

**RULES
OF
TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION**

**CHAPTER 1175-02
CONTINUING PROFESSIONAL EDUCATION**

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1175-02-.01 DEFINITIONS.

- (1) As used in this chapter:
- (a) "Commission" shall mean the "Tennessee Private Investigation and Polygraph Commission".
 - (b) "License" shall mean a Tennessee Private Investigator license issued in accordance with *Tenn. Code Ann. §62-26-201 et seq.*
 - (c) "Licensee" shall mean a private investigator licensed in accordance with *Tenn. Code Ann. §62-26-201 et seq.*

Authority: *T.C.A. §§ 62-26-202, 62-26-225(c), and 62-26-303. Administrative History: Original rule filed August 12, 1994; effective October 26, 1994. Amendment filed September 19, 2003; effective December 3, 2003.*

1175-02-.02 PURPOSE.

The Private Investigators Licensing and Regulatory Act, as amended, requires each licensed private investigator to receive twelve (12) hours of continuing professional education during each two (2) year period prior to renewal as a prerequisite for keeping the license valid. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future licensees; to establish standards by which continuing education will be evaluated for the awarding of credit; and to ensure compliance with the Act.

Authority: *T.C.A. § 62-26-225(a) and (c) and 62-26-603 Administrative History: Original rule filed August 12, 1994; effective October 26, 1994. Amendment filed September 12, 2006; effective November 26, 2006.*

1175-02-.03 QUALIFYING PROGRAMS.

- (1) In order to qualify for credit toward satisfaction of the continuing professional education requirements of *Tenn. Code Ann. §62-26-225*, the continuing education program must be a formal program of learning which contributes directly to the professional competence of the licensee.
- (2) Formal programs requiring attendance may only be considered if:
- (a) an outline is prepared and preserved,
 - (b) the unit program is at least one (1) hour (1 credit hour = 50 minutes) in length,

(Rule 1175-02-.03, continued)

- (c) the program is conducted by a qualified instructor, discussion leader or lecturer, and
 - (d) a record of registration and attendance is maintained and certified by the signatures of an authorized representative of the organization sponsoring the program.
- (3) Subject to compliance with paragraphs 1 and 2 of this rule, the following are deemed to be qualifying programs:
- (a) University or college courses, provided that:
 - 1. successful completion of a semester or quarter length course will satisfy the continuing professional education requirement for the year in which it is taken, and
 - 2. the courses are relevant to the investigative industry;
 - (b) Programs of investigative associations and organizations recognized by the Commission; and
 - (c) Programs of other organizations and associations recognized by the Commission (i.e., legal, certified fraud examiners, polygraph license holders and other professional organizations, etc.).
- (4) Formal correspondence and other individual study programs which require registration and provide evidence of satisfactory completion may qualify for continuing education credit in an amount to be determined by the Commission.
- (5) Continuing education credit will be allowed for service as an instructor, discussion leader or speaker at any program for which participants are eligible to receive continuing education credit. Credit for such service shall be allowed on the first presentation only, unless the program has been substantially revised. One (1) hour of instruction will equal one (1) hour of CPE.
- (6) Any program of continuing education not specifically mentioned by this rule may be submitted to the Commission for evaluation and approval.
- (7) The Commission specifically reserves the right to approve or disapprove credit for continuing education claimed under this rule.
- (8) No carryover of hours from renewal period to the next renewal period is permitted.

Authority: T.C.A. § 62-26-225(c) and 62-26-303. **Administrative History:** Original rule filed August 12, 1994; effective October 26, 1994. Amendment filed September 19, 2003; effective December 3, 2003. Amendment filed September 12, 2006; effective November 26, 2006.

1175-02-.04 SPONSORS.

- (1) The Sponsor of any continuing education program must seek approval of such program by registering with the Commission in the prescribed form at least 30 days prior to the program being offered for continuing professional education credit. Such form shall include certification that the program sponsored will conform to the provisions of this chapter.
- (2) The sponsor of each continuing education program shall keep detailed records, including:

(Rule 1175-02-.04, continued)

- (a) The date and location of the program presentation;
 - (b) the names of each instructor and their qualifications in resume format;
 - (c) a list of licensees attending each program presentation, and
 - (d) a written outline of the program agenda.
- (3) The records required by paragraph 2 of this rule shall be maintained for a period of five (5) years following the date of each program presentation.
 - (4) The sponsor of any continuing education program approved by the Commission may advise attendees of such approval and the number of continuing hours allowed.

Authority: T.C.A. § 62-26-225(c). **Administrative History:** Original rule filed August 12, 1994; effective October 26, 1994.

1175-02-.05 WITHDRAWAL OF PROGRAM APPROVAL.

- (1) Approval of any program may be withdrawn by the Commission if:
 - (a) The establishment or conduct of a program violates, or fails to meet the requirements of, the provisions of this chapter or other applicable law;
 - (b) The information contained in the application for approval is materially inaccurate or misleading;
 - (c) The sponsor, an instructor, or any representative of the sponsor disseminates false or misleading information concerning any program;
 - (d) The performance of the instructor is so deficient as to impair significantly the value of the program; provided, however, that the instructor shall receive adequate notice of the discovered deficiency and the opportunity to demonstrate satisfactory correction thereof.

Authority: T.C.A. § 62-26-225(c). **Administrative History:** Original rule filed August 12, 1994; effective October 26, 1994.

1175-02-.06 CONTROL AND REPORTING SYSTEM.

- (1) Each sponsor shall submit, within fifteen (15) days of the completion of their program, to the Commission, in approved form, a list of the names of each licensee in attendance, their respective license numbers and the number of hours each attended.
- (2) It shall be the responsibility of each licensee to provide his name and license number to the sponsor at the time of registration for any Commission-approved continuing professional education program. If the licensee fails to provide his license number to the sponsor, he may not receive credit for the program from the Commission.
- (3) If any continuing professional education credit hours claimed in a statement, report or certification submitted by a sponsor is disapproved, the Commission shall notify the sponsor of the reason for disapproval and may allow a specified time for correction or explanation of the deficiency(ies). If a licensee has made the submission, the licensee shall be notified and given a specified time to explain or correct the deficiency(ies).

(Rule 1175-02-.06, continued)

Authority: T.C.A. § 62-26-225(c). **Administrative History:** Original rule filed August 12, 1994; effective October 26, 1994.

1175-02-.07 EXTENSION OF TIME.

- (1) The Commission may, upon written request, extend the time within which a licensee must comply with the requirements of this chapter for reasons of poor health, military service, or other reasonable and just causes.
- (2) Any licensee who requests and is granted an extension of time under this rule shall remain subject to the provisions of this chapter and shall note such extension on any report or correspondence thereafter submitted until such time as the extension and reason for it are no longer pertinent.
- (3) Each extension of time granted by the Commission shall be reviewed every six (6) months for the purpose of determining whether good cause exists to continue such extension.

Authority: T.C.A. § 62-26-225(c). **Administrative History:** Original rule filed August 12, 1994; effective October 26, 1994.

1175-02-.08 FAILURE TO COMPLETE REQUIRED CONTINUING PROFESSIONAL EDUCATION.

If the required continuing professional education is not completed on or prior to the expiration date of the license, a late fee will be assessed. If the required continuing education is not completed within thirty (30) days of the license expiration date, the renewal application will not be accepted or approved. If a late fee is assessed, no license will be approved until such late fee is paid in full.

Authority: T.C.A. §§ 62-26-205, 62-26-208, 62-26-211, 62-26-217, 62-26-225, and 62-26-303. **Administrative History:** Original rule filed August 12, 1994; effective October 26, 1994. Amendment filed February 8, 2012; effective May 8, 2012.

1175-02-.09 REACTIVATION OF RETIRED LICENSES.

A private investigator who wishes to reactivate a retired license pursuant to Tenn. Code Ann. §62-26-204(e)(2) must first complete the continuing professional education requirements set forth in Tenn. Code Ann. §62-26-225 for the renewal period in which the retiree wishes to reactivate.

Authority: T.C.A. §§ 62-26-204 and 62-26-303. **Administrative History:** Original rule filed June 9, 2003; effective August 23, 2003. Amendment filed September 19, 2003; effective December 3, 2003. Amendment filed September 12, 2006; effective November 26, 2006.