

Department of State
Division of Publications
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 Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 08-16-23
 Rule ID(s): 9917
 File Date: 8/22/2023
 Effective Date: 11/20/2023

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

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).

Agency/Board/Commission:	Board of Examiners for Nursing Home Administrators
Division:	
Contact Person:	Timothy Peters, Senior Associate Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Timothy.Peters@tn.gov

Revision Type (check all that apply):

☒ Amendment ☐ Content based on previous emergency rule filed on _____
☐ New ☐ Content is identical to the emergency rule
☐ 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 Please make sure that ALL new rule and repealed rule numbers are listed in the chart below.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
1020-01	General Rules Governing Nursing Home Administrators
Rule Number	Rule Title
1020-01-.02	Fees

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1020-01
General Rules Governing Nursing Home Administrators

Amendments

Rule 1020-01-.02 Fees is amended by deleting subparagraphs (1)(a) and (1)(b) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (1) (a) Application Fee. A nonrefundable fee to be paid each time an application for licensure is filed. \$150.00
- (b) License Renewal Fee. A biennial nonrefundable fee to be paid by all licensees. \$60.00

Authority: T.C.A. §§ 9-4-5117, 63-1-106, 63-1-107, 63-1-118, 63-16-103 through 63-16-105, 63-16-106, 63-16-107, and 63-16-109.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nyda Bays				X	
Carl Hudgens	X				
David Keeling	X				
Victor Legner, MD	X				
Randy Reynolds	X				
Bethany Rhoten, MSN, PhD	X				
Lakecia Thomas	X				
Vacant					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Examiners for Nursing Home Administrators on 03/06/2023, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/28/2022

Rulemaking Hearing(s) Conducted on: (add more dates). 03/06/2023

Date: 7/21/23

Signature: 

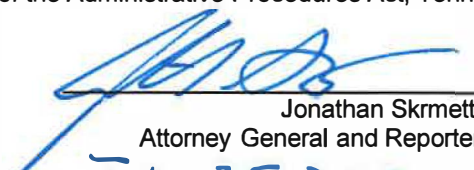
Name of Officer: Timothy Peters

Title of Officer: Senior Associate Counsel, Department of Health

Agency/Board/Commission: Board of Examiners for Nursing Home Administrators

Rule Chapter Number(s): 1020-01

All rulemaking hearing 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.


Jonathan Skrametti
Attorney General and Reporter
July 25, 2023
Date

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Aug 22 2023, 12:40 pm

Secretary of State
Division of Publications

Filed with the Department of State on: 8/22/2023

Effective on: 11/20/2023


Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments heard, either written or oral.

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.

(1) **The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.**

The proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, or local government rules.

(2) **Clarity, conciseness, and lack of ambiguity in the rule or rules.**

The proposed rule amendments exhibit clarity, conciseness, and lack of ambiguity.

(3) **The establishment of flexible compliance and/or reporting requirements for small businesses.**

The proposed rule amendments do not impose new compliance or reporting requirements on any entity and to the extent that they change requirements, the burden on small businesses is lessened.

(4) **The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.**

The proposed rule amendments do not establish new schedules or deadlines for compliance and/or reporting requirements for any entity including small businesses.

(5) **The consolidation or simplification of compliance or reporting requirements for small businesses.**

The rule amendments do not change, consolidate, or simplify compliance or reporting requirements for small businesses, they simply lower the monetary amounts of already existing fee requirements.

(6) **The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.**

The standards required in the amendments do not necessitate the establishment of performance, design, or operational standards.

(7) **The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.**

There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation. In fact, the rules decrease costs which could stimulate entrepreneurial activity.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rule should not have a financial 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 brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The purpose of this rule is to reduce the initial application and renewal fees charged by the Board of Nursing Home Administrators. The Board desires to reduce its cumulative carryover balance through a fee change. A decrease in application and renewal fees for administrators will cause the Board to reach a more appropriate monetary balance, while reducing the financial burden on applicants and licensed nursing home administrators.

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;

T.C.A. § 63-16-103 provides the Board the authority to promulgate rules to obtain a license as a nursing home administrator.

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;

Tennessee nursing home administrator applicants and Tennessee licensed nursing home administrators.

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;

None.

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;

There is an expected decrease in revenue after the fees are reduced, but such a decrease is expected to reduce the Board's cumulative carryover balance to a more appropriate monetary balance. Also, the fee reductions will keep the Board self-sufficient, while maintaining reasonable fees for applicants and licensed nursing home administrators.

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

Timothy Peters, Senior Associate Counsel, Department of Health.

Identification of the appropriate agency representative or representatives who will explain the rule at scheduled meeting of the committees;

Timothy Peters, Senior Associate Counsel, Department of Health.

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

Department of Health, Office of General Counsel, 665 Mainstream Drive, 2nd Floor, Nashville, TN 37243, 615-741-1611, Timothy.Peters@tn.gov

Any additional information relevant to the rule proposed for continuation that the committee requests;

None.

1020-01-.02 FEES

(1) The fees authorized by the Practice Act (T.C.A. §§ 63-16-101, et seq.) and other applicable statutes, to be established by the Board are as follows:

- | | | |
|-----|---|--|
| (a) | Application Fee. A nonrefundable fee to be paid each time an application for licensure is filed. | \$ 150.00 300.00 |
| (b) | License Renewal Fee. A biennial nonrefundable fee to be paid by all licensees. | \$ 60.00 150.00 |
| (c) | Temporary Licensure Fee. A nonrefundable fee to be paid upon application for temporary licensure. | \$50.00 |
| (d) | State Regulatory Fee. A non-refundable fee to be paid upon licensure and biennially for renewal of licensure. | \$10.00 |
| (e) | Late Renewal Fee. A non-refundable fee to be paid to reinstate an expired license. | \$200.00 |
| (f) | Duplicate License Fee. A nonrefundable fee to be paid to obtain a duplicate license. | \$50.00 |
| (g) | Certificate of Fitness Fee. A nonrefundable fee to be paid to obtain a certificate of fitness. | \$50.00 |
| (h) | Jurisprudence Examination Fee. A nonrefundable fee to be paid each time a person takes the Board's jurisprudence examination. | \$150.00 |

(2) Fees may be paid in the following manner:

- (a) All fees paid by money order, certified, personal, or corporate check must be submitted to the Board's Administrative Office and made payable to the Board of Examiners for Nursing Home Administrators.
- (b) Fees may be paid by Division-approved credit cards or other Division-approved electronic methods.

Authority: T.C.A. §§ ~~9-4-5117~~~~4-3-1011~~, ~~4-5-202~~, ~~4-5-203~~, ~~4-5-204~~, 63-1-106, 63-1-107, 63-1-118, 63-16-103 through 63-16-105, 63-16-106, 63-16-107, and 63-16-109.

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Sequence Number: 11-06-23
Rule ID(s): N/A
File Date: 11/8/2023
Effective Date: 11/8/2023

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

Agency/Board/Commission:	Board of Examiners for Nursing Home Administrators
Division:	
Contact Person:	Matthew Gibbs, Deputy General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Matthew.Gibbs@tn.gov

Type of Action on Rule:

☐ **Stay of Effective Date of Rules**

Rule Filing Date: _____

Rule Original Effective Date: _____

Length of Stay (not to exceed 75 days): _____

New Effective Date of Rule Filing: _____

☐ **Notice of Withdrawal of Stay**

Stay Filing Date: _____

Stay Effective Date: _____

New Effective Date of Rule Filing: _____

☒ **Notice of Withdrawal of Rules**


Rule Filing Date: 08/22/2023

Rule Effective Date: 11/20/2023

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.)

Chapter Number	Chapter Title
1020-01	General Rules Governing Nursing Home Administrators
Rule Number	Rule Title
1020-01-.02	Fees

Date: November 8, 2023

Signature: 

Name of Officer: Matthew Gibbs

Title of Officer: Deputy General Counsel, Department of Health

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Filed with the Department of State on: 11/8/2023



Tre Hargett
Secretary of State

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Nov 08 2023, 12:34 pm

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