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

**The Board suspended three (3) licenses in FY2011; two (2) for failure to maintain sufficient continuing competency credits and one (1) for practicing while impaired. It suspended two (2) licenses in FY2012; one (1) for failure to maintain sufficient continuing competency credits and one (1) Tennessee Student Assistance Corporation (TSAC) suspension for failure to pay student loan.**

15. How many complaints or accusations did the board investigate during fiscal years 2011 and 2012? What kinds of complaints and accusations were received? How many resulted in some form of remedial action being taken by the board?

**The Board received twenty-seven (27) complaints in FY2011 and thirty-six (36) complaints in FY2012. Nineteen (19) of which resulted in board remedial action.**

16. 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 receives all complaints against any health professional licensed by the 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 guidelines 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. 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.**

17. 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.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.**

18. 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 contested case heard and reviewed by the Board in FY2011 and none in FY2012. The case resulted in no formal disciplinary action but an Advisory Censure issued by the Board.**

19. 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?

**Complaints are received from various sources, i.e. the general public, insurance companies, hospitals and other health care facilities, health professionals and the news media.**

20. Has the board imposed civil penalties under authority of Section 63-13-313(8), *Tennessee Code Annotated*? If so, what penalties have been assessed and what is the total amount of such penalties?

**The board has assessed civil penalties for failure to maintain continuing competency credits, and continuing to practice on a lapsed license for \$5,150.00 for FY2011 and \$7,960.00 for FY2012.**

21. Has the board approved a peer assistance program for impaired licensees as anticipated in Section 63-13-316, *Tennessee Code Annotated*? How many practitioners have been identified

during fiscal years 2011 and 2012 who were candidates for the program? How many entered the program? How many successfully completed the program?

**The Board has a contract with the Tennessee Professional Assistance Program (TnPAP) to administer a peer assistance program for licensees at a cost of \$8,500.00 per fiscal year.**

	FY2011	FY2012
<b>How many referred to program</b>	<b>6</b>	<b>9</b>
<b>Referred; evaluated; no monitoring agreement recommended</b>	<b>1</b>	<b>2</b>
<b>How many signed monitoring agreement</b>	<b>1</b>	<b>7</b>
<b>How many monitored 6/30</b>	<b>2</b>	<b>7</b>
<b>How many completed program</b>	<b>1</b>	<b>2</b>

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

**None**

23. 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 physical therapy within this state be qualified. To dissolve the Board could lead to unqualified persons performing these activities.**

24. 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.**

*If the board does receive federal assistance, please answer questions 26 through 33. If the board does not receive federal assistance, proceed directly to question 32.*

25. Does your board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
26. 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.
27. 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.
28. Describe your board's actions to ensure that board staff and clients/program participants understand the requirements of Title VI.

29. 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.
30. 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).
31. Please provide a breakdown of current board staff by title, ethnicity, and gender.
32. 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 Board has a contract with the Tennessee Professional Assistance Program (TnPAP) to administer a peer assistance program for licensees at a cost of \$8,500.00 per fiscal year.**

**The Board also has a contract with the Federation of State Boards of Physical Therapy (FSBPT) to administer the national exam. Although it is a no cost contract, the Board does pay \$2,500.00 annually for dues.**

**Tennessee Board of Physical Therapy Examiners**  
**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	\$19,630.49	\$39,260.98	\$30,035.53	\$41,803.97	\$48,907.66	\$70,916.30
70102	Longevity	\$0.00	\$0.00	\$600.00	\$2,072.02	\$2,216.66	\$0.00
70104	Overtime	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
702	Employee Benefits	\$10,216.59	\$20,433.18	\$13,830.73	\$18,623.38	\$18,262.65	\$27,002.88
<b>Payroll Expenditures (701-702)</b>							
		\$29,847.08	\$59,694.16	\$44,466.26	\$62,499.37	\$69,386.97	\$97,919.18
703	Travel	\$3,041.87	\$4,100.00	\$3,525.72	\$1,995.01	\$2,527.37	\$7,486.36
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	\$3,218.65	\$7,200.00	\$7,214.99	\$8,639.83	\$9,166.94	\$7,814.48
707	Maintenance & Repairs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
708	Prof. Svc. & Dues	\$4,024.31	\$5,600.00	\$5,938.47	\$8,596.36	\$14,955.26	\$8,626.60
709	Supplies & Materials	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$91.00
710	Rentals & Insurance	\$0.00	\$0.00	\$0.00	\$0.00	\$5,400.00	\$5,400.00
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	\$2,345.19	\$8,500.00	\$8,151.63	\$7,774.91	\$2,575.96	\$9,011.00
714	Unclassified	\$0.00	\$0.00	\$0.00	\$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	\$3,700.00	\$5,806.32	\$3,934.98	\$3,203.00	\$0.00
725	State Prof. Svcs.	\$11,961.81	\$23,923.62	\$19,360.32	\$22,369.84	\$7,014.32	\$4,228.20
<b>Total Other Expenditures (703-725)</b>							
		\$24,591.83	\$53,023.62	\$49,997.45	\$53,810.93	\$44,847.85	\$42,657.64
<b>Total Direct Expenditures</b>		\$54,438.91	\$112,717.78	\$94,463.71	\$116,310.30	\$114,234.82	\$140,576.82
<b>Allocated Expenditures</b>							
	Administration	\$25,545.83	\$92,300.00	\$110,150.01	\$96,868.20	\$77,203.00	\$84,971.49
	Investigations	\$5,701.37	\$12,500.00	\$12,021.32	\$18,513.31	\$13,830.60	\$5,830.79
	Legal	\$7,168.29	\$15,500.00	\$13,422.13	\$11,048.36	\$37,006.97	\$24,268.58
	Cash Office	\$3,469.92	\$6,939.84	\$6,463.75	\$6,838.20	\$5,873.56	\$5,897.67
<b>Total Allocated Expenditures</b>							
		\$41,885.41	\$127,239.84	\$142,057.22	\$133,268.07	\$133,914.13	\$120,968.53
<b>Total Expenditures</b>		\$96,324.32	\$239,957.62	\$236,520.93	\$249,578.37	\$248,148.95	\$261,545.35
<b>Board Fee Revenue</b>							
		\$349,800.00	\$213,890.23	\$217,462.58	\$159,710.26	\$159,710.26	\$198,549.53
<b>Projected Current Year Net</b>							
		\$109,842.38	(\$22,630.70)	(\$64,133.48)	(\$32,115.79)	(\$88,438.69)	(\$62,995.82)
<b>Projected Cumulative Carryover</b>							
		\$45,708.90	\$45,708.90	(\$64,133.48)	(\$41,502.78)	(\$9,386.99)	\$79,051.70



# 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; 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:

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\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date