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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:	Board of Dietitians/Nutritionist Examiners
Division:	
Contact Person:	Ashley L. Fine, Senior Associate Counsel Holt Whitt, Assistant Commissioner for Legislative Affairs
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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, TN 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, Poplar Conference Room		
City:	Nashville		
Zip:	37243		
Hearing Date:	09/11/2025		
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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
0470-01	General Rules and Regulations
Rule Number	Rule Title
0470-01-.01	Definitions
0470-01-.02	Scope of Practice
0470-01-.03	Necessity of Licensure
0470-01-.04	Qualifications for Licensure
0470-01-.05	Procedures for Licensure
0470-01-.06	Fees
0470-01-.07	Application Review, Approval, and Denial
0470-01-.08	Examinations
0470-01-.09	Renewal of License
0470-01-.10	Supervision
0470-01-.11	Retirement and Reactivation of License
0470-01-.13	Professional Ethics
0470-01-.14	Advertising
0470-01-.15	Disciplinary Actions, Civil Penalties, Informal Settlements, Assessment of Costs, and Subpoenas
0470-01-.16	Replacement License
0470-01-.17	Change of Address and/Or Name
0470-01-.18	Mandatory Release of Client Records
0470-01-.19	Board Meetings, Officers, Consultants, Records, Declaratory Orders, and Screening Panels
0470-01-.20	Consumer Right-To-Know Requirements

Chapter 0470-01
General Rules and Regulations

Amendments

Rule 0470-01-.01 Definitions is amended by deleting paragraphs (1), (5), (9), (17), (22), (23), (24), and (28) in their entirety and renumbering the remaining paragraphs accordingly, and is further amended by deleting newly renumbered paragraphs (2), (3), (5), (6), (8), (11), and (15) in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraphs and rule authority shall read:

- (2) Academy of Nutrition and Dietetics ("AND") – A national organization of food and nutrition professionals, formerly known as the American Dietetic Association (ADA), which accredits educational and pre-professional training programs in dietetics. Any reference in this Rule to the Academy of Nutrition and Dietetics shall also include any successor name/organization.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (5) Board administrative office - The office of the administrator assigned to the Board located at 665 Mainstream Drive, Nashville, TN 37243.
- (6) Board Designee - Any person who has received a delegation of authority from the Board to perform board functions subject to review and ratification by the full Board where provided by these rules.
- (8) Commission - The Commission on Dietetic Registration of the Academy of Nutrition and Dietetics. This agency evaluates credentials, administers proficiency examinations, and issues certificates of registration to qualifying dietitians, and is a member of the National Commission on Health Certifying Agencies.
- (11) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the Board receives administrative support.
- (15) Licensed Dietitian/Nutritionist - Any person who has met the qualifications for licensure and holds a current or unrevoked license which has been lawfully issued by the Board.

Authority: T.C.A. §§ 63-25-103, 63-25-104, and 63-25-107.

Rule 0470-01-.02 Scope of Practice is amended by deleting the rule in its entirety, including the rule authority, but not the rule title, and substituting instead the following language, so that as amended, the new rule and rule authority shall read:

0470-01-.02 Scope of Practice. The scope of practice for a Dietitian/Nutritionist is defined in T.C.A. § 63-25-103(3).

Authority: T.C.A. § 63-25-107.

Rule 0470-01-.03 Necessity of Licensure is amended by deleting paragraph (2) and paragraph (3), including its subparagraphs and parts, in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraphs and rule authority shall read:

- (2) Dietitian/Nutritionist is one of the healing arts and as such the practice of which is restricted to those persons credentialed by the Board. Persons engaging in the practice of dietetics/nutrition without being credentialed or expressly exempted by the law are in violation of T.C.A. § 63-1-123.
- (3) Nothing in these rules shall be construed to constrict or limit the practice of those individuals set forth in T.C.A. § 63-25-104.

Authority: T.C.A. § 63-25-107.

Rule 0470-01-.04 Qualifications for Licensure is amended by deleting subparagraphs (1)(a), (1)(b), (1)(d), and paragraph (2), including its subparagraphs, in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraph, subparagraphs, parts, and rule authority shall read:

- (1) (a) Completion of education pursuant to T.C.A. § 63-29-108(2).
 - 1. Evidence verifying that an individual has already passed the Commission registration examination and holds current CDR certification is considered to be equivalent to completion of a “course of study approved by the Board.” Thus, an individual submitting verification of such is deemed to have met the education requirements set forth for licensure in T. C. A. § 63-25-108(2).
 - 2. The education requirement must be completed prior to the date of application.
- (b) Completion of a planned continuous pre-professional experience pursuant to T.C.A. § 63-25-108(3).
- (d) The applicant shall provide evidence that he is of good moral character (Rule 0470-01-.05).
- (2) Licensed Dietitian/Nutritionist by Reciprocity — In addition to the requirements in T.C.A. 63-25-109(a), a candidate for licensure by reciprocity must also provide evidence that he is of good moral character.

Authority: T.C.A. § 63-25-107.

Rule 0470-01-.05 Procedures for Licensure is amended by deleting paragraphs (1), (2), (3), (6), (8), (10), (11), and (15) in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraphs and rule authority shall read:

- (1) An application packet may be obtained and completed online or may be requested from the Board's administrative office.
- (2) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (3) Applications will be accepted throughout the year and files which are completed on or before the 30th day prior to a Board meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. All supporting documents must be received in the Board office within 60 days of date of receipt of a notice of deficiency or a request for additional information or the file will be closed and the applicant will have to reapply.
- (6) It is the applicant's responsibility to request that a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-25-108, be submitted directly from the school to the Board's administrative office. The institution granting the degree must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The educational requirements contained in these rules must be completed prior to the date of application for licensure.
- (8) An applicant shall submit verification of having passed the Commission's published examination or its successor examination(s) pursuant to rule 0470-01-.08.
- (10) An applicant shall cause the vendor identified in the Board's licensure application materials to send the result of a criminal background check to the Board's administrative office.
- (11) If an applicant holds or has ever held a certificate or license to practice as a dietitian/nutritionist in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing Board which indicates the applicant holds or held an active certificate or license and whether it is in good

standing presently or was at the time it became inactive.

- (15) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the Board's requirements.

Authority: T.C.A. §§ 63-25-107, 63-25-110, and 63-25-111.

Rule 0470-01-.06 Fees is amended by deleting subparagraphs (1)(b), (1)(d), and (1)(f) in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new subparagraphs and rule authority shall read:

- (1) (b) Endorsement/Verification - A fee paid whenever a licensee requests the Board endorse him to another state or whenever a request is made to verify a license.
- (d) License fee - A fee to be paid by all applicants who have been approved for licensure prior to the initial issuance of the license. (Not to be confused with any professional association registration fees.)
- (f) Renewal fee - A fee to be paid by all licensees at the time of license renewal. This fee also applies to individuals who reactivate a retired or lapsed license.

Authority: T.C.A. §§ 63-1-106, 63-1-118, 63-25-107, and 63-25-111.

Rule 0470-01-.07 Application Review, Approval, and Denial is amended by deleting paragraphs (1) and (2) in their entirety and renumbering the remaining paragraphs accordingly, and is further amended by adding new paragraphs (2) and paragraph (8) and renumbering the remaining paragraphs accordingly, and is further amended by deleting newly renumbered paragraphs (1), (3), (4), and only subparagraphs (4)(a) and (4)(d), and paragraphs (5), and (6) in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraphs, subparagraphs, and rule authority shall read:

- (1) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator, provided that final approval of all applications is made and ratified by the Board.
- (2) An applicant may be required to appear before the Board in certain situations, including but not limited to, the following:
- (a) When an applicant has any felony convictions; and
- (b) When an applicant has been convicted of a Class A misdemeanor(s) within five (5) years from the date of application.
- (3) If an application is incomplete when received in the Board's administrative office, a deficiency notice will be sent to the applicant notifying him of the deficiency. All supporting documentation must be received in the Board's administrative office within 60 days of receipt of notification of a deficiency or the application shall be deemed abandoned pursuant to Rule 0470-01-.07(8).
- (4) If a completed application has been denied and ratified as such 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's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial.
- (d) An applicant may be granted a contested case hearing if licensure denial is based on an objective, clearly defined criteria. If after review and attempted resolution by the Board's administrative staff, the licensure application can not 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 30 days of the receipt of the notice of denial from the Board.

- (5) The Board may at its discretion delay a decision on licensure for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and requested information shall be submitted within 60 days of the date of receipt of a request for additional information.
- (6) 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. This revocation will operate as a license denial. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from 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 0470-01-.07(3).
- (8) The Board has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, the public welfare demanding it.

Authority: T.C.A. § 63-25-107.

Rule 0470-01-.08 Examinations is amended by deleting the rule in its entirety, including the rule authority, but not the rule title, and substituting instead the following language, so that as amended, the new rule and rule authority shall read:

0470-01-.08 Examinations. In addition to having filed an application, individuals seeking licensure shall be required to pass an examination.

- (1) The Board adopts as its licensure examination for dietitian/nutritionists the Commission published examination or its successor examination(s).
- (2) Prior to submitting an application to the Board for consideration for licensure, the applicant must have taken and passed the adopted examination.
 - (a) Admission to, application for, and the fees required to sit for the examination are governed by and must be submitted directly to the testing agency.
 - (b) The applicant may receive additional information concerning the examination by contacting the Academy of Nutrition and Dietetics.
- (3) Passing scores on the Commission examination are determined by the testing agency. Successful completion of the examination as certified to the Board is adopted by the Board as constituting successful completion of the written section of the examination.
- (4) Evidence of passing the examination must be submitted to the Board in conjunction with the applicant's filing an application for licensure with this Board. Proof of successful completion shall be either a notarized copy of a current, valid card issued by the Commission or original certification submitted directly to the Board from the Commission.

Authority: T.C.A. §§ 63-25-107 and 63-25-108.

Rule 0470-01-.09 Renewal of License is amended by deleting the rule title, parts (1)(b)2, (1)(c)1, (1)(c)2, and subparagraphs (1)(d), (2)(b), and (2)(c) in their entirety and substituting instead the following language, and is further amended by adding new part (2)(a)1 and renumbering the remaining parts accordingly, and is further amended by deleting newly renumbered parts (2)(a)2 and (2)(a)3 in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new subparagraphs, parts, and rule authority shall read:

0470-01-.09 Renewal of License and Reinstatement.

- (1) (b) 2. Paper Renewals - For licensees who have not renewed their license or certificate online via the Internet, a renewal application form will be mailed to each licensee to the last address provided to the Board. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal, nor will it serve as a defense to practicing on a lapsed

license.

- (c)
 - 1. A completed renewal application; and
 - 2. The renewal fee and state regulatory fee as provided in Rule 0470-01-.06.
- (d) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed pursuant to T.C.A. § 63-1-107 and Rule 1200-10-01-.10.
- (2) (a)
 - 1. Submission of a completed reinstatement application;
 - 2. Payment of the reinstatement fee and state regulatory fee; and
 - 3. Payment of the late renewal fee provided in Rule 0470-01-.06.
- (b) Renewal and reinstatement issuance decisions pursuant to this rule may be made administratively or upon review by any Board member or the Board's designee.
- (c) Anyone submitting a renewal or reinstatement application or other documentation which is found to be untrue may be subjected to disciplinary action as provided in Rule 0470-01-.15.

Authority: T.C.A. §§ 63-1-107, 63-25-107, and 63-25-112.

Rule 0470-01-.10 Supervision is amended by deleting the rule in its entirety, including its rule authority, but not the rule title, and substituting instead the following language, so that as amended, the new rule and rule authority shall read:

0470-01-.10 Supervision. Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), aunts, uncles, grandparents, grandchildren, stepchildren, employees, or anyone sharing the same household, shall not be acceptable toward fulfilling licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Authority: T.C.A. §§ 63-25-107 and 63-25-108.

Rule 0470-01-.11 Retirement and Reactivation of License is amended by deleting the rule title, subparagraphs (2)(a), (2)(b), (3)(a), (3)(b), and paragraph (4) in their entirety and substituting instead the following language, and is further amended by adding new paragraph (5), and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new rule title, paragraph, subparagraphs, and rule authority shall read:

0470-01-.11 Retirement and Reinstatement of License.

- (2) (a) Obtain form, complete, and submit to the Board's administrative office an affidavit of retirement form.
- (b) Submit any documentation which may be required to the Board's administrative office.
- (3) (a) Submit a completed reinstatement application to the Board's administrative office.
- (b) Pay the licensure renewal fee and the state regulatory fees as provided in Rule 0470-01-.06. If retirement reinstatement is requested prior to the expiration of one year from the date of retirement, the Board will require payment of the late renewal fee and past due licensure renewal fees.
- (4) Licensure reinstatement applications shall be treated as licensure applications and review and decisions shall be governed by Rule 0470-01-.07.
- (5) Anyone submitting a reinstatement application or other documentation which is found to be false may be subject to disciplinary action as provided in Rule 0470-01-.15.

Authority: T.C.A. §§ 63-25-107, 63-25-111, 63-25-112, and 63-25-113.

Rule 0470-01-.13 Professional Ethics is amended by deleting subparagraph (1)(h) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (1) (h) A licensee shall have the responsibility of reporting alleged violations of Board law or rules to the Investigations section of Health Related Boards.

Authority: T.C.A. §§ 63-25-107 and 63-25-110.

Rule 0470-01-.14 Advertising is amended by deleting the authority for the rule in its entirety and substituting instead the following language, so that as amended, the new authority shall read:

Authority: T.C.A. §§ 63-1-145 and 63-25-107.

Rule 0470-01-.15 Disciplinary Actions, Civil Penalties, Informal Settlements, Assessment of Costs, and Subpoenas is amended by deleting paragraph (1), subparagraph (1)(f), parts (5)(b)1, (5)(b)2, (5)(b)3, (5)(d)1, (5)(d)2, paragraph (6), but not its subparagraphs, subparagraph (8)(a), part (8)(b)2, items (8)(c)1(ii)(II) and (8)(c)1(iii)(I), and subitems (8)(c)1(iv)(II)III, (8)(c)1(iv)(II)V, and (8)(c)1(iv)(III)I in their entirety and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraphs, subparagraphs, parts, items, subitems, and rule authority shall read:

- (1) Upon a finding by the Board that a Dietitian/Nutritionist has violated any provision of the T.C.A. §§ 63-25-101, et seq., or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense. Any formal disciplinary action imposed by the Board as listed in subparagraphs (1)(b) through (1)(g) of this rule will be reportable to the National Practitioner Databank (NPDB) and/or any other similar entity.
 - (f) Conditions - These include any action deemed appropriate by the Board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked certificate or license.
- (5) (b)
 - 1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Dietetics and Nutrition Practice Act, or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, a Type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a dietitian/nutritionist without a permit, license, certificate or other authorization from the Board.
 - 2. A Type B civil penalty may be imposed whenever the Board finds the person required to be certified or licensed by the Board is guilty of a violation of the Dietetics and Nutrition Practice Act or regulations promulgated pursuant thereto in such manner as to impact directly on the care of clients or the public.
 - 3. A Type C civil penalty may be imposed whenever the Board finds the person required to be certified or licensed by the Board is guilty of a violation of the Dietetics and Nutrition Practice Act or regulations promulgated pursuant thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.
- (d)
 - 1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty, and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 - 2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the Division.

- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to rule 0470-01-.19(7) under which a complaint against an individual may be closed without any disciplinary action. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (8) (a) Purpose - Although this rule applies to persons and entities other than dietitians, it is the Board's intent as to dietitians that they be free to comprehensively treat and document treatment of their patients without fear that the treatment or its documentation will be unduly subjected to scrutiny outside the profession. Consequently, balancing that intent against the interest of the public and patients to be protected against substandard care and activities requires that persons seeking to subpoena such information and/or materials must comply with the substance and procedures of these rules. It is the intent of the Board that the subpoena power outlined herein shall be strictly proscribed. Such power shall not be used by the Division or Board investigators to seek other incriminating evidence against dietitians when the Division or Board does not have a complaint or basis to pursue such an investigation. Thus, unless the Division or its investigators have previously considered, discovered, or otherwise received a complaint from either the public or a governmental entity, then no subpoena as contemplated herein shall issue.
- (b) 2. Presiding Officer - For investigative subpoenas shall mean any elected officer of the Board, or any duly appointed or elected chairperson of any panel of the Board.
- (c) 1. (ii) (II) A particular description of the material or documents sought, which must relate directly to an ongoing investigation or contested case, and shall, in the instance of documentary materials, be limited to the records of the patient or patients whose complaint, complaints, or records are being considered by the Division or Board. In no event shall such subpoena be broadly drafted to provide investigative access to medical records of other patients who are not referenced in a complaint received from an individual or governmental entity, or who have not otherwise sought relief, review, or Board consideration of a dietitian's conduct, act, or omission.
- (iii) (I) In as timely a manner as possible arrange for either an elected officer of the Board, or any duly appointed or elected chairperson of any panel of the Board, to preside and determine if issuing the subpoena should be recommended to the full Board; and
- (iv) (II) III. Hear and maintain the confidentiality, if any, of the evidence presented at the proceedings; and present to the full Board only that evidence necessary for an informed decision; and
- V. Determine based solely on the evidence presented in the proceedings whether probable cause exists and if so, make such recommendation to the full Board; and
- (III) I. By a vote of two thirds (2/3) of the Board members issue the subpoena for the person(s) or items specifically found to be relevant to the inquiry, or quash or modify an existing subpoena by a majority vote; and

Authority: T.C.A. §§ 4-5-217, 4-5-223, 4-5-311, 63-1-122, 63-1-144, 63-25-104, 63-25-107, and 63-25-110.

Rule 0470-01-.16 Replacement License is amended by deleting the rule in its entirety, including the rule authority, but not the rule title, and substituting instead the following language, so that as amended, the new rule and rule authority shall read:

A licensee whose "artistically designed" license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to Rule 0470-01-.06.

Authority: T.C.A. §§ 63-1-106 and 63-25-107.

Rule 0470-01-.17 Change of Address and/or Name is amended by deleting the rule in its entirety, including the rule authority, but not the rule title, and substituting instead the following language, so that as amended, the new rule and rule authority shall read:

- (1) Change of Address. Each person holding a license who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, and license number.
- (2) Change of Name. Any individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide the old name and the new name and must reference the individual's profession, board, social security number and license number.
- (3) Change of Email Address - Each person holding a license who has had a change of email address shall file in writing with the Board his current email address, such requests shall be received in the Board office no later than thirty (30) days after such change is effective and must reference the individual's name, profession, Board, social security and license numbers.
- (4) Requests submitted under this rule may be submitted to the Board's administrative office by mail or email or may be uploaded by the licensee to the licensee's online account.

Authority: T.C.A. §§ 63-1-106, 63-1-108, and 63-25-107.

Rule 0470-01-.18 Mandatory Release of Client Records is amended by deleting the rule in its entirety, including the rule authority, but not the rule title, and substituting instead the following language, so that as amended, the new rule and rule authority shall read:

- (1) Upon request from a client or the client's authorized representative, an individual registered with this Board shall provide a complete copy of the client's records or summary of such records which were maintained by the provider.
- (2) Requests for records shall be honored by the provider in a timely manner and be made available according to T.C.A. § 63-1-201.
- (3) The individual requesting the records shall be responsible for payment of the reasonable costs to the provider of copying and mailing of the records according to T.C.A. § 63-1-201.

Authority: T.C.A. §§ 63-2-101, 63-2-102, and 63-25-107.

Rule 0470-01-.19 Board Meetings, Officers, Consultants, Records, Declaratory Orders, and Screening Panels is amended by deleting subparagraphs (1)(a), (1)(b), (1)(c), (1)(d), (2)(b), paragraph (3), paragraph (4), only subparagraphs (4)(a), (4)(b), and subparagraphs (5)(a), (5)(b), and (5)(e) in their entirety, and substituting instead the following language, and is further amended by deleting the rule authority in its entirety and substituting instead the following language, so that as amended, the new paragraphs, subparagraphs, and rule authority shall read:

- (1)
 - (a) The time, place, and frequency of board meetings shall be at the discretion of the Board except at least one meeting shall be held annually.
 - (b) Special meetings are called at the discretion of the Board chair or at the request of two members of the Board.
 - (c) Three members of the Board shall at all times constitute a quorum.
 - (d) All meetings of the Board shall be open to the public.
- (2)
 - (b) Secretary - who along with the Board administrator shall be responsible for correspondence from the Board.
- (3) Board Conflict of Interests - Any Board member having an immediate personal, private, or financial interest in any matter pending before the Board shall disclose the fact in writing, and shall not vote upon such matter.

- (4) The Board has the authority to select a Board consultant who shall serve as a consultant to the Division and who is vested with the authority to do the following acts:
 - (a) Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Office of Investigations.
 - (b) Recommend whether and what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.
- (5)
 - (a) All requests, applications, notices, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action, except documents relating to disciplinary actions or hearing requests, must be received at least 14 days prior to a scheduled board meeting and will be retained in the Board's administrative office and presented to the Board at the board meeting. Such documentation not timely received shall be set over to the next board meeting.
 - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
 - (e) All complaints should be directed to the Office of Investigations of the Department.

Authority: T.C.A. §§ 63-1-138, 63-25-107, and 63-25-110.

Rule 0470-01-.20 Consumer Right-To-Know Requirements is amended by deleting the authority for the rule in its entirety and substituting instead the following language, so that as amended, the new authority shall read:

Authority: T.C.A. § 63-32-101, et. seq.

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: 07/21/2025

Signature: Ashley L. Fine

Name of Officer: Ashley L. Fine

Title of Officer: Senior Associate Counsel, Department of Health

Department of State Use Only

Filed with the Department of State on: 7/21/2025

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**RULES
OF
THE BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS**

**CHAPTER 0470-01
GENERAL RULES AND REGULATIONS**

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0470-01-.01 DEFINITIONS. As used in these rules, the following terms and acronyms shall have the following meanings ascribed to them:

~~(1) Accredited Facilities – Facilities accredited by the Joint Commission on Accreditation of Hospitals.~~

~~(1)(2)~~ Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory or other printed matter. Advertising also includes business solicitations communicated by individuals, radio, video, or television broadcasting or any other means designed to secure public attention.

~~(2)(3) American Dietetic Association – When the acronym A.D.A. appears in these rules it is intended to mean American Dietetic Association Academy of Nutrition and Dietetics (“AND”) – A national organization of food and nutrition professionals, formerly known as the American Dietetic Association (ADA), which accredits educational and pre-professional training programs in dietetics. Any reference in this Rule to the Academy of Nutrition and Dietetics shall also include any successor name/organization.~~

~~(3)(4)~~ Applicant - Any individual seeking licensure by the Bboard who has submitted an official application and paid the application fee.

~~(5) Association – The American Dietetic Association is the national professional association which accredits educational and preprofessional training programs in dietetics.~~

~~(4)(6)~~ Board - The Board of Dietitian/Nutritionist Examiners.

~~(5)(7)~~ Board administrative office - The office of the administrator assigned to the Bboard located at 665 Mainstream Drive, Nashville, TN 37243.

~~(6)(8)~~ Board Designee - Any person who has received a ~~written~~ delegation of authority from the Bboard to perform board functions subject to review and ratification by the full Bboard where provided by these rules.

~~(9) Certified Facilities, Agencies, or Organizations - Facilities, agencies, or organizations certified by federal agencies.~~

~~(7)(10)~~ Closed Files - An administrative action which renders an incomplete or denied file inactive.

~~(8)(11)~~ Commission - The Commission on Dietetic Registration of the Academy of Nutrition and Dietetics~~American Dietetic Association~~. This agency evaluates credentials, administers proficiency examinations, and issues certificates of registration to qualifying dietitians, and is a member of the National Commission on Health Certifying Agencies.

~~(9)(12)~~ Dietitian and Nutritionist - A licensed health care professional practicing dietetics/nutrition. "Dietitian" or "nutritionist" may be used interchangeably.

~~(10)(13)~~ Department - Tennessee Department of Health.

~~(11)(14)~~ Division - The Division of Health Related Boards, Tennessee Department of Health, from which the Board receives administrative support.

~~(12)(15)~~ Good Moral Character - The quality of being well regarded in personal behavior and professional ethics.

~~(13)(16)~~ He/she His/her - When "he" appears in the text of these rules, the word represents both the feminine and masculine genders.

~~(17) HRB - When the acronym HRB appears in these rules, HRB represents Health Related Boards.~~

~~(14)(18)~~ License - Document issued to an applicant who successfully completes the licensure process. The license takes the form of an "artistically designed" license as well as other versions bearing an expiration date.

~~(15)(19)~~ Licensed Dietitian/Nutritionist - Any person who has met the qualifications for licensure and holds a current, ~~unsuspended~~ or unrevoked license which has been lawfully issued by the Board.

~~(16)(20)~~ Non-medical - As referred to in T.C.A. § 63-25-104, means the dissemination of nontherapeutic information relating only to normal nutrition for healthy people.

~~(17)(21)~~ Person - Any individual, firm, corporation, partnership, organization, or body politic.

~~(22) Practice of Dietetics/Nutrition - The integration and application of scientific principles of food, nutrition, biochemistry, physiology, management and behavioral and social sciences in achieving and maintaining health through the life cycle and in the treatment of disease. Methods of practice include, but are not limited to, nutritional assessment, development, implementation and evaluation of nutrition care plans, nutritional counseling and education, and the development and administration of nutrition care standards and systems.~~

~~(23) Registrant - Any person who has been lawfully issued a license.~~

~~(24) Relative - Parent, spouse, former spouse, siblings, children, cousins, in-laws (present and former), aunts, uncles, grandparents, grandchildren, step-children, employees, or anyone sharing the same household.~~

~~(18)(25)~~ Registered Dietitian (R.D.) - A person who is currently registered by the Commission.

~~(19)(26)~~ Supervision - The ongoing, direct review, for the purpose of training or teaching, by an approved supervisor who monitors the performance of an individual. The supervisor provides regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.

~~(20)(27)~~ Use of title or description - To hold oneself out to the public as having a particular status by means of stating on, but not limited to signs, mailboxes, address plates, stationery, announcements, business cards, media or other instruments of professional identification.

~~(28) Written evidence - Includes, but is not limited to, verification from supervisors or other professional colleagues familiar with the applicant's work.~~

Authority: T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-25-103, 63-25-104, and 63-25-107.

0470-01-.02 SCOPE OF PRACTICE. The scope of practice for a Dietitian/Nutritionist is defined in T.C.A. § 63-25-103(3).

~~(1) Any person who possesses a valid unsuspended and unrevoked license has the right to use the title dietitian/ nutritionist, licensed dietitian, licensed nutritionist.~~

~~(2) No other person shall assume this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a licensed dietitian/nutritionist.~~

~~(3) The work performed includes offering dietetic and nutritional advice and services to the public.~~

Authority: T.C.A. §§ ~~4-5-202, 4-5-204, 63-25-102, 63-25-104, 63-25-105, and~~ 63-25-107.

0470-01-.03 NECESSITY OF LICENSURE.

(1) It is unlawful for any person who is not licensed in the manner prescribed in T.C.A. §§ 63-25-101, et seq., to represent himself as a dietitian or a nutritionist or to hold himself out to the public as being licensed by means of using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification or to use such titles as "dietitian/nutritionist", "licensed dietitian", "licensed nutritionist" or such letters as "L.D.N.", "L.D." or "L.N.".

(2) Dietitian/Nutritionist is one of the healing arts and as such the practice of which is restricted to those persons credentialed by the Board. Persons engaging in the practice of dietetics/nutrition without being credentialed or expressly exempted by the law are in violation of T.C.A. § 63-1-123.

(3) Nothing in these rules shall be construed to constrict or limit the practice of those individuals set forth in T.C.A. § 63-25-104.:

~~(a) The Medical Practice Act, Osteopathy Practice Act, Nursing Practice Act or other licensed health professionals who are currently authorized to practice nutrition in their scope of practice from engaging in the practice of dietetics/nutrition in accordance with their scope of practice of their professions.~~

~~(b) Students enrolled in an approved academic program in dietetics when such practice constitutes a part of a supervised course of study and such student is designated by a title clearly indicating his student or trainee status.~~

- ~~(c) Dietitians serving in the armed forces, U.S. public health service or employees of the Veterans Administration if such practice is related to such service or employment.~~
- ~~(d) Nutrition educators employed by a federal, state, county, or municipal agency or an elementary or secondary school or accredited degree-granting educational institution.~~
- ~~(e) Federal, state, county or local employees involved with nutrition-related programs within the discharge of their official duties.~~
- ~~(f) Persons employed in a hospital or nursing home and subject to licensure by the Tennessee Board for Licensing Health Care Facilities.~~
- ~~(g) Persons not holding themselves out to be licensed and/or registered dietitians/nutritionists of the right to provide services and information related to nonmedical nutrition if:~~
 - ~~1. Employed by or operating a health weight loss or fitness program;~~
 - ~~2. Employed by or operating a health food store;~~
 - ~~3. Employed by or operating a business that sells health products including dietary supplements, food or food materials or provides non-medical nutritional information or distributes nutritional literature;~~
 - ~~4. Conducting classes or disseminating information related to non-medical nutrition.~~

Authority: T.C.A. §§ ~~4-5-202, 4-5-204, 63-1-123, 63-25-102, 63-25-104, 63-25-105,~~ and 63-25-107.

0470-01-.04 QUALIFICATIONS FOR LICENSURE. Prior to submitting an application each of the following qualifications must be met by a candidate for dietitian/nutritionist licensure:

(1) Licensed Dietitian/Nutritionist by Examination

- (a) Completion of ~~education pursuant to T.C.A. § 63-29-108(2). a baccalaureate or post-baccalaureate program from a regionally accredited institution with a degree in human nutrition, food and nutrition, dietetics, or food systems management or an equivalent major course of study approved by the board. The education requirement must be completed prior to the date of application.~~
 - 1. Evidence verifying that an individual has already passed the Commission on Dietetic Registration's ("CDR") registration examination and holds current CDR certification is considered to be equivalent to completion of a "course of study approved by the Board." Thus, an individual submitting verification of such is deemed to have met the education requirements set forth for licensure in Tenn. Code Ann. § 63-25-108(2).
 - 2. The education requirement must be completed prior to the date of application.
- (b) Completion of a planned continuous pre-professional experience ~~pursuant to T.C.A. § 63-25-108(3). in nutrition practice of not less than nine hundred (900) hours under the supervision of a registered dietitian or successful completion of a program of supervised clinical experience as recognized by the Commission on Dietetic Registration of the American Dietetic Association.~~

- (c) Submission of evidence of passing the appropriate examination(s) pursuant to rule 0470-01-.08.
- (d) The applicant shall provide evidence that he is of good moral character (~~Rule~~ 0470-01-.05).
- (2) Licensed Dietitian/Nutritionist by Reciprocity. In addition to the requirements in T.C.A. 63-25-109(a), a candidate for licensure by reciprocity must also provide evidence that he is of good moral character.
 - ~~(a) The board may issue a license to any person who, at the time of application, holds a valid license issued by a board of dietitian/nutrition of any state; provided, in the board's opinion, the requirements for the licensure are substantially equivalent to Tennessee's pursuant to Rule 0470-01-.04(1).~~
 - ~~(b) The candidate must provide evidence that he is of good moral character.~~

Authority: T.C.A. §§ ~~4-5-202, 4-5-204, 63-25-107, 63-25-108, and 63-25-109.~~

0470-01-.05 PROCEDURES FOR LICENSURE. To become licensed as a dietitian/nutritionist in Tennessee, a person must comply with the following procedures and requirements:

- (1) An application packet may be obtained and completed online or may~~shall~~ be requested from the ~~B~~board's administrative office.
- (2) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the ~~B~~board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (3) Applications will be accepted throughout the year and files which are completed on or before the 30th day prior to a ~~B~~board meeting will ordinarily be processed at the next ~~B~~board meeting scheduled for the purpose of reviewing files. All supporting documents must be received in the ~~B~~board office within 60 days of date of receipt of a notice of deficiency or a request for additional information or the file will be closed and the applicant will have to reapply.
- (4) An applicant shall submit with his application the required application and state regulatory fee pursuant to Rule 0470-01-06.
- (5) An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. (The photograph must be signed by the applicant on the back.)
- (6) It is the applicant's responsibility to request that a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-25-108, be submitted directly from the school to the ~~B~~board's administrative office. The institution granting the degree must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The educational requirements contained in these rules must be completed prior to the date of application for licensure.
- (7) An applicant shall submit evidence of good moral character. Such evidence shall include at least one recent (within the preceding 12 months) original letter from a professional attesting to the applicant's personal character and professional ethics on the signator's letterhead.

- (8) An applicant shall submit verification of having passed the Commission's ~~on-Dietetic Registration of the American Dietetic Association's~~ published examination or its successor examination(s) pursuant to rule 0470-01-.08.
- (9) An applicant shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - (b) The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - (c) Loss or restriction of certification or licensure.
 - (d) Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
- (10) An applicant shall cause ~~to be submitted to the Board's administrative office directly from the~~ vendor identified in the Board's licensure application materials, to send the result of a criminal background check to the Board's administrative office.
- (11) If an applicant holds or has ever held a certificate or license to practice as a dietitian/nutritionist in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing ~~B~~board which indicates the applicant holds or held an active certificate or license and whether it is in good standing presently or was at the time it became inactive.
- (12) When necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source. Both versions must be submitted.
- (13) Personal resumes are not acceptable and will not be reviewed.
- (14) Application review and licensure decisions shall be governed by rule 0470-01-.07.
- (15) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the ~~B~~board's requirements.
- (16) The initial license fee must be received in the Board's administrative office on or before the 30th day from receipt of notification that the fee is due. Failure to comply will result in the application file being closed.
- (17) A license will be issued after all requirements, including payment of an initial license fee pursuant to rule 0470-01-.06, have been met.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204, 63-25-107, 63-25-108, 63-25-109,~~ 63-25-110, and 63-25-111.

0470-01-.06 FEES.

- (1) The fees are as follows:

- (a) Application fee - A fee to be paid by all applicants. It must be paid each time an application for licensure is filed.
 - (b) Endorsement/Verification - A fee paid whenever a licensee requests the ~~B~~board endorse him to another state or whenever a request is made to verify a license.
 - (c) Late Renewal fee - A nonrefundable fee to be paid when an individual fails to timely renew his license.
 - (d) License fee - A fee to be paid by all applicants who have been approved for licensure prior to the ~~initial~~ issuance ~~initial~~ of the license. (Not to be confused with any professional association registration fees.)
 - (e) Reinstatement fee - A fee to be paid each time an individual requests to reinstate his license.
 - (f) Renewal fee - A fee to be paid by all licensees at the ~~time of license renewal~~expiration of the license. This fee also applies to individuals who reactivate a retired or lapsed license.
 - (g) Replacement License Fee - A fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license.
 - (h) State Regulatory Fee - To be paid by all individuals at the time of application and with each renewal application.
 - (i) Temporary Permit Fee - A fee to be paid when an applicant requests a temporary permit pursuant to T.C.A. § 63-25-109.
- (2) All fees shall be established, reviewed, and changed by the board.
- (3) All fees must be submitted to the board administrative office by certified or personal check or money order. Checks or money orders are to be made payable to the Board of Dietitian/Nutritionist Examiners.

(4) Fee Schedule	Amount
(a) Application	\$ 75.00
(b) Endorsement/Verification	\$ 20.00
(c) Late Renewal	\$100.00
(d) License - Initial	\$ 55.00
(e) Reinstatement	\$ 90.00
(f) Renewal - Biennial	\$ 70.00
(g) Replacement License	\$ 25.00
(h) State Regulatory-Biennial	\$ 10.00
(i) Temporary Permit	\$ 5.00

- (5) All fees except the initial license fee will be nonrefundable. The initial license will be refunded if the license fee has been paid at the time of application and the individual's application is denied.

Authority: T.C.A. §§ ~~4-3-1011, 4-5-202, 4-5-204,~~ 63-1-106, 63-1-118, 63-25-107, and 63-25-109, 63-25-111, ~~63-25-112, and 63-25-113.~~

0470-01-.07 APPLICATION REVIEW, APPROVAL, AND DENIAL.

- ~~(1) An application packet shall be requested from the board's administrative office.~~
- ~~(2) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will be ordinarily processed at the next board meeting scheduled for the purpose of reviewing files.~~
- ~~(1)(3)~~ Initial review of all applications to determine whether or not the application file is complete may be delegated to the Bboard's administrator, provided that final approval of all applications is made and ratified by the Bboard.
- ~~(2)~~ An applicant may be required to appear before the Board in certain situations, including but not limited to, the following:
- ~~(a) When an applicant has any felony convictions; and~~
- ~~(b) When an applicant has been convicted of a Class A misdemeanor(s) within five (5) years from the date of application.~~
- ~~(3)(4)~~ If an application is incomplete when received in the Bboard's administrative office, a deficiency notice~~letter~~ will be sent to the applicant notifying him of the deficiency. All supporting documentation must be received in the Bboard's administrative office within 60 days of receipt of notification of a deficiency or the application shall be deemed abandoned pursuant to Rule 0470-01-.07(8).
- ~~(4)(5)~~ If a completed application has been denied and ratified as such by the Bboard, the action shall become final and the following shall occur:
- (a) A notification of the denial shall be sent by the Bboard's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule 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.) to contest the denial and the procedure necessary to accomplish that action.
- (c) An applicant has a right to a contested case hearing if the licensure denial was 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. If after review and attempted resolution by the Bboard's administrative staff, the licensure application can not 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 Bboard within 30 days of the receipt of the notice of denial from the Bboard.

(5)(6) The Bboard may at its discretion delay a decision on licensure for any applicant for whom the Bboard wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and requested information shall be submitted within 60 days of the date of receipt of a request for additional information.

(6)(7) If the Bboard finds it has erred in the issuance of a license, the Bboard will give written notice by certified mail of its intent to revoke the license. This revocation will operate as a license denial. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from 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 0470-01-.07(35).

(7)(8) Abandonment of Application

- (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within 60 days after receipt of notification of a deficiency or request for additional information.
- (b) The determination of abandonment must be ratified by the Board. Written notification will be mailed to the applicant notifying him that the file has been closed.
- (c) An individual who abandons an application must file a new application with the Board.

(8) The Board has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, the public welfare demanding it.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 4-5-301, and 63-25-107.

0470-01-.08 EXAMINATIONS. In addition to having filed an application, individuals seeking licensure shall be required to pass an examination.

- (1) The Bboard adopts as its written section of the licensure examination for dietitian/nutritionists the Commission on Dietetic Registration of the Academy of Nutrition and DieteticsAmerican Dietetic Association published examination or its successor examination(s).
- (2) Prior to submitting an application to the Bboard for consideration for licensure, the applicant must have taken and passed the adopted examination.
 - (a) Admission to, application for, and the fees required to sit for the examination are governed by and must be submitted directly to the testing agency.
 - (b) The applicant may receive additional information concerning the examination by contacting the writing to: Academy of Nutrition and Dietetics., 120 South Riverside Plaza, Suite 2190, Chicago, Illinois 60606.American Dietetic Association, 216 West Jackson Boulevard, Chicago, IL 60606
- (3) Passing scores on the Commission on Dietetic Registration of the Academy of Nutrition and DieteticsAmerican Dietetic Association examination are determined by the testing agency.

Successful completion of the examination as certified to the Board is adopted by the Board as constituting successful completion of the written section of the examination.

- (4) Evidence of passing the examination must be submitted to the Board in conjunction with the applicant's filing an application for licensure with this Board. Proof of successful completion shall be either a notarized copy of a current, valid card issued by the Commission or original certification submitted directly to the Board from the Commission.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-25-107, and 63-25-108.

0470-01-.09 RENEWAL OF LICENSE and Reinstatement.

(1) Renewal Application

- (a) The due date for certificate and license renewal is the last day of the month in which a licensee's birthdate falls pursuant to the Division of Health Related Board's biennial birthdate renewal system as contained as the expiration date on renewal certificates.
- (b) Methods of Renewal
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at: <https://apps.tn.gov/hlrs/>
 2. Paper Renewals - For licensees who have not renewed their license or certificate online via the Internet, a renewal application form will be mailed to each licensee to the last address provided to the Board. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal, nor will it serve as a defense to practicing on a lapsed license.
- (c) A license issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:
 1. A completed renewal application; and form.
 2. The renewal fee and sState regulatory fees as provided in Rule 0470-01-.06.
- (d) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed pursuant to T.C.A. § 63-1-107 and Rule 1200-10-01-.10.

(2) Reinstatement of an Expired License

- (a) Licenses that have expired may be reinstated upon meeting the following conditions:
 1. Submission of a completed reinstatement application; and
 - 2.4. Payment of the reinstatement fee and state regulatory fee all past due renewal fees; and
 - 3.2. Payment of the late renewal fee provided in Rule 0470-01-.06.

- (b) Renewal and reinstatement issuance decisions pursuant to this rule may be made administratively or upon review by any Bboard member or the Bboard's designee.
- (c) Anyone submitting a renewal or reinstatement application or other documentation which is found to be untrue may be subjected to disciplinary action as provided in Rule 0470-01-.15.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-1-107, 63-25-107, ~~63-25-109, 63-25-110, 63-25-111,~~ and 63-25-112, ~~and 63-25-113.~~ CF

0470-01-.10 SUPERVISION.

- ~~(1) Prior to applying for licensure, the individual must have completed a planned continuous pre-professional experience in nutrition practice of not less than 900 hours under the supervision of an R.D. or successfully completed a program of supervised clinical experience approved by the Commission.~~
- ~~(2)~~ Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), aunts, uncles, grandparents, grandchildren, stepchildren, employees, or anyone sharing the same household, shall not be acceptable toward fulfilling licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-25-107, and 63-25-108.

0470-01-.11 RETIREMENT AND REINSTATEMENTREACTIVATION OF LICENSE.

- (1) A person who holds a current license and does not intend to practice as a "licensed dietitian/nutritionist" may apply to convert an active license to retired status. An individual who holds a retired license will not be required to pay the renewal fee.
- (2) A person who holds an active license may apply for retired status in the following manner:
 - (a) Obtain form, complete, and submit to the Bboard's administrative office an affidavit of retirement form.
 - (b) Submit any documentation which may be required to the Bboard's administrative office.
- (3) Licensure holders whose license has been retired may reenter active status by doing the following:
 - (a) Submit a completed reinstatement application~~written request for licensure reactivation~~ to the Bboard's administrative office.
 - (b) Pay the licensure renewal fees and the sState regulatory fees as provided in Rule 0470-01-.06. If retirement ~~reinstatement~~reactivation is requested prior to the expiration of one year from the date of retirement, the Bboard will require payment of the late renewal fee and past due licensure renewal fees.
- (4) Licensure reinstatement~~reactivation~~ applications shall be treated as licensure applications and review and decisions shall be governed by Rule 0470-01-.07.

- (5) ~~Anyone submitting a reinstatement application or other documentation which is found to be untrue>false~~ may be subject to disciplinary action as provided in ~~Rule 0470-01-.15~~.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204, 63-24-112~~63-25-112, 63-25-107, 63-25-111, 63-25-112, and 63-25-113.

0470-01-.13 PROFESSIONAL ETHICS.

- (1) Professional representation and responsibilities.
 - (a) A licensee shall not misrepresent professional qualifications or credentials.
 - (b) A licensee shall not make any false or misleading claims about the efficacy of any dietetic services.
 - (c) A licensee shall not permit the use of his name for the purpose of certifying that dietetic services have been rendered unless that licensee has provided or supervised the provision of those services.
 - (d) A licensee shall not promote or endorse products in a manner that is false or misleading.
 - (e) The licensee must present adequate information and unbiased interpretations of controversial information to clients.
 - (f) A licensee shall maintain knowledge and skills required for professional competence.
 - (g) A licensee shall not be addicted to or dependent upon alcohol or other habit-forming drugs or be a habitual user of narcotics, barbiturates, amphetamines, hallucinogenics, or other drugs having similar effects upon the competency of the licensee.
 - (h) A licensee shall have the responsibility of reporting alleged violations of ~~B~~board law or rules to the Investigations section of Health Related Boards.
 - (i) The licensee conducts himself with honesty, integrity, and fairness in all aspects of professional life.
 - (j) The licensee remains free of conflict of interests and promotes or endorses products in a manner that is neither false nor misleading.
 - (k) The licensee assumes responsibilities and accountability for personal competence in practice and recognition of limits of his ability and adherence to accepted standards of practice. (1) A licensee shall not make any false, misleading, or deceptive claims in any advertisement, announcement, or in competitive bidding.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-25-107, and 63-25-110.

0470-01-.14 ADVERTISING.

- (1) All advertisements shall adhere to the professional responsibilities specifically set out in Rule 0470-01-.13 governing professional ethics.
- (2) Advertising Records and Responsibility

- (a) Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.
- (b) Any and all advertisements are presumed to have been approved by the licensee named therein.
- (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee for a period of one (1) year from the last date of broadcast or publication and be made available for review upon request by the Board or its designee.
- (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-1-145, and 63-25-107.

0470-01-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, INFORMAL SETTLEMENTS, ASSESSMENT OF COSTS, AND SUBPOENAS.

- (1) Upon a finding by the Board that a Dietitian/Nutritionist has violated any provision of the T.C.A. §§ 63-25-101, et seq., or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense. Any formal disciplinary action imposed by the Board as listed in subparagraphs (1)(b) through (1)(g) of this rule will be reportable to the National Practitioner Databank (NPDB) and/or any other similar entity.
 - (a) Advisory Censure - This is a written action issued to the dietitian/nutritionist for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Censure or Reprimand - This is a written action issued to a dietitian/nutritionist for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a dietitian/nutritionist on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
 - (d) Licensure Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
 - (e) Revocation for cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.

- (f) Conditions - These include any action deemed appropriate by the Board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked certificate or license.
 - (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (2) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
- 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 - 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
 - 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.
- (b) Procedures
- 1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order of Compliance
Board of Dietitian/Nutritionist Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the ____ day of _____, 20____.

Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification
Board of Dietitian/Nutritionist Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the ____ day of _____, 20__.

Petitioner's Signature

(5) Civil Penalties

(a) Purpose. The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T C.A. § 63-1-134.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Bboard finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Dietetics and Nutrition Practice Act, or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, a Type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a dietitian/nutritionist without a permit, license, certificate or other authorization from the Bboard.
2. A Type B civil penalty may be imposed whenever the Bboard finds the person required to be certified or licensed by the Bboard is guilty of a violation of the Dietetics and Nutrition Practice Act or regulations promulgated pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Bboard finds the person required to be certified or licensed by the Bboard is guilty of a violation of the Dietetics and Nutrition Practice Act or regulations promulgated pursuant thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Dedivision shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty, and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Bboard during consideration of any Notice of Charges. In addition, the Bboard may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the Dedivision.
3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public; and,
 - (iv) The economic benefits gained by the violator as a result of noncompliance; and,
 - (v) The interest of the public.
4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of Title 4, Chapter 5, T.C.A.
- (6) Informal Settlements - The Bboard consultant is authorized to enter into informal settlement agreements pursuant to rule 0470-01-.19(7) under which a complaint against an individual may be closed without any disciplinary action. Such agreement may include any terms deemed appropriate by the Bboard consultant including, but not limited to:
 - (a) Mandatory education program in course attendance.
 - (b) Submission of reports, records or other appropriate documentation.
 - (c) Conditioning of the individual's activities in any manner which affect his practice in Tennessee.
- (7) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-25-110.
- (8) Subpoenas
 - (a) Purpose - Although this rule applies to persons and entities other than dietitians, it is the Board's intent as to dietitians that they be free to comprehensively treat and document treatment of their patients without fear that the treatment or its documentation will be unduly subjected to scrutiny outside the profession. Consequently, balancing that intent against the interest of the public and patients to be protected against substandard care and activities requires that persons seeking to subpoena such information and/or materials must comply with the substance and procedures of these rules. It is the intent of the Board that the subpoena power outlined herein shall be strictly proscribed. Such

power shall not be used by the Dedivision or Bboard investigators to seek other incriminating evidence against dietitians when the Dedivision or Bboard does not have a complaint or basis to pursue such an investigation. Thus, unless the Dedivision or its investigators have previously considered, discovered, or otherwise received a complaint from either the public or a governmental entity, then no subpoena as contemplated herein shall issue.

- (b) Definitions - As used in this chapter of rules the following words shall have the meanings ascribed to them:

1. Probable Cause

- (i) For Investigative Subpoenas - shall mean that probable cause, as defined by case law at the time of request for subpoena issuance is made, exists that a violation of the Dietetics/Nutrition Practice Act or rules promulgated pursuant thereto has occurred or is occurring and that it is more probable than not that the person(s), or items to be subpoenaed possess or contain evidence which is more probable than not relevant to the conduct constituting the violation.
- (ii) The utilization of the probable cause evidentiary burden in proceedings pursuant to this rule shall not in any way, nor should it be construed in any way to establish a more restrictive burden of proof than the existing preponderance of the evidence in any civil disciplinary action which may involve the person(s) or items that are the subject of the subpoena.

2. Presiding Officer - For investigative subpoenas shall mean any elected officer of the Bboard, or any duly appointed or elected chairperson of any panel of the Bboard.

- (c) Procedures

1. Investigative Subpoenas

- (i) Investigative Subpoenas are available only for issuance to the authorized representatives of the Tennessee Department of Health, its investigators and its legal staff.
- (ii) An applicant for such a subpoena must either orally or in writing notify the Board's Unit Director of the intention to seek issuance of a subpoena. That notification must include the following:
 - (I) The time frame in which issuance is required so the matter can be timely scheduled; and
 - (II) A particular description of the material or documents sought, which must relate directly to an ongoing investigation or contested case, and shall, in the instance of documentary materials, be limited to the records of the patient or patients whose complaint, complaints, or records are being considered by the Dedivision or Bboard. In no event shall such subpoena be broadly drafted to provide investigative access to medical records of other patients who are not referenced in a complaint received from an individual or governmental entity, or who have not otherwise sought relief, review, or Bboard consideration of a dietitian's conduct, act, or omission.

- (III) Whether the proceedings for the issuance are to be conducted by physical appearance or electronic means; and
 - (IV) The name and address of the person for whom the subpoena is being sought or who has possession of the items being subpoenaed.
- (iii) The Board's Unit Director shall cause to have the following done:
- (I) In as timely a manner as possible arrange for either an elected officer of the ~~B~~board, or any duly appointed or elected chairperson of any panel of the ~~B~~board, to preside and determine if issuing the subpoena should be recommended to the full Board; and
 - (II) Establish a date, time and place for the proceedings to be conducted and notify the presiding officer, the applicant and the court reporter; and
 - (III) Maintain a complete record of the proceedings including an audio tape in such a manner as to:
 - I. Preserve a verbatim record of the proceeding; and
 - II. Prevent the person presiding over the proceedings and/or signing the subpoena from being allowed to participate in any manner in any disciplinary action of any kind, formal or informal, which may result which involves either the person or the documents or records for which the subpoena was issued.
- (iv) The Proceedings
- (I) The applicant shall do the following:
 - I. Provide for the attendance of all persons whose testimony is to be relied upon to establish probable cause; and
 - II. Produce and make part of the record copies of all documents to be utilized to establish probable cause; and
 - III. Obtain, complete and provide to the presiding officer a subpoena which specifies the following:
 - A. The name and address of the person for whom the subpoena is being sought or who has possession of the items being subpoenaed; and
 - B. The location of the materials, documents or reports for which production pursuant to the subpoena is sought if that location is known; and
 - C. A brief, particular description of any materials, documents or items to be produced pursuant to the subpoena; and
 - D. The date, time and place for compliance with the subpoena.

- IV. Provide the presiding officer testimony and/or documentary evidence which in good faith the applicant believes is sufficient to establish that probable cause exists for issuance of the subpoena as well as sufficient proof that all other reasonably available alternative means of securing the materials, documents or items have been unsuccessful.

(II) The Presiding Officer shall do the following:

- I. Have been selected only after assuring the Board's Unit Director that he or she has no prior knowledge of or any direct or indirect interest in or relationship with the person(s) being subpoenaed and/or the licensee who is the subject of the investigation; and
- II. Commence the proceedings and swear all necessary witnesses; and
- III. Hear and maintain the confidentiality, if any, of the evidence presented at the proceedings; and present to the full **B**oard only that evidence necessary for an informed decision; and
- IV. Control the manner and extent of inquiry during the proceedings and be allowed to question any witness who testifies; and
- V. Determine based solely on the evidence presented in the proceedings whether probable cause exists and if so, make such recommendation to the full **B**oard; and
- VI. Not participate in any way in any other proceeding whether formal or informal which involves the matters, items or person(s) which are the subject of the subpoena. This does not preclude the presiding officer from presiding at further proceedings for consideration of issuance of subpoenas in the matter.

(III) The Board shall do the following:

- I. By a vote of two thirds (2/3) of the **B**oard members issue the subpoena for the person(s) or items specifically found to be relevant to the inquiry, or quash or modify an existing subpoena by a majority vote; and
- II. Sign the subpoena as ordered to be issued, quashed or modified.

- 2. Post-Notice of Charges Subpoenas - If the subpoena is sought for a contested case being heard with an Administrative Law Judge from the Secretary of State's office presiding, this definition shall not apply and all such post-notice of charges subpoenas should be obtained from the office of the Administrative Procedures Division of the Office of the Secretary of State pursuant to the Uniform Administrative Procedures Act and rules promulgated pursuant thereto.

(d) Subpoena Forms

- 1. All subpoenas shall be issued on forms approved by the Board.

2. The subpoena forms may be obtained by contacting the Board's Administrative Office.

- (e) Subpoena Service - The service of a subpoena issued by the Board shall be made by the sheriff of the county of residence of the licensee or person upon who the subpoena is served.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 4-5-217, 4-5-223, 4-5-311, 63-1-122, 63-1-144, 63-25-104, 63-25-107, and 63-25-110.

0470-01-.16 REPLACEMENT LICENSE. A licensee whose "artistically designed" license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the ~~B~~board's administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to ~~R~~ule 0470-01-.06.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-1-106, and 63-25-107.

0470-01-.17 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address. Each person holding a license who has had a change of address shall file in writing with the ~~B~~board his current mailing address, giving both old and new addresses. Such requests should be received in the ~~B~~board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, and license number.
- (2) Change of Name. Any individual registered with the ~~B~~board shall notify the ~~B~~board in writing within 30 days of a name change. The notice shall provide the old name and the new name and must reference the individual's profession, board, social security number and license number.
- (3) Change of Email Address - Each person holding a license who has had a change of email address shall file in writing with the Board his current email address. Such requests shall be received in the Board office no later than thirty (30) days after such change is effective and must reference the individual's name, profession, ~~B~~board, social security and license numbers.
- (4) Requests submitted under this rule may be submitted to the Board's administrative office by mail or email or may be uploaded by the licensee to the licensee's online account.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-1-106, 63-1-108, and 63-25-107.

0470-01-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client or the client's authorized representative, an individual registered with this ~~B~~board shall provide a complete copy of the client's records or summary of such records which were maintained by the provider.
- (2) ~~It shall be the provider's option as to whether copies of the records or a summary will be given to the client.~~

~~(2)~~(3) Requests for records shall be honored by the provider in a timely manner manner and be made available according to T.C.A. § 63-1-201.

~~(3)~~(4) The individual requesting the records shall be responsible for payment of the reasonable costs to the provider of copying and mailing of the records according to T.C.A. § 63-1-201.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-2-101, 63-2-102, and 63-25-107.

0470-01-.19 BOARD MEETINGS, OFFICERS, CONSULTANTS, RECORDS, DECLARATORY ORDERS, AND SCREENING PANELS.

(1) Board Meetings.

- (a) The time, place, and frequency of board meetings shall be at the discretion of the Bboard except at least one meeting shall be held annually.
- (b) Special meetings are called at the discretion of the Bboard chair or at the request of two members of the Bboard.
- (c) Three members of the Bboard shall at all times constitute a quorum.
- (d) All meetings of the Bboard shall be open to the public.

(2) The board shall elect from its members the following officers:

- (a) Chairperson - who shall preside at all board meetings.
- (b) Secretary - who along with the Bboard administrator shall be responsible for correspondence from the board.

(3) Board Conflict of Interests - Any Bboard member having an immediate personal, private, or financial interest in any matter pending before the Bboard shall disclose the fact in writing, and shall not vote upon such matter.

(4) The Bboard has the authority to select a Bboard consultant who shall serve as a consultant to the Division and who is vested with the authority to do the following acts:

- (a) Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Office of Investigations~~Division~~.
- (b) Recommend whether and what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Bboard before it will become effective.
- (c) Undertake any other matter authorized by a majority vote.

(5) Records and Complaints

- (a) All requests, applications, notices, other communications and correspondence shall be directed to the Bboard's administrative office. Any requests or inquiries requiring a Bboard decision or official Bboard action, except documents relating to disciplinary actions or hearing requests, must be received at least 14 days prior to a scheduled board meeting and will be retained in the Bboard's administrative office and presented to the

~~B~~board at the board meeting. Such documentation not timely received shall be set over to the next board meeting.

- (b) All records of the ~~B~~board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the ~~B~~board's administrative office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.
 - (e) All complaints should be directed to the Office of Investigations~~Investigations Section of the Health Related Boards~~Department.
- (6) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-01-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.
- (7) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-01-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-1-138, 63-25-107, and 63-25-110.

0470-01-.20 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Malpractice Reporting Requirements - The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the "Health Care Consumer Right-To-Know Act of 1998" shall be ten thousand dollars (\$10,000).
- (2) Criminal Conviction Reporting Requirements - For purposes of the "Health Care Consumer Right-To-Know Act of 1998", the following criminal convictions must be reported:
 - (a) Conviction of any felony; and
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one or more of the following:
 - 1. Sex.
 - 2. Alcohol or drugs.
 - 3. Physical injury or threat of injury to any person.
 - 4. Abuse or neglect of any minor, spouse or the elderly.
 - 5. Fraud or theft.

- (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. § ~~63-32-101, et. seq. § 4-5-202, 4-5-204, 63-25-107, and Public Chapter 1073 of the Public Acts of 1998, Section 5, Subsection (5).~~