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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:** | Tennessee Department of Health |
| **Division:** | Electrologists Registry |
| **Contact Person:** | Caroline Tippens, Assistant General Counsel |
| **Address:** | Office of General Counsel<br>220 Athens Way, Suite 210<br>Nashville, Tennessee 37243 |
| **Phone:** | (615) 741-1611 |
| **Email:** | Caroline.Tippens@tn.gov |

*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 at the Division of Health Related Boards |
| **Address:** | 227 French Landing, Heritage Place, Nashville, Tennessee 37243 |
| **Phone:** | (615) 532-3202 or (Toll Free) 1-800-778-4123 |
| **Email:** | |

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

| | | |
|---|---|---|
| Address 1: | 227 French Landing, Heritage Place, MetroCenter | |
| Address 2: | Poplar Board Room, 1st Floor Conference Center | |
| City: | Nashville, Tennessee | |
| Zip: | 37228 | |
| Hearing Date : | 03/13/2013 | |
| Hearing Time: | 10:00 AM | _X_ CST/CDT ___ EST/EDT |

**Additional Hearing Information:**

**Revision Type (check all that apply):**
_X_ Amendment
___ New
___ Repeal

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

| **Chapter Number** | **Chapter Title** |
|---|---|
| 0540-01 | General Rules Governing Electrology, Electrologists, and Electrology Instructors |
| **Rule Number** | **Rule Title** |
| 0540-01-.01 | Definitions |

| | |
|---|---|
| 0540-01-.02 | Scope of Practice |
| 0540-01-.03 | Necessity of License |
| 0540-01-.04 | Qualifications for Licensure |
| 0540-01-.05 | Procedures for Licensure |
| 0540-01-.06 | Fees |
| 0540-01-.07 | Application Review, Approval, and Denial |
| 0540-01-.08 | Examinations |
| 0540-01-.09 | Renewal of License |
| 0540-01-.10 | Supervision |
| 0540-01-.11 | Retirement and Reactivating of License |
| 0540-01-.12 | Continuing Education |
| 0540-01-.13 | Professional Ethics |
| 0540-01-.15 | Disciplinary Actions and Civil Penalties |
| 0540-01-.16 | License |
| 0540-01-.17 | Change of Name and/or Address |
| 0540-01-.18 | Mandatory Release of Client Records |
| 0540-01-.19 | Board Meetings, Officers, Consultants, Declaratory Orders, and Screening Panels |
| 0540-01-.20 | Advertising |
| 0540-01-.21 | Electrology Limited Licensure |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 0540-03 | General Rules Governing Schools of Electrology |
| **Rule Number** | **Rule Title** |
| 0540-03-.01 | Definitions |
| 0540-03-.02 | Scope of Practice |
| 0540-03-.03 | Necessity of Licensure |
| 0540-03-.04 | Standards for License |
| 0540-03-.05 | Procedures for License |
| 0540-03-.06 | Fees |
| 0540-03-.07 | Application Review, Approval, and Denial |
| 0540-03-.08 | Examinations |
| 0540-03-.09 | Renewal of License |
| 0540-03-.11 | Retirement and Reactivation |
| 0540-03-.13 | Standards of Practice |
| 0540-03-.15 | Disciplinary Actions and Civil Penalties |
| 0540-03-.16 | License |
| 0540-03-.17 | Change of Name and/or Address |
| 0540-03-.20 | Limited Licensure Electrology Training Programs |

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

The title of 0540 Rules of Tennessee Board of Electrologists Examiners is changed to Rules of the Tennessee Department of Health Electrologists Registry.

Amendments to Chapter 0540-01
General Rules Governing Electrology, Electrologists, and Electrology Instructors

Rule 0540-01-.01 Definitions is amended by deleting paragraphs (3), (5), (6), (14), (16), and (31) in their entirety and renumbering the remaining paragraphs, and is further amended by inserting the following new definitions (3), (5),(7), (14), (16), (23), (32), and (36) and renumbering the remaining paragraphs appropriately, so that as amended, the new paragraphs shall read:

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

(5) Registry's administrative office - The office of the administrator assigned to the Tennessee Electrologists Registry located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.

(7) Commissioner – The Tennessee Department of Health Commissioner or his or her designee, including but not limited to, the Assistant Commissioner for the Bureau of Health Licensure and Regulation.

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

(16) Electrology Instructor - An electrologist who is licensed by the Commissioner to practice and teach electrology.

(23) General Supervision - Means the availability of the dermatologist or electrology instructor within a time period of 60 minutes or less. General supervision may be provided in person or by telephone.

(32) Notification of Training Form - The form available from the Registry's administrative office which must be completed by a limited license trainee and signed by the supervising dermatologist and received by the Registry's administrative office at least ten days prior to beginning training.

(36) Registry – The Tennessee Electrologists Registry.

Authority: T.C.A. §§ 63-1-101, 63-1-102, 63-26-101, 63-26-102, 63-26-103, 63-26-108, and 63-26-111.

Rule 0540-01-.02 Scope of Practice is amended by deleting paragraphs (1), (2) and (5) in their entirety and substituting instead the following language, so that as amended, the paragraphs shall read:

(1) The license to practice as an electrologist or electrology instructor is prescribed and limited by the Tennessee Code Annotated (see especially T.C.A. §§ 63-26-101, et. seq.). The license is conferred by the Commissioner for applicants who have been found to meet established standards.

(2) Any person who possesses a valid unsuspended and unrevoked license issued by the Commissioner has the right to use the title licensed electrologist or licensed electrology instructor. No other person shall assume the title of licensed electrologist or licensed electrology instructor on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a licensed electrologist or licensed electrology instructor. The work performed includes electrology or the teaching of electrology services to the public.

(5) All electrologists and electrology instructors shall comply with the American Electrology Association's Infection Control Standards for the Practice of Electrology, and as they may from time to time be amended, except to the extent that they conflict with the laws of the state of Tennessee or the rules of

the Commissioner. If there are conflicts with state law or rules, the state law or rules govern the matter. Failure to comply may subject a licensee to disciplinary action pursuant to Rule 0540-01-.15. The American Electrology Association's Infection Control Standards for the Practice of Electrology can be viewed at www.electrology.com/pdf/infection_control.pdf.

Authority: T.C.A. §§ 63-26-108, 63-26-111, 63-26-112, 63-26-122, and 63-26-123.

Rule 0540-01-.03 Necessity of Licensure is amended by deleting paragraphs (3) and (4) in their entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

(3) Electrology is one of the healing arts and as such the practice is restricted to those persons issued a license by the Commissioner. Persons engaging in the practice of electrology without being licensed or expressly exempted by the laws are in violation of division law, T.C.A. § 63-1-123.

(4) No other person shall hold himself out to the public by a title or description of services incorporating the word "electrologist," and he shall not state or imply that he is licensed. The provisions of these rules do not apply to a person if that person is preparing for the practice of electrology under a qualified electrology instructor in a training facility approved by the Commissioner.

Authority: T.C.A. §§ 63-1-123, 63-26-108, 63-26-119, 63-26-122, 63-26-123, and 63-26-127.

Rule 0540-01-.04 Qualifications for Licensure is amended by deleting part (1)(c)2, subparagraph (2)(a), subparagraph (3)(c), subparagraph (6)(a), and subparagraph (7)(a) and substituting instead the following language, and adding a new paragraph (8), so that as amended, the new part, subparagraphs, and paragraph shall read:

(1) (c) 2. Successful completion of an electrology education program approved by the Commissioner. The electrology training curriculum must have been at least 600 hours (175 theory and 425 clinical practice pursuant to Rule 0540-03-.04). Additionally, the electrology training must have been completed within a twelve (12) month time frame from the date started, and must have been completed prior to taking the practical examination described in Rule 0540-01-.08; and

(2) (a) Meet the requirements of Rule 0540-01-.04 (1)(a) through (c)1;

(3) (c) Have filed a Notification of Training form with the Registry at least ten days prior to beginning the electrology limited licensure training program,

(6) (a) Have education credential evaluated by either a professional credentialing agency or an institution of higher education (college or university). The results of such evaluation must be submitted directly to the Registry's administrative office from the evaluator on the evaluator's official letterhead and contain an original signature, and

(7) (a) Hold a current limited license issued by the Commissioner;

(8) To qualify for licensure as an electrologist limited licensee, electrologist, or electrology instructor, the applicant shall cause to be submitted to the Registry's administrative office directly from the vendor identified in the Registry's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 63-1-116, 63-26-101, 63-26-108, 63-26-111, 63-26-112, 63-26-113, 63-26-115, 63-26-117, and 63-26-119.

Rule 0540-01-.05 Procedures for Licensure is amended by deleting paragraphs (1), (2), (3), (7), (9) including subparagraph (9)(b) but not subparagraphs (a) and (c), and paragraphs(11), (14), (17), (19), and (24) in their entirety, and substituting instead the following language, so that as amended, the new paragraphs and subparagraph shall read:

(1) An applicant shall obtain an application form from the Registry's administrative office.

(2) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the Registry'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 for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to an examination date will be processed and if eligible the individual will be scheduled for the next practical examination. All supporting documents requested in these instructions must be received in the Registry office within 30 days of receipt of a deficiency letter or file will be deemed abandoned pursuant to rule 0540-01-.07(4).

(7) Except for limited licensure applicants and applicants for licensure without examination and without licensure in another state, applicants shall cause to be submitted directly to the Registry's administrative office from an accredited college or university an official transcript verifying that the general education requirements pursuant to Rule 0540-01-.04 (1)(c)3. have been met.

(9) Except for limited licensure applicants, electrology instructor applicants, and applicants for licensure without examination and without licensure in another state, applicants shall cause to be submitted directly from the school of electrology an original letter on the school's letterhead and signed by the program director verifying the applicant has successfully completed the school's course of study. To be acceptable, the school's course of study and curriculum must comply with or be equivalent to Tennessee's electrology school requirements pursuant to T.C.A. § 63-26-111(4)(A) and (B). If the school no longer exists, the following documentation will be reviewed by the Commissioner for acceptability:

(b) A signed original letter from the state Board of Electrology, Electrologists Registry, or Department of Education where the school existed that the school's curriculum was at least equivalent to T.C.A. § 63-26-111(4)(A) or (B): or

(11) Except for electrology instructor applicants and applicants for licensure without examination and without licensure in another state, applicants shall request that his/her written examination scores, pursuant to Rule 0540-01-.08, be submitted directly to the Registry's administrative office from the American Electrology Association or the Society of Clinical and Medical Electrologists.

(14) If an applicant holds or has ever held a license to practice electrology or any other profession in any other state, the applicant shall submit or cause to be submitted the equivalent of a Tennessee certificate of Endorsement from each such licensing board or registry which indicates the applicant either holds a current active license and whether it is in good standing, or held a license which is currently inactive and whether it was in good standing at the time it became inactive.

(17) An applicant for electrology instructor shall cause to be submitted directly from an accredited college or university to the Registry's administrative office an official transcript verifying that the general education requirement, pursuant to Rule 0540-01-.04(1)(c)3, has been met.

(19) An applicant shall cause to be submitted to the Registry's administrative office directly from the vendor identified in the Registry's licensure application materials, the result of a criminal background check.

(24) The licensure fee must be received in the Registry's administrative office on or before the 30th day from receipt of notification that the license fee is due. Failure to comply will result in the application file being closed.

Authority: T.C.A. § 63-1-116, 63-26-108, 63-26-111, 63-26-112, 63-26-115, and 63-26-119.

Rule 0540-01-.06 Fees is amended by deleting paragraphs (2) and (3) and subparagraph (4)(f) in their entirety, and substituting instead the following language, so that as amended the new paragraphs and subparagraph shall read:

(2) All fees shall be established, reviewed, and changed by the Commissioner.

(3) All fees may be paid in person, by mail, or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate

check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Electrologists Registry.

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|---|---|---|---|---|
| (4) | (f) | License Renewal-Biennial | $ 420.00 | $ 520.00 |

Authority: T.C.A. §§ 63-26-108, 63-26-109, 63-26-111, 63-26-112, 63-26-114, 63-26-115, 63-26-116, 63-26-117 and 63-26-120.

Rule 0540-01-.07 Application Review, Approval, and Denial is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) Each completed electrologist or electrology instructor application received in the Registry's administrative office on or before the 30th day prior to an examination shall be reviewed for eligibility to sit for the examination.

(2) Applications are not considered completed until all information, including fees, has been received by the Division.

(3) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Registry's administrator provided that final approval and ratification of all applications is made by the Commissioner.

(4) If an application is incomplete when received in the Registry's administrative office, or if the Registry's administrator determines additional information is required from an applicant before an initial determination can be made, the Registry's administrative office shall notify the applicant of the information required.

(a) The applicant shall cause the requested information to be received by the Registry's administrative office on or before the sixtieth ($60^{th}$) day after the notification requesting such information is sent to the applicant.

(b) If the requested information is not timely received, the application file may be considered abandoned and may be closed by the Registry's administrator. If that occurs, the applicant shall be notified that the Commissioner will not consider issuance of a license until a new application is received pursuant to the rules governing that process, including another payment of all fees applicable to the applicant's circumstances and submission of such new supporting documents as is required by the Commissioner or the Registry's administrator.

(5) Upon approval of the application, the applicant will be notified of eligibility to sit for the examination by the administrative office.

(6) If after two (2) attempts, the examination is not passed, the licensure application will be denied and the complete examination may be taken only after the applicant:

(a) Completes an additional Electrologists education program that the Commissioner recommends; and

(b) Pays the full examination fee.

(7) If an application is denied, the action shall become final and the following shall occur:

(a) A notification of the denial shall be sent by the Registry'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.

§§ 4-5-101, 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 only 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 objective, clearly defined criteria. If after review and attempted resolution by the Registry'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, an appeal hearing may be requested. Such request must be made in writing to the Registry within 30 days of the receipt of the notice of denial from the Registry.

(8) The Commissioner may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the Commissioner wishes additional information.

(9) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Commissioner, such license shall be subject to suspension or revocation by the Commissioner.

(10) If the Commissioner finds that the issuance of a license was made in error, the Commissioner will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.

(11) If, after an application has been submitted, an applicant desires to change the type of application, a new application with supporting documents and appropriate fees shall be submitted and the first application shall be deemed withdrawn.

Authority: T.C.A. §§ 63-26-106, 63-26-108, 63-26-111, 63-26-112, 63-26-113, 63-26-114, 63-26-118, 63-26-123 and 63-23-124.

Rule 0540-01-.08 Examinations is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

(1) Electrologist Examination. An individual seeking licensure as an electrologist, either by examination, limited licensure, or reciprocity (licensed in another state) shall be required to pass the following written examination prior to licensure:

(a) The written examination, as adopted by the Commissioner, is the examination accepted by the American Electrology Association (AEA) or Society of Clinical and Medical Electrologists (SCME). Neither the association nor testing agency may discriminate in any way against any candidate seeking to take or retake an examination.

(b) Admission to, application for, and the required fee to sit for the written examination are governed by and must be submitted directly to the examination service. Specific information concerning the written examination may be obtained by contacting:

American Electrology Association
106 Oak Ridge Road
Trumbull, Connecticut 06611
Telephone: 203-372-7119

or

Society of Clinical and Medical Electrologists
Post Office Box 211
Bellingham, Massachusetts 02019
Telephone: 508-833-7263

(c) Administration of the examination shall be arranged directly through AEA or SCME. AEA or SCME will notify each candidate by mail as to the time, date, and place of the examination.

(d) The passing scores as established and certified by AEA and SCME to the Commissioner are adopted by the Commissioner as constituting successful completion of the written section of the electrology examination.

(e) Certification of passing the examination must be submitted directly to the Registry's administrative office from AEA and SCME in conjunction with the applicant's filing an application for license with the Commissioner.

(f) Prior to submitting an application to the Commissioner for license, the individual must have taken and passed either the AEA or SCME examination.

Rule 0540-01-.08 Examinations is further amended by deleting subparagraphs (2)(b), and (2)(d) in their entirety, and renumbering (2)(c) as (2)(b) and amending the language to read as follows:

(b) Examination candidates must achieve an eighty-five (85) percent or higher to pass.

Rule 0540-01-.08 Examinations is further amended by deleting paragraphs (3), including its subparagraphs, (4), (5), (6), (8), (9), (10), and (11) and renumbering paragraph (7) as new paragraph (3), renumbering paragraph (12) as new paragraph (4), renumbering paragraph (13) as new paragraph (5), the subparagraphs of which are to remain the same, and substituting instead the following language, so that as amended, the renumbered paragraphs shall read:

(3) The examination shall be "closed book," and shall be prepared and conducted in English.

(4) If an applicant fails to pass the examination under these rules after two (2) attempts, the application will be denied. The complete examination may be taken again only after the applicant:

(a) Completes an additional electrolysis education program that the Commissioner recommends, and

(b) Pays the full examination fee.

(5) Examination Misconduct. The Commissioner may deny a license to practice electrology to an individual who subverts, attempts to subvert, or compromises the licensing examination, including but not limited to:

Authority: T.C.A. § 63-26-108, 63-26-111, 63-26-112, 63-26-113, 63-26-114, 63-26-115, 63-26-117 and 63-26-123.

Rule 0540-01-.09 Renewal of License is amended by deleting parts (1)(b)2., (1)(c )1., and paragraph (4) in their entirety and substituting instead the following language, so that as amended, the new parts and paragraph shall read:

(1) (b) 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Commissioner to the last address provided to the Registry's administrative offices. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.

(1) (c) 1. A completed and signed renewal application form; and

(4) Renewal and reinstatement decisions pursuant to this rule may be made by the Registry's administrative staff or upon review by the Commissioner.

Authority: T.C.A. §§ 63-1-107, 63-26-108, 63-26-109, and 63-26-120.

Rule 0540-01-.10 Supervision is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

(3) Every student in training for a limited license shall at all times be under the direct supervision of a board certified or board eligible dermatologist who has registered with the Tennessee Electrologists Registry to provide training.

Authority: T.C.A. §§ 63-26-108, 63-26-111, and 63-26-119.

Rule 0540-01-.11 Retirement and Reactivating of License is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule will read:

(1) A person who holds a current license and does not intend to practice as an electrologist or electrology instructor in Tennessee may apply to convert an active license to retired status. An individual who holds a retired license will not be required to pay the biennial renewal fee.

(2) A person who holds an active license may apply for retired status in the following manner:

(a) Obtain, complete, and return an affidavit of retirement form to the Registry's administrative office; or

(b) Submit a letter, which has been signed and notarized, requesting that his license be placed in retirement. Such letter must contain a statement indicating that the licensee understands that, while in retired status, he cannot practice in Tennessee , cannot in any way indicate or imply that he holds an active Tennessee license, or use within Tennessee any words, letters, titles, or figures which indicate or imply that he is a currently licensed electrologist; and

(c) Submit any documentation which may be required to the Registry's administrative office.

(d) The effective date of retirement will be the date the Affidavit of Retirement is received in the Registry's administrative office.

(3) An individual whose license has been retired may reactivate the license in the following manner:

(a) Submit a written request for licensure reactivation to the Registry's administrative office; and

(b) Pay the current license renewal fees and State regulatory fee as provided in Rule 0540-01-.06. If reactivation is requested prior to the expiration of one (1) year from the date of retirement, the Commissioner will require payment of the reinstatement fee and all past due renewal fees as prescribed in Rule 0540-01-.06.

(c) Each electrologist seeking reactivation must verify by signature on a form provided by the Commissioner or submit proof of completion of the required continuing education hours pursuant to Rule 0540-01-.12(5).

(4) Licensure reactivation applications shall be treated as licensure applications. The Commissioner's review and decisions required by this Rule shall be governed by Rule 0540-01-.07.

Authority: T.C.A. §§ 63-1-111, 63-26-108, 63-26-109, and 63-26-123.

Rule 0540-01-.12 Continuing Education is amended by deleting subparagraph (1)(b), paragraph (3), subparagraphs (4)(b), (4)(c) and (4)(e), subparagraph (5)(b), subparagraphs (7)(a), (7)(b) including part 2. and (7)(c), and subparagraph (8)(d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs, paragraph and part shall read:

(1) (b) The Commissioner approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.

(3) Course Approval. The Commissioner does not pre-approve continuing education programs. It is the licensee's responsibility, using his professional judgment and guidelines provided within these rules, to determine whether or not the programs are applicable and appropriate to his professional development and meet the standards specified in these rules.

(4) (b) Each electrologist must, on a form provided by the Registry's administrative staff, check a box and/or enter signature which indicates attendance and completion of the required continuing education hours and that such hours were obtained during the calendar year of report.

(c) Each electrologist must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested in writing by the Commissioner during its verification process.

(e) If a person submits continuing education documentation that is not clearly identifiable as appropriate, the Commissioner will request a written description of the training and how it applies to the practice of electrology. If the Commissioner determines that the training can not be considered appropriate continuing education, the licensee will be given 90 days to replace the hours not allowed. Those hours will be considered replacement hours and can not be counted during the next renewal period.

(5) (b) Along with the reactivation request, any electrologist who applies for reactivation of a license which has been retired for more than one (1) year must submit proof of attendance and completion of ten (10) hours of Commissioner-approved continuing education. The electrologist who has retired his license may receive credit for courses completed during the time the license was retired provided that at least five (5) hours were completed within one (1) year preceding the application for reactivation.

(7) Extension of Time to Complete or Waiver of Continuing Education Requirements

(a) The Commissioner may grant an extension of the deadline to complete the annual continuing education requirements, or the Commissioner may grant a waiver of the need to attend and complete the annual continuing education requirements, if it can be shown that compliance is beyond the physical or mental capabilities of the person seeking the extension or waiver.

(b) Extensions or waivers of the deadline will be considered only on an individual basis and may be requested by submitting the following items to the Registry's Administrative Office prior to the expiration of the calendar year (December 31) in which the continuing education is due:

2. Any documentation which supports the reason(s) for the extension or waiver request or which is subsequently requested by the Commissioner.

(c) A waiver or deadline extension approved by the Commissioner is effective only for the calendar year for which either is sought.

(8) (d) Continuing education hours obtained as a result of compliance with the terms of a Commissioner's Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any calendar year.

Authority: T.C.A. §§ 63-26-108, 63-26-120, 63-26-121, and 63-26-123.

Rule 0540-01-.13 Professional Ethics is amended by deleting paragraphs (8), (9), (12), and (14) in their entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

(8) In the event an applicant or licensee, or other individual has a question regarding legal, ethical, and professional standards, neither the Commissioner nor the Registry's administrative personnel shall consider such questions unless presented with a proper petition for a declaratory order, subject to the requirements set forth in T.C.A. §4-5-223.

(9) A licensee shall keep his licensure file updated by notifying the Registry's administrative office in writing of changes in preferred mailing address and practice address.

(12) Services provided by a licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all applicable state statutes, rules, and local codes and ordinances.

Authority: T.C.A. §§ 4-5-223, 63-26-108, and 63-26-123.

Rule 0540-01-.15 Disciplinary Actions and Civil Penalties is amended by deleting the rule in its entirety including the catchline and substituting instead the following language, so that as amended, the new catchline and rule shall read:

Rule 0540-01-.15 Disciplinary Actions and Civil Penalties. The purpose of this rule is to define disciplinary actions that the Commissioner may impose on licensees.

(1) Upon a finding by the Commissioner that an electrologist or electrology instructor has violated any provision of the Tennessee Electrologists Practice Act (T.C.A. §§ 63-26-101, et. seq.) or the rules promulgated pursuant thereto, the Commissioner may impose any of the following actions separately or in any combination deemed appropriate to the offense:

(a) Advisory Censure - This is a written action issued to the electrologist 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 an electrologist for one time and less severe violations. It is a formal disciplinary action.

(c) Probation - This is a formal disciplinary action which places an electrologist on close scrutiny for a fixed period of time determined by the Commissioner. 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. When the Commissioner suspends a license, the person may not practice electrology during the period of suspension.

(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 Commissioner, in his or her 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 Commissioner's revocation order.

(f) Conditions - These include any action deemed appropriate by the Commissioner 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 license.

(g) Civil penalty – A monetary disciplinary action assessed by the Commissioner 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 the Commissioner, pursuant to paragraph (3) of this rule, 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 Commissioner 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;

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 Registry'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 Commissioner and the Registry's 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 Commissioner authorizes the Registry's administrative staff to make an initial determination on the petition and take one of the following actions:

(i) Certify compliance and present the petition to the Commissioner 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. The petitioner may not submit any additional documentation or testimony other than that contained in his petition as submitted to the Commissioner and the Registry's administrative staff.

4. If the Commissioner finds that the petitioner has complied with all the terms of the previous order the Commissioner shall issue an Order of Compliance.

5. If the petition is denied either initially by the Registry's administrative staff or after review by the Commissioner, 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
Electrologists Registry

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: _____

I, the petitioner respectfully represent, 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;

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 Commissioner's and Registry's 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 disciplinary 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 Commissioner 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 Registry's Administrative Office that shall contain all of the following:

   (i) A copy of the previously issued order;

   (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 prove 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 Commissioner authorizes the Registry's administrative staff in conjunction with legal 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 Commissioner as an uncontested matter; or

   (ii) Deny the petition, 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. The petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted to the Commissioner and Registry's administrative staff.

4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Commissioner that he deemed appropriate and necessary in relation to the violations found in the previous order.

5. If the petition is denied either initially by the Registry's administrative staff or after review by the Commissioner, 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
Electrologists Registry

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: _____

I, the petitioner respectfully represent 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 Commissioner finds the person who is required to be licensed by the Commissioner is guilty of a willful and knowing violation of the Electrologists 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 client 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 an electrologist without a license from the Commissioner.

2. A Type B civil penalty may be imposed whenever the Commissioner finds the person required to be licensed by the Commissioner is guilty of a violation of the Electrologists 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 Commissioner finds the person required to be licensed, permitted, or authorized by the Commissioner is guilty of a violation of the Electrologists Practice Act or regulations promulgated 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 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 Commissioner during consideration of any Notice of Charges. In addition, the Commissioner may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the Division.

3. In assessing the civil penalties pursuant to these rules the Commissioner 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;

(iv) The economic benefits gained by the violator as a result of non-compliance; 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 T.C.A. Title 4, Chapter 5.

Authority: T.C.A. §§ 4-5-101, 4-5-217, 4-5-223, 63-1-134, 63-26-108, 63-26-123, and 63-26-124.

Rule 0540-01-.16 License is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

(1) Issuance - Upon the Commissioner determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§ 63-26-101, et seq., and these rules, the Commissioner shall issue the applicant a license in the classification for which he is qualified to practice.

(2) Display of License

(a) The Commissioner shall furnish a license to each person which shall be posted in a conspicuous place in the primary place of business.

(b) Any licensee practicing away from his place of business shall carry an identification license issued by the Commissioner and shall show it to the person upon whom electrolysis services are being performed or the person in charge.

(c) It is unlawful for any person to practice electrology for compensation unless his license is displayed in a conspicuous place within the business or clinic.

(3) Replacement License. The Commissioner will replace a lost, damaged, or destroyed license (artistically designed "wall" license) or renewal certificate upon receipt of an affidavit detailing the loss or destruction of the original license or renewal certificate. The affidavit must be accompanied by the

damaged license or renewal certificate, if available, and the appropriate fee, pursuant to Rule 0540-01- .06.

(4) Display of the Electrologists Registry Law and Rules and Regulations. Each licensee shall routinely obtain a copy of the Electrologists Registry's laws and rules to be posted in a conspicuous place within the business or clinic.

(5) Requests for verification of license must be made in writing to the Registry's administrative office.

Authority: T.C.A. §§ 63-1-104, 63-1-105, 63-1-106, 63-1-108, 63-1-109, 63-26-108, 63-26-109, and 63-26-118.

Rule 0540-01-.17 Change of Name and/or Address is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

(1) Change of Name. An individual registered with the Commissioner shall notify the Registry's administrative office in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, Registry, social security and license numbers.

(2) Change of Address. Each person holding a license who has had a change of address shall file in writing with the Registry's administrative office his current mailing address, giving both old and new addresses. Such requests should be received in the Registry's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, social security number and license number.

Authority: T.C.A. §§ 63-1-106, 63-1-108, 63-26-108, and 63-26-118.

Rule 0540-01-.18 Mandatory Release of Client Records is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

(1) Upon request from a client or the client's authorized representative, an individual registered with the Commissioner shall provide a complete copy of the client's records or summary of such records which were maintained by the provider.

Authority: T.C.A. §§ 63-2-101, 63-2-102, and 63-26-108.

Rule 0540-01-.19 Board Meetings, Officers, Consultants, Declaratory Orders, and Screening Panels is amended by changing the title of the rule to Communication, Records, Complaints, Declaratory Orders, and Screening Panels and is further amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule will read:

Rule 0540-01-.19 Communication, Records, Complaints, Declaratory Orders, and Screening Panels

(1) A Registry Consultant may be appointed by the Commissioner and vested with the authority to do the following acts:

(a) Recommend whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.

(b) Recommend whether and under what terms a complaint, case, or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the Commissioner before it will become effective.

(2) All requests, applications, notices, complaints, other communications and correspondence, or any requests or inquiries requiring the Commissioner's decision or official action shall be directed to the Registry's administrative office.

(3) Requests for Verification of Licensure must be made in writing to the Registry's administrative office.

(4) Declaratory Orders - The Commissioner 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 Commissioner shall be addressed by the Commissioner pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Registry's administrative office.

(5) Screening Panels - The Commissioner 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 the rule governing the screening panel process.

Authority: T.C.A. §§ 63-1-138, 63-26-108, and 63-26-123.

Rule 0540-01-.20 Advertising is amended by deleting subparagraphs (2)(b), part (3)(k)1., subparagraphs (3)(n), and (4)(c), and paragraph (6) in their entirety and substituting instead the following language, so that as amended, the new paragraph, subparagraphs, and part shall read:

(2) (b) Range of Fees. A range of fees may be advertised for services, but the advertisement must disclose the factors used in determining the actual fee to the extent necessary to prevent deception of the public.

(3) (k) 1. A realistic assessment of the safety and efficiency of those procedures or products;

(n) The use of bait and switch advertisements. Where the circumstances indicate bait and switch advertising, the Commissioner may require the licensee to furnish data or other evidence pertaining to those sales at the advertised fee as well as other sales.

(4) (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 two years from the last date of broadcast or publication and be made available for review upon request by the Commissioner or the Registry's administrative office.

(6) Use of Titles - Any person who possesses a valid, current and active license issued by the Commissioner that has not been suspended or revoked has the right to use the title "electrologist" and to practice electrology, as defined in T.C.A. §§ 63-26-102. Any person licensed by the Commissioner to whom this rule applies must use the title authorized by this rule in every "advertisement" [as that term is defined in rule 0540-01-.01(1)] he or she publishes. The failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the electrologist to disciplinary action pursuant to T.C.A. § 63-26-123.

Authority: T.C.A. §§ 63-1-145, 63-26-108, 63-26-111, 63-26-119, and 63-26-123.

Rule 0540-01-.21 Electrology Limited Licensure is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

(1) Whenever a person holding a limited electrologist license changes employers, he is responsible for notifying the Registry's administrative office in writing within ten (10) days of such change.

(2) The limited license holder shall notify the Registry's administrative office in writing prior to beginning employment. Such notification must contain the following information: The limited license holder's name, limited license number, limited license expiration date, social security number, business address and telephone number. This notification must be received in the Registry's administrative office on or before the tenth ($10^{th}$) day following employment.

(3) In conjunction with the limited license holder's notification of employment, the supervising dermatologist shall submit to the Registry's administrative office an affidavit that he accepts responsibility for providing direct supervision to the limited license holder.

(4) Upon termination of employment, the dermatologist and limited license holder shall notify the Registry's administrative office providing the following information: Limited license holder's name, license number, social security number, and date of termination.

Authority: T.C.A. §§63-26-108, 63-26-111, and 63-26-119.

Amendments to Chapter 0540-03
General Rules Governing Schools of Electrology

Rule 0540-03-.01 Definitions is amended by deleting paragraphs (3), (5), (6), (14), (16), and (31) in their entirety and renumbering the remaining paragraphs, and is further amended by inserting new definitions (3), (5) (7) (14), (16), and (31) and renumbering the remaining paragraphs appropriately, so that as amended the new paragraphs shall read:

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

(5) Registry's administrative office - The office of the administrator assigned to the Tennessee Electrologists Registry located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.

(7) Commissioner – The Tennessee Department of Health Commissioner or his or her designee, including but not limited to, the Assistant Commissioner of the Bureau of Health Licensure and Regulation.

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

(16) Electrology Instructor - An electrologist who is licensed by the Commissioner to practice and teach electrology.

(31) Notification of Training Form - The form available from the Registry's administrative office which must be completed by a limited license trainee and signed by the supervising dermatologist and received by the Registry's administrative office at least ten (10) days prior to beginning training.

Authority: T.C.A. §§ 63-1-101, 63-1-102, 63-26-101, 63-26-102, 63-26-103, 63-26-108, 63-26-111, 63-26-112, and 63-26-119.

Rule 0540-03-.02 Scope of Practice is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) The license to open and operate a school of electrology is prescribed and limited to the Tennessee Code Annotated (see especially T.C.A. §§ 63-26-101, et seq.). The license is conferred by the Commissioner for schools which have been found to meet established standards.

(2) Any school of electrology which possesses a valid unsuspended and unrevoked license has the right to use the title school of electrology. No other school shall assume this title on any work, letter, sign, figure, advertisement, or device to indicate that the school using the same is a licensed school of electrology. The work performed includes electrology or the teaching of electrology services to the public.

Authority: T.C.A. §§ 63-26-108, 63-26-111, 63-26-112, 63-26-118, 63-26-119, and 63-26-122.

Rule 0540-03-.03 Necessity of Licensure is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) Before a person may open a school of electrology, the person shall submit an application to the Registry's administrative office and secure the Commissioner's approval of the application.

(2) No school of electrology shall operate without a valid license issued by the Commissioner. Any school of electrology which opens or operates without being licensed or expressly exempted by the laws is in violation of division law, T.*C.A. §63-1-123.*

(3) No other person may provide instruction in a school of electrology unless the person holds a current electrologist license and a current electrology instructor license issued by the Commissioner.

(4) Before a person may provide limited licensure instruction, he must be a board certified or board eligible dermatologist who has provided to the board's satisfaction evidence of continuing education in electrology theory and practice.

Authority: T.C.A. §§ 63-1-123, 63-26-108, 63-26-111, 63-26-112, 63-26-118, 63-26-119, 63-26-122, and 63-26-123.

Rule 0540-03-.04 Standards for License is amended by deleting subparagraphs (1)(a), (4)(a) but not its parts, (5)(d), (9)(a), and paragraphs (10) and (11) in their entirety and substituting instead the following language, so that as amended the new paragraphs and subparagraphs shall read:

(1) (a) Program Director. Each school shall at all times be under the direction and supervision of a licensed practicing electrologist, who also is licensed as an electrology instructor and who is recognized by the Council of Electrolysis Education, the National Electrolysis Organization, or an equivalent organization. The program director of each school shall be responsible for the organization, administration, development, and general effectiveness of the electrolysis training program.

(4) (a) A person wishing to obtain the Commissioner's approval for a school of electrology shall provide and maintain a course of study of at least 600 hours, 175 hours of theory, and 425 hours of clinical practice training. The curriculum for a school of electrology shall include the following:

(5) (d) A student practicing on the public outside the school or outside the approved limited license training program may be deemed ineligible to take the state Commissioner approved examination.

(9) (a) The program director must submit to the Registry's administrative office sufficient evidence documenting that the student has satisfactorily completed the course curriculum pursuant to this rule; and

(10) Posting of Electrologists Registry Law and Rules and Regulations. Each school shall routinely obtain a copy of the Electrologists Registry's law and rules to be posted in a conspicuous place within the school.

(11) School records shall be open to inspection and photo copying by the Commissioner upon reasonable notice and during business hours.

Authority: T.C.A. §§ 63-26-108, 63-26-111, and 63-26-119.

Rule 0540-03-.05 Procedures for License is amended by deleting paragraphs (1), (2), (3), (5), (8), and (10) in their entirety and substituting instead the following language, so that as amended the new paragraphs shall read:

(1) Obtain an application form from the Registry's administrative office.

(2) Applications for licensure will be accepted throughout the year. However, an application to open a school of electrology shall be submitted to the Commissioner at least ninety (90) days before the proposed date of opening.

(3) The application and State Regulatory fees must accompany the application for license, pursuant to Rule 0540-03-.06. The application must be completed in its entirety, notarized, signed, and submitted to the Registry's administrative office.

(5) Provide the Commissioner with the name, address, telephone number, license number, and license expiration date for each electrology instructor affiliated with the school.

(8) The licensure fee must be received in the Registry's administrative office on or before the thirtieth ($30^{th}$) day from receipt of notification that the license fee is due. Failure to comply will result in the application file being closed.

(10) Posting of Electrologists Registry Law and Rules and Regulations. Each school shall routinely obtain a copy of the Electrologists Registry law and rules to be posted in a conspicuous place within the school.

Authority: T.C.A. §§ , 63-26-108, 63-26-109, 63-26-111, 63-26-112, 63-26-113, 63-26-118, 63-26-119, and 63-26-122.

Rule 0540-03-.06 Fees is amended by deleting paragraphs (2), and (3) in their entirety and substituting instead the following language, so that as amended the new paragraphs shall read:

(2) All fees shall be established, reviewed and changed by the Commissioner.

(3) All applicable fees must be submitted to the Registry's administrative office by certified check, personal check, or money order and made payable to the Tennessee Electrologists Registry.

Authority: T.C.A. §§ 63-1-106, 63-26-108, 63-26-109, 63-26-119, and 63-26-120.

Rule 0540-03-.07 Application Review, Approval, and Denial is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) Each completed school application received in the Registry's administrative office will be reviewed regularly by the Commissioner.

(2) Applications are not considered completed until all information, including fees, has been received by the Division.

(3) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Registry's administrative staff, provided that final approval of all applications is made and ratified by the Commissioner. In no event may an application be approved or denied without prior review by the Commissioner.

(4) If an application is incomplete when received in the Registry's administrative office, a deficiency letter will be sent to the applicant notifying him of the deficiency. The requested information must be received in the Registry's administrative office on or before the 30th day after receipt of the notification.

(a) Such notification shall be sent certified mail return receipt requested from the Registry's administrative office.

(b) If the requested information is not timely received, the application file shall be closed and the applicant notified. No further action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees.

(5) Upon approval of the application, the applicant will be notified.

(6) The Commissioner may at his or her discretion delay a decision on an application to operate a school of electrology if the Commissioner wishes additional information.

(7) If a completed application has been denied by the Commissioner, the action shall become final and the following shall occur:

(a) A notification of the denial shall be sent by the Registry's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete

information, unofficial records, 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. §4-5-101, 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 only 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 objective, clearly defined criteria. If after review and attempted resolution by the Registry's administrative staff, the licensure application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal, an appeal hearing may be requested. Such request must be made in writing to the Registry within 30 days of the receipt of the notice of denial from the Registry.

(8) Any person furnishing false information or omitting pertinent information in such application shall be denied licensure to operate a school of electrology. If the applicant has already been licensed before the falseness of such information has been made known to the Commissioner, such license shall be subject to suspension or revocation by the Commissioner.

(9) If the Commissioner finds that the issuance of a license was in error, the Commissioner will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.

(10) Whenever requirements for licensure are not completed within 12 months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.

(11) Abandonment of Application

(a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within 90 days after it was initially reviewed by the Commissioner.

(b) Whenever the applicant fails to complete the application process as stated in Rule 0540-03-.07(11)(a) above, written notification will be mailed to the applicant notifying him that the file has been closed. A determination of abandonment must be ratified by the Commissioner.

(c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.

Authority: T.C.A. §§ 63-26-106, 63-26-108, 63-26-111, 63-26-112, 63-26-119, 63-26-123, and 63-26-124.

Rule 0540-03-.08 Examinations is amended by deleting paragraph (2) and subparagraph (2)(a), and substituting instead the following language, so that as amended the new paragraph and subparagraph shall read:

(2) Commissioner Approved Examination. Prior to filing an application to take the Commissioner approved examination, pursuant to Rule 0540-01-.08, a student must:

(a) Satisfactorily complete the Commissioner approved electrology school's course of study and shall pass a final examination on each subject; and

Authority: T.C.A. §§ 63-26-108, 63-26-111, 63-26-112, 63-26-113, and 63-26-119.

Rule 0540-03-.09 Renewal of License is amended by deleting part (1)(b)2. and paragraph (3) in their entirety, and substituting instead the following, so that as amended the new part and paragraph shall read:

(1) (b) 2. Paper Renewals - For schools who have not renewed their license online via the Internet, a renewal application form will be mailed to each school licensed by the Commissioner to the last address provided to the Registry's administrative office. Failure to receive such notification does not relieve the school from the responsibility of meeting all requirements for renewal.

(3) Renewal and reinstatement decisions pursuant to this Rule may be made by the Registry's administrative staff or upon review by the Commissioner.

Authority: T.C.A. §§ 63-1-107, 63-26-108, 63-26-109, 63-26-119, and 63-26-120.

Rule 0540-03-.11 Retirement and Reactivation is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) A person who holds a current license and does not intend to operate a school of electrology in Tennessee may apply to convert an active license to retired status. An individual who holds a retired license will not be required to pay the annual renewal fee.

(2) A person who holds an active license to operate a school of electrology may apply for retired status in the following manner:

(a) Obtain from the Registry's administrative office an affidavit of retirement form; or

(b) Submit a letter, which has been signed and notarized, requesting that his license be placed in retirement. Such letter must contain a statement indicating that the licensee understands that, while in retired status, he cannot operate a school of electrology in Tennessee, indicate or imply in any way that he holds an active Tennessee license, or use within Tennessee any words, letters, titles, or figures which indicate or imply that he is currently licensed to operate a school of electrology, and

(c) Submit any documentation which may be required to the Registry's administrative office.

(3) The effective date of retirement will be the date the Affidavit of Retirement is received in the Registry's administrative office.

(4) An individual whose license to operate a school of electrology has been retired may reactive the license in the following manner:

(a) Submit a written request for licensure reactivation to the Registry's administrative office; and

(b) Pay the current license renewal fees and State regulatory fee as provided in Rule 0540-03-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the Commissioner will require payment of the late renewal fee and all past due renewal fees as prescribed in Rule 0540-03-.06.

(5) Licensure reactivation applications shall be treated as licensure applications and review and decisions required by this Rule shall be governed by Rule 0540-03-.07.

Authority: T.C.A. §§ 63-1-111, 63-26-108, 63-26-119, and 63-26-121.

Rule 0540-03-.13 Standards of Practice is amended by deleting paragraphs (12) and (13) in their entirety, and substituting instead the following language, so that as amended the new paragraph shall read:

(12) A school's management and staff shall not furnish false, misleading, or incomplete information to the Commissioner or Registry administrative office.

Authority: T.C.A. §§ 63-26-108, 63-26-119, and 63-26-123.

Rule 0540-03-.15 Disciplinary Actions and Civil Penalties is amended by deleting the rule in its entirety including the catchline and substituting instead the following language, so that as amended, the new catchline and rule shall read:
The purpose of this rule is to define disciplinary actions that the Commissioner may impose on licensees.

(1) Upon a finding by the Commissioner that a school of electrology has violated any provision of the Tennessee Electrologists Practice Act (T.C.A. §§ 63-26-101, et. seq.) or the rules promulgated thereto, the Commissioner may impose any of the following actions separately or in any combination deemed appropriate to the offense:

(a) Advisory Censure - This is a written action issued to the licensee 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 licensee for one time and less severe violations. It is a formal disciplinary action.

(c) Probation - This is a formal disciplinary action which places a licensee on close scrutiny for a period of time determined by the Commissioner. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the licensee's activities during the probationary period.

(d) Licensure Suspension - This is a formal disciplinary action which suspends a licensee's right to operate a school of electrology for a fixed period of time. It contemplates the reentry of the licensee into the operation under the licensure previously issued. When the Commissioner suspends a license, the school may not train electrology students during the period of suspension.

(e) Revocation for cause. This is the most severe form of disciplinary action which removes a licensee from the operation of a school of electrology and terminates the licensure previously issued. The Commissioner, in his or her discretion, may allow reinstatement of a revoked license upon conditions and after a period of time he deems appropriate. No petition for reinstatement and no new application for 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 Commissioner's revocation order.

(f) Conditions - These include any action deemed appropriate by the Commissioner 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 license.

(g) Civil penalty – A monetary disciplinary action assessed by the Commissioner 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 the Commissioner, pursuant to paragraph (3) of this rule, 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 operation of an electrology school civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

(a) The Commissioner 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;

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 Registry's Administrative Office that shall contain all of the following:

   (i) A copy of the previously issued order;

   (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 Commissioner and Registry's 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 Commissioner authorizes the Registry's administrative staff to make an initial determination on the petition and take one of the following actions:

   (i) Certify compliance and present the petition to the Commissioner 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. The petitioner may not submit any additional documentation or testimony other than that contained in his petition as submitted to the Commissioner and the Registry's administrative staff.

4. If the Commissioner finds that the petitioner has complied with all the terms of the previous order the Commissioner shall issue an Order of Compliance.

5. If the petition is denied either initially by the Registry's administrative staff or after review by the Commissioner, 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
Electrologists Registry

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: _____

I, the petitioner respectfully represent, 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 Commissioner's and Registry's 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 operation of an electrology school 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 disciplinary 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 Commissioner 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 Registry's Administrative Office that shall contain all of the following:

(i) A copy of the previously issued order;

(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 prove 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 Commissioner authorizes the Registry's administrative staff in conjunction with legal 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 Commissioner as an uncontested matter; or

   (ii) Deny the petition, 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. The petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted to the Commissioner and Registry's administrative staff.

4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Commissioner that he deemed appropriate and necessary in relation to the violations found in the previous order.

5. If the petition is denied either initially by the Registry's administrative staff or after review by the Commissioner, 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
Electrologists Registry

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: _____

I, the petitioner respectfully represent 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 Commissioner finds the person who is required to be licensed by the Commissioner is guilty of a willful and knowing violation of the Electrologists 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 client 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 operating an electrology school without a license from the Commissioner.

2. A Type B civil penalty may be imposed whenever the Commissioner finds the person required to be licensed by the Commissioner is guilty of a violation of the Electrologists 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 Commissioner finds the person required to be licensed by the Commissioner is guilty of a violation of the Electrologists 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 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 Commissioner during consideration of any Notice of Charges. In addition, the Commissioner may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.

3. In assessing the civil penalties pursuant to these rules the Commissioner 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;

   (iv) The economic benefits gained by the violator as a result of non-compliance; 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 T.C.A. Title 4, Chapter 5.

(6) A Registry Consultant may be appointed by the Commissioner and vested with the authority to do the following acts:

   (a) Recommend whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.

   (b) Recommend whether and under what terms a complaint, case, or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the Commissioner before it will become effective.

Authority: T.C.A. §§ 4-5-217, 4-5-223, 63-1-134, 63-26-108, 63-26-119, 63-26-123 and 63-26-124.

Rule 0540-03-.16 License is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) Issuance - Upon the Commissioner determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§ 63-26-101, et seq. and these rules, the Commissioner shall issue the school a license.

(2) Display of License - The Commissioner shall furnish a license to each school which shall be posted in a conspicuous place within the school.

(3) Replacement License. The Commissioner will replace a lost, damaged, or destroyed license (artistically designed "wall" license) or renewal certificate upon receipt of an affidavit detailing the loss or destruction of the original license or renewal certificate. The affidavit must be accompanied by the damaged license or renewal certificate, if available, and the appropriate fee, pursuant to Rule 0540-03-.06.

(4) Display of Electrologists Registry Law and Rules and Regulations. Each licensee shall routinely obtain a copy of the Electrologists Registry's laws and rules to be posted in a conspicuous place within the school of electrology.

(5) Requests for Verification of Licensure must be made in writing to the Registry's administrative office.

Authority: T.C.A. §§ 63-1-104, 63-1-105, 63-1-106, 63-1-109, 63-26-108, 63-26-109, 63-26-118, and 63-26-119.

Rule 0540-03-.17 Change of Name and/or Address is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended the new rule shall read:

(1) Change of Name. The school's program director shall notify the Registry's administrative office in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the license number, along with a certified or notarized photocopy of the document authorizing such a name change.

(2) Change of Address. The school's program director shall notify the Registry's administrative office in writing within 30 days of a change of address. The notice shall provide both the old and new addresses and must reference the school's name, telephone number, and license number.

Authority: T.C.A. §§ 63-1-106, 63-1-108, 63-26-108, 63-26-118, and 63-26-119.

Rule 0540-03-.20 Limited Licensure Electrology Training Programs is amended by deleting subparagraphs (1)(b), (3)(a), and paragraph (5) including its subparagraphs, and substituting instead the following language, so that as amended the new paragraph and subparagraphs shall read:

(1) (b) Ensure that the trainee has completed and mailed to the Registry's administrative office the Notification of Training form at least ten (10) days prior to beginning the training. The notification of training form must be completed in its entirety and be signed by the supervising dermatologist indicating that he will personally provide daily instruction and direct supervision to each trainee during the training period.

(3) (a) Training shall not begin until the Notification of Training has been submitted to the Registry's administrative office. Written verification of receipt will be provided to the trainee by the Registry's administrative office within five (5) working days after receipt.

(5) Completion or Abandonment of Training

(a) Upon the trainee's completion of the training program, the dermatologist must provide to the Registry's administrative office, concurrently with the trainee filing an application for license, verification that the training has been satisfactorily completed, along with a course outline, and an outline of training hours including specific theory topics and clinical practice.

(b) The dermatologist must provide an affidavit stating the number of training hours including specific theory topics and clinical practice to the Commissioner at the Registry's administrative office.

(c) The dermatologist must notify the Registry's administrative office in writing, within ten (10) days of the date he terminates or the trainee terminates training prior to completion.

Authority: T.C.A. §§ 63-26-108, 63-26-111, and 63-26-119.

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: 1/17/2013

Signature: Caroline R. Tippens

Name of Officer: Caroline Tippens

Title of Officer: Assistant General Counsel
Department of Health

Subscribed and sworn to before me on: 1/17/13

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/3/2015

THEODORA P. WILKINS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

**Department of State Use Only**

Filed with the Department of State on: 1/17/13

Tre Hargett
Secretary of State

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