

**RULES
OF
THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS**

**CHAPTER 0780-05-11
GENERAL PROVISIONS**

TABLE OF CONTENTS

0780-05-11-.01	Assessment of Investigatory and Hearing Costs	0780-05-11-.03	Military Training Equivalent Credit for Occupational Licensure
0780-05-11-.02	Fee Waiver for Low Income Persons		

0780-05-11-.01 ASSESSMENT OF INVESTIGATORY AND HEARING COSTS.

- (1) The Division of Regulatory Boards (“Division”) or any board, commission or agency attached thereto is authorized to assess the actual and reasonable costs of the investigation, prosecution and hearing of any disciplinary action held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in Tenn. Code Ann. Title 4, Chapter 5, Part 3 in which sanctions of any kind are imposed on any person or entity required to be licensed, permitted, registered or otherwise authorized by the Division or any board, commission or agency attached thereto.
- (2) When the Division or any board, commission or agency attached thereto, in any final order requires the “payment of costs,” the requirement may include payment of any or all of the following:
 - (a) All costs attributed to and assessed against the Division, board, commission or agency by the Division’s, board’s, agency’s or commission’s investigations section in connection with the investigation and prosecution of the matter, including all investigator time, travel and lodging incurred during the investigation and prosecution of the matter. Costs for travel and lodging shall be assessed in accordance with the State of Tennessee Comprehensive Travel Regulations promulgated by the Department of Finance and Administration. Investigator time shall be assessed in accordance with the hourly rate per investigator and based on the formula used to calculate the same from the most recent fiscal year.
 - (b) All costs assessed against the Division, board, commission or agency for the use of the Division facilities and personnel for prosecution of the matter.
 - (c) All costs assessed against the Division, board, commission or agency for the appearance fees, transcripts, time, travel and lodging of administrative law judges, court reporters and witnesses required in the prosecution of the matter. Costs for travel and lodging shall be assessed in accordance with the State of Tennessee Comprehensive Travel Regulations promulgated by the Department of Finance and Administration.
- (3) As soon as practicable after the conclusion of the disciplinary matter, the Division, board, commission or agency shall enter a final order. If the Division, board, commission or agency has ordered the assessment of costs, the Division, board, commission or agency shall incorporate an itemized account of the assessment in the final order. The person or entity disciplined shall pay all costs assessed pursuant to this rule within thirty (30) days after the effective date of the Division’s, board’s, commission’s or agency’s final order.

(Rule 0780-05-11-.01, continued)

- (4) If the person or entity disciplined has not paid the costs assessed within thirty (30) days, the Division, board, commission or agency may apply to the chancery court of Davidson County for a judgment to recover such costs.

Authority: T.C.A. § 56-1-311. **Administrative History:** Original rule filed October 25, 2004; effective January 8, 2005.

0780-05-11-.02 FEE WAIVER FOR LOW INCOME PERSONS.

- (1) This rule is applicable to any state board, agency, or commission attached to the Division of Regulatory Boards, as listed in T.C.A. § 4-3-1304(a). This rule shall be effective ninety (90) days from filing with the office of the Secretary of State.
- (2) As used in this rule, unless context otherwise requires:
 - (a) The terms “licensing,” “licensing authority,” “licensure fee,” “low-income persons,” and “state agency” shall have the same meanings as set out in T.C.A. § 62-76-105.
 - (b) “Assistance agency” means any state or federal agency empowered to administer a state or federal public assistance program that forms the basis for a request for a waiver under this rule and T.C.A. § 62-76-105.
 - (c) “Commissioner” means the Commissioner of the Tennessee Department of Commerce and Insurance or the Commissioner’s designee.
 - (d) “Department” means the Tennessee Department of Commerce and Insurance.
 - (e) “Qualifying program” means temporary assistance for needy families (TANF), Medicaid, supplemental nutrition assistance program (SNAP), or any other similar state or federal public assistance program determined by the Commissioner to be issued based on substantially similar income guidelines as one or more of those programs.
- (3) A request for a waiver of an initial licensure fee pursuant to T.C.A. § 62-76-105 shall be made in writing on a form prescribed by the Commissioner at the time of the initial application. The waiver request shall include:
 - (a) The full name, address, and phone number of the applicant requesting the waiver;
 - (b) The most recent document issued by the applicable assistance agency showing that the applicant requesting the waiver is enrolled in a qualifying program at the time that the waiver request is submitted to the Department. The Commissioner may request additional documentation to reasonably determine the applicant’s eligibility for the waiver;
 - (c) A statement that the applicant acknowledges that the Department may contact any assistance agency to verify the applicant’s enrollment in a qualifying program and that the Department is authorized to do so;
 - (d) A certification, under penalty of perjury, that the information contained in the request for the fee waiver is true and accurate to the best of the applicant’s knowledge. This certification shall not be required to be notarized;
 - (e) If the basis for the fee waiver request is any program other than temporary assistance for needy families (TANF), Medicaid, or supplemental nutrition assistance program (SNAP), a written explanation of the nature of the program that the applicant claims entitles them to a waiver of fees under these rules, a copy of the income guidelines for

(Rule 0780-05-11-.02, continued)

enrollment in the program issued by the assistance agency, and any other documentation that the applicant wishes to provide regarding the program having substantially similar income guidelines as one or more of TANF, Medicaid, or SNAP. A determination as to whether or not a program constitutes a substantially similar qualifying program shall be in the sole discretion of the Commissioner; and

- (f) Such other information as the Commissioner may reasonably request.
- (4) The initial licensure fee for a business entity (including, but not necessarily limited to, a Limited Liability Company, Limited Liability Partnership, or Corporation) or for a general partnership shall be waived if the person that is requesting and is entitled to the fee waiver under this rule owns the majority (more than half) of the business entity or general partnership. The ownership interest of two (2) or more persons may be combined to meet this threshold so long as the applicants comprising the majority ownership provide sufficient documentation for a fee waiver under this rule.

Authority: T.C.A. §§ 56-1-302(a)(5) and 62-76-105. **Administrative History:** Original rule filed August 5, 2019; effective November 3, 2019.

0780-05-11-.03 MILITARY TRAINING EQUIVALENT CREDIT FOR OCCUPATIONAL LICENSURE.

- (1) This rule is applicable to any state board, agency, or commission attached to the Division of Regulatory Boards, as listed in T.C.A. § 4-3-1304(a). As used in this rule:
 - (a) The terms “honorably discharged veteran,” “licensing authority,” and “member of the armed forces,” shall have the same meaning as set out in T.C.A. § 62-76-106.
 - (b) “Commissioner” means the Commissioner of the Tennessee Department of Commerce and Insurance or the Commissioner’s designee.
- (2) A request for equivalent credit towards requirements for licensure based upon training received while serving in the armed forces pursuant to T.C.A. § 62-76-106 shall be made in writing on a form prescribed by the Commissioner at the time of the initial application. The request shall include:
 - (a) The full name, address, and phone number of the applicant requesting equivalency;
 - (b) A certificate as evidence of training from the United States Department of Defense or United States Department of Veterans Affairs which states the course name of training conducted and length of or credit given for such training. An acceptable certificate of training includes but is not necessarily limited to any certificate accepted by the United States Department of Veterans Affairs to establish military service found at https://www.cem.va.gov/hmm/discharge_documents.asp. A licensing authority may request additional documentation or information to reasonably determine the applicant’s eligibility for the equivalent credit;
 - (c) A statement that the applicant acknowledges that the Department may contact any agency to verify the applicant’s military service and training certificate;
 - (d) A certification, under penalty of perjury, that the information contained in the request for equivalent training is true and accurate to the best of the applicant’s knowledge. This certification shall not be required to be notarized; and
 - (e) Such other information as the licensing agency may reasonably request.

(Rule 0780-05-11-.03, continued)

- (3) Upon receipt of a certificate of training, a licensing authority must determine whether such training is sufficient for equivalency, and the amount of credit to be awarded to the applicant, utilizing the following factors:
 - (a) Whether the applicant qualifies as a member of the armed forces or who is an honorably discharged veteran.
 - (b) Whether the training was conducted while the applicant was a member of the armed forces.
 - (c) Whether the certificate or documents submitted indicate the training provided equivalent hours or measure of time equivalent to the licensing authority's requirement for licensure.
 - (d) Whether the certificate or documents submitted indicate the training provided equivalent outcomes or objectives for licensure.
 - (e) Any other factor which the licensing authority determines is required to establish an equivalency between the training and licensure requirement.
- (4) Upon determining if some or all the training is equivalent and how much credit will be awarded to the applicant, the licensing authority shall notify the applicant of its determination.
- (5) Any appeal pursuant to T.C.A. § 62-76-106 by a person aggrieved by a decision of a licensing authority concerning the eligibility or whether the training meets the requirements for licensure must submit notice of the appeal to the licensing authority in the same manner as the initial licensure documents and in the form prescribed pursuant to Tenn. Comp. R. & Regs. 1360-04-01-.07. Review of the appeal will be conducted by the Commissioner or Commissioner's designee and must be conducted in the same manner as provided in T.C.A. § 4-5-322. Pursuant to T.C.A. § 4-5-322(b)(1)(A)(iv), requests for appeal shall be filed within sixty (60) days after the entry of the licensing determination under paragraph (5) of this rule.

Authority: T.C.A. § 62-76-106. **Administrative History:** New rule filed July 26, 2022; effective October 24, 2022.