

Rulemaking Hearing Rules

Board of Osteopathic Examination  
Council of Certified Professional Midwifery

Chapter 1050-05  
General Rules Governing Certified Professional Midwives

Amendments

Rule 1050-05-.09 Certification Renewal, is amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

- (2) Prior to the due date for renewal, certificate holders will have a renewal application form mailed to them at the last address provided by them to the Council. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal. To be eligible for renewal a certificate holder must submit to the Division of Health Related Boards on or before the certificate holder's expiration date the following:
- (a) A completed and signed renewal application form.
  - (b) The renewal and state regulatory fees as provided in Rule 1050-05-.06.
  - (c) Attestation of compliance with NARM continuing education requirements so that current NARM certification in good standing is maintained.
  - (d) Attestation of maintaining current CPR certification, as provided in rule 1050-05-.05.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-29-109, 63-29-112, and 63-29-116.

Rule 1050-05-.12 Continuing Education, is amended by deleting paragraphs (2) and (3) in their entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, and 63-29-109, 63-29-116.

Rule 1050-05-.19 Council Officers, Consultants, Records, Declaratory Orders, and Screening Panels, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) The Council authorizes the member who chaired the Council for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-29-114, and 63-29-116.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the day of 9th day of August, 2007, and will become effective on the 23rd day of October, 2007. (FS 08-09-07; DBID 2652)

## Economic Impact Statement

- (1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

The Council does not believe that the proposed rules will directly affect small business. Also, the Council does not believe that the proposed rules will cost anything for small businesses.

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

As of December 31, 2006, Tennessee had thirty-two (32) certified professional midwives who were eligible for certification renewal.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance.

- (4) Statement of the probable effect on impacted small businesses and consumers:

The amendments propose to eliminate language regarding certificate renewals being processed via the Internet. This has never been put into place because the Council's statutes made it prohibitive. The amendments also propose to revise language that only effect disciplined certificate holders, and not small businesses.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

The Council does not believe there are less burdensome alternatives.

- (6) Comparison of the proposed rule with any federal or state counterparts:

Federal            The Council is not aware of any federal counterparts.

State                The Council's statutes are the only health-related profession's statutes that require documents to be sent along with certificate renewal applications, thereby prohibiting Internet renewals.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Council's licensees. If there were to be an exemption, the proposed rule amendments would have no actual effect.