

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
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**For Department of State Use Only**

Sequence Number: 01-13-19  
 Rule ID(s): 8161  
 File Date: 1/8/19  
 Effective Date: 4/8/19

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Department of Human Services
<b>Division:</b>	Community and Social Services
<b>Contact Person:</b>	Jude White, Assistant Commissioner, Community and Social Services
<b>Address:</b>	One Citizen's Plaza Bldg., 8 <sup>th</sup> Floor, 400 Deaderick St., Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	(615)837-5092
<b>Email:</b>	<a href="mailto:Jude.White@tn.gov">Jude.White@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1240-04-12	Registration of Family Day Care Homes
Rule Number	Rule Title
1240-04-12-.01	Scope and Purpose
1240-04-12-.02	Definitions
1240-04-12-.03	Responsibilities of Department
1240-04-12-.04	Sponsoring Organization's Authority
1240-04-12-.05	Standards for Registered Family Day Care Providers

Chapter 1240-04-12  
Registration of Family Day Care Homes

Repeal

Chapter 1240-04-12 Registration of Family Day Care Homes is repealed in its entirety, and the title is amended by deleting the previous title of the chapter and substituting instead the word "Repealed."

Authority: T.C.A. 4-5-201 et seq.; 71-3-501 et seq.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of Human Services on October 31, 2018, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: October 31, 2018

Signature: *Cherrell Campbell-Street*

Name of Officer: Cherrell Campbell-Street

Title of Officer: Deputy, Programs and Services

Subscribed and sworn to before me on: October 31, 2018

Notary Public Signature: *Jacqueline Griffin*

My commission expires on: \_\_\_\_\_



Agency/Board/Commission: Department of Human Services

Rule Chapter Number(s): 1240-04-12

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

*Herbert H. Slattery III*  
Herbert H. Slattery III  
Attorney General and Reporter

12/19/2018

Date

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Filed with the Department of State on: 1/9/19

Effective on: 4/9/19

*Tre Hargett*

Tre Hargett  
Secretary of State

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## **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule will have no impact on small businesses.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule deletes the voluntary registration of family daycare homes as this rule is no longer utilized.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

N/A

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

N/A

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

N/A

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rebekah Baker, Deputy General Counsel, Department of Human Services

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rebekah Baker, Deputy General Counsel, Department of Human Services

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Rebekah Baker, Deputy General Counsel, Department of Human Services, 400 Deaderick Street, Nashville, TN 37243, (615) 350-4153, Rebekah.A.Baker@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

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**For Department of State Use Only**

Sequence Number: 04-07-19  
Rule ID(s): N/A  
File Date: 4/3/19  
Effective Date: 4/3/19

## Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

<b>Agency/Board/Commission:</b>	Department of Human Services
<b>Division:</b>	Community and Social Services
<b>Contact Person:</b>	Doug Garrett
<b>Address:</b>	425 5 <sup>th</sup> Ave North, Suite 922, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	(615)741-9532
<b>Email:</b>	doug.garrett@capitol.tn.gov

**Type of Action on Rule:**

**Stay of Effective Date of Rules**

Rule Filing Date: 01/08/19  
Rule Original Effective Date: 04/08/19  
Length of Stay (not to exceed 75 days): 60 days  
New Effective Date of Rule Filing: 06/07/19

**Notice of Withdrawal of Stay**

Stay Filing Date: (mm/dd/yy)  
Stay Effective Date: (mm/dd/yy)  
New Effective Date of Rule Filing: (mm/dd/yy)

**Notice of Withdrawal of Rules**

Rule Filing Date: (mm/dd/yy)  
Rule Effective Date: (mm/dd/yy)

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

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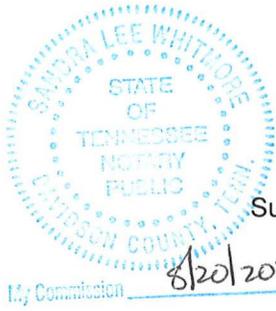
Date: 04/03/19

Signature: \_\_\_\_\_

*[Handwritten Signature]*

Name of Officer: Doug Garrett

Title of Officer: Legislative Attorney



Subscribed and sworn to before me on: April 3, 2019

Notary Public Signature: \_\_\_\_\_

*[Handwritten Signature: Sandra Lee Whitmore]*

My commission expires on: \_\_\_\_\_

8/20/2019

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Filed with the Department of State on: \_\_\_\_\_

4/3/19

*[Handwritten Signature: Tre Hargett]*

Tre Hargett  
Secretary of State

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