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Sequence Number: 01-30-25
Notice ID(s): 3980
File Date: 1/30/2025

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Health
Division:	Board of Respiratory Care
Contact Person:	Ashley Fine, Senior Associate Counsel Holt Whitt, Assistant Commissioner for Legislative Affairs
Address:	665 Mainstream Drive, 2nd Floor, Nashville, TN 37243 710 James Robertson Parkway, Nashville, TN 37243
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone:	(615) 253-5604
Email:	Kelly.Swindell@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Conference Room
City:	Nashville
Zip:	37243
Hearing Date:	05/08/2025
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> X CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

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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 Please make sure that ALL new rule and repealed rule numbers are listed in the chart below.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
1330-01	General Rules and Regulations Governing Respiratory Care Practitioners
Rule Number	Rule Title
1330-01-.07	Application Review, Approval, and Denial

Chapter 1330-01
General Rules and Regulations Governing Respiratory Care Practitioners

Amendments

Rule 1330-01-.07 Application Review, Approval, and Denial is amended by deleting paragraph (3) in its entirety, including its subparagraphs, and substituting instead the following language, so that as amended, the new paragraph shall read:

- (3) If an application is incomplete when received in the Board office, a deficiency notification will be sent to the applicant notifying him of the deficiency. This notification shall request specified additional material necessary to complete the application. The requested information must be received in the Board office on or before the sixtieth (60th) day after receipt of the notification. If the requested information is not timely received, the application file shall be deemed abandoned and closed and the applicant notified. No further action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees.

Authority: T.C.A. §§ 63-1-142, 63-27-104, 63-27-105, and 63-27-116.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 01/29/2025

Signature: *Ashley L. Fine*

Name of Officer: Ashley Fine

Title of Officer: Senior Associate Counsel, Department of Health

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Filed with the Department of State on: 1/30/2025

Tre Hargett
Tre Hargett
Secretary of State

RECEIVED

Jan 30 2025, 9:50 am

Secretary of State
Division of Publications

**RULES
OF
THE TENNESSEE BOARD OF RESPIRATORY CARE
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 1330-01
GENERAL RULES AND REGULATIONS GOVERNING
RESPIRATORY CARE PRACTITIONERS**

AMENDMENTS

1330-01-.07 APPLICATION REVIEW, APPROVAL, AND DENIAL.

- (1) Application files are not considered completed until all information, including fees, have been received by the Division. Preliminary review of all applications to determine whether or not the application file is complete may be delegated to the Board's Unit Director.
- (2) Completed applications may be approved by a Board member, by the Board consultant, or by the Board designee for a temporary authorization pursuant to T.C.A. §§ 63-1-142 and 63-27-116.
- (3) ~~If an application is incomplete when received in the Board office, a deficiency notification will be sent to the applicant notifying him of the deficiency. This notification shall request specified additional material necessary to complete the application. The requested information must be received in the Board office on or before the sixtieth (60th) day after receipt of the notification. If the requested information is not timely received, the application file shall be deemed abandoned and closed and the applicant notified. No further action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees. If an application is incomplete when received in the Board office, and all other reasonable efforts to correct any deficiency have failed, a deficiency letter will be sent by certified mail to the applicant notifying him of the deficiency. This letter shall request specified additional material necessary to complete the application. The requested information must be received in the Board office on or before the sixtieth (60th) day after receipt of the notification.~~
 - ~~(a) — Such notification shall be sent certified mail return receipt requested from the Board office.~~
 - ~~(b) — If the requested information is not timely received, the application file shall be deemed abandoned and closed and the applicant notified. No further action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees.~~
- (4) If a completed application has been denied by the Board the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent by the Board office by certified mail, return receipt requested. Specific reasons for denial will be stated, such as incomplete or unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or administrative authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). The notification shall inform the applicant of the procedure necessary to accomplish that action.

- (c) An applicant has a right to a contested case hearing only if the licensure denial is based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if licensure denial is based on an objective, clearly defined criteria only if, after review and attempted resolution by the Board's administrative staff, the licensure application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the Board within thirty (30) days of the receipt of the notice of denial from the Board.
- (5) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to rule 1330-01-.07(4).
- (6) Applications submitted for one type of license, temporary license or permit cannot be converted after filing to an application for another type of license, temporary license or permit. If an applicant desires to convert, a new application with supporting documents and appropriate fees must be submitted.
- (7) The issuance or renewal of licensure to applicants who otherwise may be entitled to full licensure or renewal, may be withheld, denied, conditioned or restricted in any manner the Board deems necessary to protect the public in any of the following circumstances:
- (a) When any applicant's application indicates a problem in the areas of mental, physical, moral or educational criteria for licensure or renewal which the Board determines may create a potential threat to the public health, safety or welfare.
 - (b) When any applicant has violated any provision of T.C.A. §§ 63-27-101, et seq., or rules promulgated pursuant thereto.
 - (c) When any applicant fails to fully and timely comply with all licensure application and renewal requirements.

| Authority: T.C.A. §§ ~~4-5-202, 4-5-204, 4-5-301~~, 63-1-142, 63-27-104, 63-27-105, ~~63-27-109, 63-27-112~~, and 63-27-116.