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Sequence Number: 03-20-16
 Rule ID(s): 6159
 File Date: 3/24/16
 Effective Date: 6/22/16

Rulemaking Hearing Rule(s) Filing Form

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

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Board of Communications Disorders and Sciences
Division:	
Contact Person:	Hannah Lanford, Assistant General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Hannah.Lanford@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1370-01	Rules for Speech Pathology and Audiology
Rule Number	Rule Title
1370-01-.05	Procedures for Licensure
1370-01-.08	Examinations
1370-01-.14	Speech Language Pathology Assistants and Supervision

(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>)

Chapter 1370-01
Rules for Speech Pathology and Audiology

Amendments

Rule 1370-01-.05 Procedures for Licensure is amended by deleting paragraph (6) but not its subparagraphs, and substituting instead the following language, and is further amended by adding new paragraph (8) and renumbering the remaining paragraphs, so that as amended, the paragraphs shall read:

- (6) If applying by Certificate of Clinical Competence, an applicant shall file with the application documentation of proof of possessing the following certification:
- (8) Proof of good moral character
 - (a) An applicant shall submit evidence of good moral character. Such evidence shall include at least one (1) recent (dated within the preceding twelve (12) months) original letter from a professional attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.

Authority: T.C.A. §§ 63-17-105, 63-17-110 through 63-17-113, 63-17-115, and 63-17-117.

Rule 1370-01-.08 Examinations is amended by deleting the introductory paragraph and paragraphs (1) and (3) in their entirety and substituting instead the following language and is further amended by adding new paragraph (5), so that as amended, the new paragraphs shall read:

All persons intending to apply for licensure as a Speech Language Pathologist or Audiologist in Tennessee must successfully complete examinations pursuant to this Rule.

- (1) The Specialty Area Tests in Speech-Language Pathology and Audiology of the Professional Assessments for Beginning Teachers (Praxis Test) must be completed prior to application for licensure.
- (3) The Board adopts the Praxis Test, or its successor examination, as its licensure examination. Successful completion of examination is a prerequisite to licensure pursuant to Rule 1370-01-.05.
- (5) The Tennessee Jurisprudence Exam, established by the Board on the rules and statutes, must be successfully completed prior to licensure and/or reinstatement of licensure.

Authority: T.C.A. §§ 63-17-105, 63-17-110, and 63-17-111.

Rule 1370-01-.14 Speech Language Pathology Assistants and Supervision is amended by adding new paragraph (4) which shall read;

- (4) Supervising licensees shall be at least two (2) years removed from the completion of their Clinical Fellowship work.

Authority: T.C.A. §§ 63-17-103, 63-17-105, 63-17-114, and 63-17-128.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Carrie Crittendon	X				
Terri Flynn	X				
Mary Velvet Buehler	X				
Dr. Kimberly Vinson	X				
Julie Anne Crosby-Davis	X				
Debby Starr	X				
Richard Morton	X				

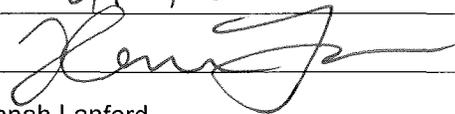
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Communications Disorders and Sciences (board/commission/ other authority) on 08/11/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/06/15 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 08/11/15 (mm/dd/yy)

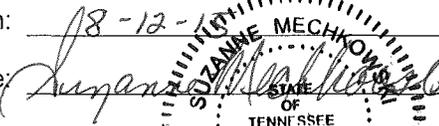
Date: 8/12/15

Signature: 

Name of Officer: Hannah Lanford
Assistant General Counsel

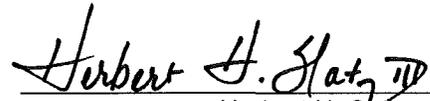
Title of Officer: Department of Health

Subscribed and sworn to before me on: 08-12-15

Notary Public Signature: 

My commission expires on: MY COMMISSION EXPIRES APRIL 19, 2017

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter
3/18/2016
Date

Department of State Use Only

Filed with the Department of State on: 3/24/16

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PUBLICATIONS

Effective on:

6/22/16



Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Board of Communications Disorders and Sciences Rulemaking Hearing
August 11, 2015

Public Hearing Comments

The Board received no written comments regarding these rule amendments.

The Board received one oral comment from John Williams, a lobbyist for TAASLP (Tennessee Association of Audiologist and Speech-Language Pathologist). Mr. Williams voiced his concerns about the use of the term "Criteria" in Rule 1370-01-.05(8)(b) since the "Criteria" method is not defined or explained in the rules or statutes. He mentioned that people who read the rules aren't familiar with the details of the application process (which is where the term "Criteria" method is used). He recommended that the Board explain or define the "Criteria" method.

The Board agreed with Mr. Williams that the use of the term "Criteria" might lead to confusion, and instead wanted to refer to the section of the rules where the Criteria method is discussed but not defined as such. Upon further discussion, the Board deleted subsection (b).

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

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

This rule amendment does not overlap, duplicate, or conflict with other federal, state, and local government rules.

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

This rule amendment is established with clarity, conciseness, and lack of ambiguity.

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

This rule amendment does not establish flexible compliance and/or reporting requirements for small businesses.

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

This rule amendment does not establish friendly schedules or deadlines for compliance reporting requirements for small businesses.

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

This rule amendment does not consolidate or simplify compliance or reporting requirements for small businesses.

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

This rule amendment does not establish performance standards for small businesses as opposed to design or operational standards required for the proposed rule.

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

This rule amendment does not create unnecessary barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Board of Communications Disorders and Sciences

Rulemaking hearing date: August 11, 2015

1. Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

These rule amendments will affect all applicants for licensure by the Board of Communications Disorders and Sciences as well as all licensees wishing to become supervising licensees. The applicants and licensees will be burdened by additional requirements, but the additional requirements will ensure that public interests are being better met as the requirements should result in more qualified practitioners. The Board has been requiring applicants to submit letters documenting good moral character for licensure for several years and has also required applicants to take the jurisprudence exam since March 1, 2013. Neither requirement has been met with concerns over the additional burdens placed on the applicants. The supervision requirement for supervisors to be two years removed from clinical fellowship should have a minimal impact on licensees and supervisors as the current language conflicts with rules regarding clinical fellows, clinical externs and supervision.

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

Due to the fact that the Board has been giving this exam since March 1, 2013, it is clear that the additional reporting, recordkeeping and administrative costs have been minimal.

3. Statement of the probable effect on impacted small businesses and consumers:

Because these rules are mainly the burden of the applicant, small businesses should not be affected by the rule amendments. The additional requirements for licensure and supervision will ensure that the public interests are being better met as the amendments should produce more qualified practitioners.

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

There are no less burdensome, less intrusive or less costly alternative methods of achieving the purpose or objective of these rule amendments.

5. Comparison of the proposed rule with any federal or state counterparts:

Federal: None.

State: Other various health-related boards have been adding jurisprudence requirements to their rules. Currently, the Board of Dentistry has proposed rules requiring all licensees to complete jurisprudence exams while the Board of Optometry is proposing to add a requirement for one hour of jurisprudence continuing education during each continuing education cycle.

Additionally, other boards have also added a requirement for applicants to show proof of good moral character.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

These rule amendments do not provide for any exemptions for small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule amendments should not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1370-01-.05(6): Adds words "If applying by Certificate of Clinical Competence" to the beginning of the paragraph.

Rule 1370-01-.05(8): New paragraph that adds a requirement for applicants to offer proof of good moral character.

Rule 1370-01-.08(1): Adds word "Praxis" at beginning of paragraph.

Rule 1370-01-.08(5): Adds jurisprudence examination requirement.

Rule 1370-01-.14(4): Adds requirement that supervising licensees be at least two (2) years removed from the completion of their clinical fellowship work.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules will affect all applicants for licensure by the Board of Communications Disorders and Sciences as well as all licensees wishing to become supervising licensees.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules should not result in any increase or decrease in state or local government revenues or expenditures.

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

Hannah Lanford, Assistant General Counsel, Department of Health.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Hannah Lanford, Assistant General Counsel, Department of Health.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel, Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243, (615) 741-1611, Hannah.Lanford@tn.gov.

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

(Rule 1370-01-.04, continued)

- (d) An applicant in the area of audiology;
 - 1. For applications received after January 1, 2009, the applicant must possess at least a Doctor of Audiology degree or other doctoral degree with emphasis in audiology or hearing science from an accredited institution; and
 - (i) Possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA; or
 - (ii) Have successfully completed and documented the following:
 - (I) a minimum of one thousand eight hundred twenty (1820) clock hours of supervised clinical experience (practicum) by a licensed audiologist or ASHA or ABA certified audiologist; and
 - (II) passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.
 - 2. When the applicant has been licensed in Tennessee or another state prior to 2009, the applicant must possess at least a Master's degree in Audiology from an accredited institution; and
 - (i) Possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA, or ABA certification; or
 - (ii) Have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall be obtained through an accredited institution which is recognized by ASHA; and
 - (iii) The Clinical Fellowship in the area of audiology; and
 - (iv) passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.
- (2) An individual who seeks licensure in the State of Tennessee and who holds a current license in another state may be granted a Tennessee license, if such person meets the qualifications of licensure by reciprocity pursuant to Rule 1370-01-.05 (9).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-102, 63-17-103, 63-17-105, 63-17-109 through 63-17-115, and Public Chapter 288 of the Public Acts of 2001. **Administrative History:** Original rule filed September 10, 1974; effective October 10, 1974. Amendment filed July 31, 1978; effective September 13, 1978. Repeal and new rule filed July 8, 1987; effective August 21, 1987. Amendment filed September 18, 1991; effective November 2, 1991. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed April 26, 2002; effective July 10, 2002. Amendment filed September 14, 2010; effective December 13, 2010.

1370-01-.05 PROCEDURES FOR LICENSURE. To become licensed as a speech language pathologist or audiologist in Tennessee, a person must comply with the following procedures and requirements:

- (1) An applicant shall download a current application from the Board's Internet Web page or shall obtain a current application packet from the Board's Administrative Office, respond truthfully and completely to every question or request for information contained in the application form, and submit it, along with all documentation and fees required, to the

(Rule 1370-01-.05, continued)

Board's Administrative Office. It is the intent of this Rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all materials be filed simultaneously.

- (2) An applicant shall submit with his application a certified birth certificate or a notarized photocopy of a certified birth certificate.
- (3) An applicant shall submit with his application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.
- (4) An applicant shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of a crime in any country, state, or municipality, except minor traffic violations;
 - (b) The denial of certification or licensure application by any other state or country, or the discipline of the certificate holder or licensee in any state or country.
 - (c) Loss or restriction of certification or licensure privileges.
 - (d) Any judgment or settlement in a civil suit in which the applicant was a party defendant, including malpractice, unethical conduct, breach of contract, or any other civil action remedy recognized by the country's or state's statutory, common law, or case law.
- (5) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- ~~(6) An applicant shall file with the application documentation of proof of possessing the following certification:~~
- ~~(6) If applying by Certificate of Clinical Competence, an applicant shall file with the application documentation of proof of possessing the following certification:~~
 - (a) Audiology applicants shall file with their application documentation that they possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA.
 - (b) Speech Language Pathology applicants shall file with their application documentation that they possess a current Certificate of Clinical Competence (CCC) in the area of speech language pathology issued through ASHA.
- (7) An applicant shall have successfully completed the following requirements and cause the supporting documentation to be provided to the Board's Administrative Office:
 - (a) A master's or doctorate degree in speech language pathology or audiology. Unless already submitted pursuant to rule 1370-01-.10, it is the applicant's responsibility to request that a graduate transcript be submitted directly from the educational institution to the Board's Administrative Office. The transcript must show that graduation with at least a master's level degree has been completed, and must carry the official seal of the institution.
 - (b) Documentation of the required supervised clinical experience (practicum) with individuals having a variety of communications disorders, as specified in Rule 1370-01-.04 for the discipline for which licensure is being sought. The experience must be obtained through an accredited institution. Unless already provided pursuant to Rule

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(Rule 1370-01-.05, continued)

1370-01-.10, the applicant shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative Office attesting to the standards of the practicum and the applicant's successful completion.

- (c) A Clinical Fellowship or Clinical Externship in the area in which licensure is being sought.
 - 1. The applicant shall ensure that the supervising Speech Language Pathologist or Audiologist submits a letter which attests to the Clinical Fellowship or Clinical Externship pursuant to Rule 1370-01-.10 directly to the Board's Administrative Office; or
 - 2. An audiologist initially licensed after January 1, 2009 shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative office attesting that the applicant has completed the clinical externship requirement or equivalent 1820 supervised clinical clock hours.
- (d) The examination for licensure pursuant to Rule 1370-01-.08. When the examination has been successfully completed, the applicant shall cause the examining agency to submit directly to the Board's Administrative Office documentation of the successful completion of the examination.

(8) Proof of good moral character

- (a) An applicant shall submit evidence of good moral character. Such evidence shall include at least one (1) recent (dated within the preceding twelve (12) months) original letter from a professional attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.

(9)(8) When necessary, all required documents shall be translated into English and such translation, together with the original document, shall be certified as to authenticity by the issuing source. Both versions must be submitted simultaneously.

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(10)(9) Reciprocity

- (a) If the applicant is licensed or was ever licensed in another state, the applicant shall cause the appropriate licensing Board in each state in which he holds or has held a license to send directly to the Board an official statement which indicates the condition of his license in such other state, including the date on which he was so licensed and under what provision such license was granted (i.e. certificate of clinical competence, examination, reciprocity, grandfathering, etc.).
- (b) In order to be licensed in the State of Tennessee by reciprocity, the Board must determine that the standards for licensure in effect in that state when the individual was licensed there are at least equivalent to, or exceed, the current requirements for licensure in Tennessee.

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(11)(10) A speech language pathologist or audiologist who holds an ASHA certification or equivalent, or holds a doctor of audiology degree (AuD) from an accredited institution of higher learning and has passed the examination required for licensure under §63-17-110 (b) (2), or is licensed in another state and who has made application to the Board for a license in the State of Tennessee, may perform activities and services of a speech language pathology or audiological nature without a valid license pending disposition of the application. For purposes of this rule, "pending disposition of the application" shall mean a Board member or the Board's designee has determined the application is

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(Rule 1370-01-.05, continued)

complete and the applicant has received written authorization from the Board member or the Board designee to commence practice, pursuant to T.C.A. §63-1-142.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-110 through 63-17-113, 63-17-115, and 63-17-117. **Administrative History:** Repeal and new rule filed July 8, 1987; effective August 21, 1987. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed April 26, 2002; effective July 10, 2002. Amendment filed June 22, 2004; effective September 5, 2004. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed August 3, 2005; effective October 17, 2005. Amendment filed March 17, 2006; effective May 31, 2006. Amendment filed September 11, 2006; effective November 25, 2006. Amendment filed September 14, 2010; effective November 13, 2010.

1370-01-.06 FEES.

- (1) The fees authorized by the Licensure Act for Communication Disorders and Sciences (T.C.A. §§63-17-101, et seq.) and other applicable statutes are established as nonrefundable fees, as follows:
 - (a) Application Fee - A fee to be paid by all applicants, including those seeking licensure by reciprocity. It must be paid to the Board each time an application for licensure is filed, or a license is reactivated.
 - (b) Duplicate License Fee - A fee to be paid when a licensee requests a replacement for a lost or destroyed 'artistically designed' license.
 - (c) Endorsement/Verification Fee - A fee to be paid for each certification, verification, or endorsement of an individual's record for any purpose.
 - (d) Examination Fee - The fee to be paid each time an examination is taken or retaken.
 - (e) Initial Licensure Fee - A fee to be paid when the Board has granted licensure and prior to the issuance of the 'artistically designed' wall license.
 - (f) Late Renewal Fee - A fee to be paid when an individual fails to timely renew and is in addition to the Licensure Renewal Fee.
 - (g) Licensure Renewal Fee - To be paid biennially by all licensees except retired licensees and Inactive Volunteers. This fee also applies to licensees who reactivate a retired, inactive, or expired license.
 - (h) State Regulatory Fee - To be paid by all individuals at the time of application and biennially (every other year) with all renewal applications.
- (2) 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 Board of Communications Disorders and Sciences.

(3) Fee Schedule

- (a) Speech Language Pathologist Amount
 - 1. Application \$ 50.00
 - 2. Duplicate License Fee 25.00

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(Rule 1370-01-.07, continued)

be just cause for the application file to be closed. This action may be made by the Board's Unit Director.

- (6) If a completed application file has been initially denied by the reviewing Board member and ratified as such by the Board, the action will become final and the following shall occur:
 - (a) A notification of the denial shall be sent to the applicant by the Board's Administrative Office by certified mail, return receipt requested. Specific reasons for the denial will be stated, such as incomplete information, unofficial records, failure of examination, and other matters judged insufficient for licensure, and such notification shall contain all the specific statutory and 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. §§4-5-201, 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.
- (7) If the Board finds that it has erred in the issuance of a license, the Board will give written notice by certified mail, return receipt requested, of intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to Rule 1370-01-.07(6)(b).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-142, 63-17-105, 63-17-110 through 63-17-114(6), 63-17-115, and 63-17-117. **Administrative History:** Original rule filed March 11, 1991; effective April 25, 1991. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed August 3, 2005; effective October 17, 2005.

1370-01-.08 EXAMINATIONS. ~~All persons intending to apply for licensure as a Speech Language Pathologist or Audiologist in Tennessee must successfully complete an examination pursuant to this Rule.~~

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All persons intending to apply for licensure as a Speech Language Pathologist or Audiologist in Tennessee must successfully complete examinations pursuant to this Rule.

~~(1) The examination must be completed prior to application for licensure.~~

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~~(1) The Specialty Area Tests in Speech-Language Pathology and Audiology of the Professional Assessments for Beginning Teachers (Praxis Test) must be completed prior to application for licensure.~~

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(2) Evidence of successful completion must be submitted by the examining agency directly to the Board's Administrative Office as part of the application process pursuant to Rule 1370-01-.05.

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~~(3) The Board adopts the Specialty Area Tests in Speech-Language Pathology and Audiology of the Professional Assessments for Beginning Teachers (Praxis Test), or its successor examination, as its licensure examination. Successful completion of examination is a prerequisite to licensure pursuant to Rule 1370-01-.05.~~

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(3) The Board adopts the Praxis Test, or its successor examination, as its licensure examination. Successful completion of examination is a prerequisite to licensure pursuant to Rule 1370-01-.05.

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- (4) The Board adopts the ASHA determination as to the passing score on the Praxis Test or successor examination.

- (5) The Tennessee Jurisprudence Exam, established by the Board on the rules and statutes, must be successfully completed prior to licensure and/or reinstatement of licensure.

Form

Form

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-110, 63-17-111 **Administrative History:** Original rule filed March 11, 1991; effective April 25, 1991. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed April 26, 2002; effective July 10, 2002. Amendment filed September 11, 2006, effective November 25, 2006.

1370-01-.09 RENEWAL OF LICENSE OR REGISTRATION.

- (1) Renewal Application.

- (a) The due date for license renewal is the expiration date indicated on the renewal certificate.

- (b) Methods of Renewal

- 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org

Form

- 2. Paper Renewals - For individuals who have not renewed their license or registration online via the Internet, a renewal application form will be mailed to each individual licensed or registered by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee or registrant from the responsibility of meeting all requirements for renewal.

- (c) To be eligible for license or registration renewal, an individual must submit to the Board's Administrative Office on or before the due date for renewal all of the following:

- 1. A completed Renewal Application form;
- 2. The renewal and state regulatory fees as provided in Rule 1370-01-.06; and
- 3. Attestation on the Renewal Application form to indicate and certify completion of continuing education requirements pursuant to Rule 1370-01-.12.

- (d) Licensees and registrants who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses or registrations processed pursuant to rule 1200-10-01-.10.

- (2) Exemption from Licensure or Registration Renewal - A licensee or registrant who does not plan to practice in Tennessee and who therefore does not intend to use the title 'speech language pathologist' or 'audiologist' or any title which conveys to the public that he is currently licensed or registered by this Board may apply to convert an active license or registration to retired, or inactive, status. These licensees must comply with the requirements of Rule 1370-01-.11.

- (3) Reinstatement of an Expired License or Registration.

(Rule 1370-01-.13, continued)

- (7) Violation, or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the practice act or any lawful order of the Board issued pursuant thereto;
- (8) Making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice as a Speech Language Pathologist, Audiologist, or Speech Language Pathology Assistant;
- (9) Engaging in the practice as a Speech Language Pathologist, Audiologist, or Speech Language Pathology Assistant under a false or assumed name, or the impersonation of another practitioner under a like, similar or different name;
- (10) Violation of the continuing education provisions of Rule 1370-01-.12;
- (11) Conviction of a felony or any offense involving moral turpitude;
- (12) Failing to provide adequate supervision for any assistant pursuant to Rule 1370-01-.14 or clinical fellow pursuant to Rule 1370-01-.10, including timely registration with the Board;
- (13) Supervising a quantity of assistants or clinical fellows inconsistent with the provisions of Rules 1370-01-.10 and/or 1370-01-.14

Form
Form

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-114, 63-17-117 and 63-17-128 **Administrative History:** Original rule filed January 31, 2000; effective April 15, 2000. Amendment filed September 11, 2006; effective November 25, 2006.

1370-01-.14 SPEECH LANGUAGE PATHOLOGY ASSISTANTS AND SUPERVISION.

- (1) Requirements.
 - (a) Speech Language Pathology Assistants.
 - 1. Speech Language Pathology Assistants must work under the supervision of a licensed Speech Language Pathologist (“Supervising Licensee”).
 - 2. The minimum qualifications for persons employed as Speech Language Pathology Assistants shall be as follows:
 - (i) The applicant must have completed a program of study designed to prepare the student to be a Speech Language Pathology Assistant. The applicant must have earned sixty (60) college-level semester credit hours in a program of study that includes general education and the specific knowledge and skills for a Speech Language Pathology Assistant. The training program shall include a minimum of one hundred (100) clock hours of field experience supervised by a licensed Speech Language Pathologist.
 - (I) At least twenty (20) semester credit hours of the sixty (60) hour requirement shall be in general education.
 - (II) At least twenty (20) semester credit hours of the sixty (60) hour requirement shall be in technical content. The course content must include the following:
 - I. overview of normal processes of communication and overview of communication disorders;

(Rule 1370-01-.14, continued)

- II. instruction in assistant-level service delivery practices;
 - III. instruction in workplace behaviors;
 - IV. cultural and linguistic factors in communication; and
 - V. observation.
- (III) The one hundred (100) hours of supervised fieldwork experience must provide appropriate experience for learning the job responsibilities and workplace behaviors of a Speech Language Pathology Assistant. This experience is not intended to develop independent practice.
3. If the applicant's academic institution does not provide for the full one hundred (100) hours of supervised field work experience by a licensed Speech Language Pathologist, then the applicant shall register with the Board and shall have a minimum of thirty (30) days up to a maximum of ninety (90) days to acquire the full one hundred (100) clock hours of field experience needed to become a fully credentialed Speech Language Pathology Assistant.
- (2) Scope of Practice.
- (a) A Speech Language Pathology Assistant shall not perform the following:
 1. Interpret test results or perform diagnostic evaluations;
 2. Conduct parent or family conferences or case conferences;
 3. Perform client or family counseling;
 4. Write, develop, or modify a client's individualized treatment plan;
 5. Treat clients without following the established plan;
 6. Sign any document without the co-signature of the supervising Speech Language Pathologist;
 7. Select or discharge clients for services;
 8. Disclose clinical or confidential information, either orally or in writing, to anyone not designated by the Speech Language Pathologist;
 9. Refer clients for additional outside service;
- (3) Supervision by and Responsibilities of the Supervising Licensee.
- (a) Prior to the commencement of training and/or employment, individuals seeking to be Speech Language Pathology Assistants must be registered by the supervising licensee with the Board on a registration form provided at the request of the supervising licensee.
 1. The registration form shall be completed by the supervising licensee who shall return the completed form to the Board's administrative office with a copy of the written plan of training to be used for that Speech Language Pathology Assistant.

(Rule 1370-01-.14, continued)

2. The Speech Language Pathology Assistant shall not begin training and/or employment until he/she has registered with the Board and paid the required fees, as provided in Rule 1370-01-.06.
3. For those applicants whose academic institution does not provide for the full one hundred (100) hours of supervised field work experience by a licensed Speech Language Pathologist:
 - (i) The registration form shall be completed by the supervising licensee who shall return the completed form to the Board's Administrative Office with a copy of the written plan of training to be used by the applicant.
 - (ii) The applicant shall not begin training and/or employment until he/she has registered with the Board. No fee shall be required during the thirty (30) to ninety (90) day period in which the applicant obtains the full one hundred (100) hours of supervised field work experience. Upon the completion of the full one hundred (100) hours, the applicant shall pay the required fees, as provided in Rule 1370-01-.06, to become a fully credentialed Speech Language Pathology Assistant.
- (b) The supervising licensee is responsible for designating an alternate licensed Speech Language Pathologist and ensuring that the designated alternate licensed Speech Language is available on-site to provide supervision when he/she is off site for any period of time. The designated alternate licensed Speech Language Pathologist must be registered with the Board as the alternate and should be documented on all written materials for training
- (c) Notice of employment, change of supervisor, or termination of any Speech Language Pathology Assistant must be forwarded by the supervising licensee to the Board's administrative office within thirty (30) days of such action.
- (d) Prior to utilizing a Speech Language Pathology Assistant, the licensed Speech Language Pathologist who is responsible for his or her direction shall carefully define and delineate the role and tasks. The Speech Language Pathologist shall:
 1. Define and maintain a specific line of responsibility and authority; and
 2. Assure that the Speech Language Pathology Assistant is responsible only to him or her in all client-related activities.
- (e) Any licensed Speech Language Pathologist may delegate specific clinical tasks to a registered Speech Language Pathology Assistant who has completed sufficient training. However, the legal, ethical, and moral responsibility to the client for all services provided, or omitted, shall remain the responsibility of the supervising licensee or of the licensed Speech Language Pathologist acting as supervisor in the absence of the supervising licensee. A Speech Language Pathology Assistant shall be clearly identified as an assistant by a badge worn during all contact with the client.
- (f) When a Speech Language Pathology Assistant assists in providing treatment, a supervising licensee shall:
 1. Provide a minimum of fifteen (15) hours of training for the competent performance of the tasks assigned. This training shall be completed during the first thirty (30) days of employment. A written plan for this training shall be submitted with registration. This training should include, but not be limited to, the following:

(Rule 1370-01-.14, continued)

- (i) Normal processes in speech, language, and hearing;
 - (ii) A general overview of disorders of speech, language, and hearing;
 - (iii) An overview of professional ethics and their application to the Speech Language Pathology Assistant activities;
 - (iv) Training for the specific job setting shall include information on:
 - (I) The primary speech, language, and hearing disorders treated in that setting;
 - (II) Response discrimination skills pertinent to the disorders to be seen;
 - (III) Equipment to be used in that setting;
 - (IV) Program administration skills, including stimulus presentation, data collection, and reporting procedures, screening procedures, and utilization of programmed instructional materials; and
 - (V) Behavior management skills appropriate to the population being served.
2. Evaluate each client prior to treatment.
3. Outline and direct the specific program for the clinical management of each client assigned to the Speech Language Pathology Assistant.
4. Provide direct/indirect, but on-site observation according to the following minimum standards:
 - (i) Provide direct observation for the first ten (10) hours of direct client contact following training;
 - (ii) Supervision of a Speech Language Pathology Assistant means direct supervision of not less than ten percent (10%) of a Speech Language Pathology Assistant's time each week. Direct supervision means on-site and in-view supervision as a clinical activity is performed;
 - (iii) The supervising licensee shall provide indirect supervision of not less than twenty percent (20%) of a Speech Language Pathology Assistant's time each week. Indirect supervision may include audio and video recordings, numerical data, or review of written progress notes. The supervising licensee, or the licensed Speech Language Pathologist acting as supervisor in the absence of the supervising licensee, must still be on-site;
 - (iv) At all times, the supervising licensee shall be available at a minimum by telephone whenever a Speech Language Pathology Assistant is performing clinical activities;
 - (v) All direct and indirect observations shall be documented and shall include information on the quality of a Speech Language Pathology Assistant's performance;
 - (vi) Whenever the Speech Language Pathology Assistant's performance is judged to be unsatisfactory over two (2) consecutive observations, the Speech

(Rule 1370-01-.14, continued)

Language Pathology Assistant shall be retrained in the necessary skills. Direct observations shall be increased to one hundred percent (100%) of all clinical sessions, until the Speech Language Pathology Assistant's performance is judged to be satisfactory over two (2) consecutive observations;

- (vii) Ensure that the termination of services is initiated by the Speech Language Pathologist responsible for the client; and
 - (viii) Make all decisions regarding the diagnosis, management, and future disposition of the client.
5. Provide supervision for an individual who is completing the required one hundred (100) hours of supervised field work experience pursuant to part (3)(a)3., as follows:
- (i) Fifty percent (50%) of the remaining hours must be supervised directly, on-site;
 - (ii) Of the hours remaining pursuant to subpart (3)(f)5.(i), at least twenty-five percent (25%) must be supervised directly, on-site and
 - (iii) Any remaining hours must be supervised indirectly.
 - (iv) Example: If the individual needs to complete eighty (80) of the required 100 hours of supervised field work experience, the first forty (40) hours (50%) must be supervised directly, on-site. Of the remaining forty (40) hours, at least ten (10) of those hours (25%) must be supervised directly, on-site and the remaining thirty (30) hours must be supervised indirectly.
- (g) Supervision limitations.
- 1. Supervising licensees shall supervise no more than three (3) individuals concurrently.
 - 2. Supervising licensees shall supervise no more than two (2) Speech Language Pathology Assistants concurrently.
 - 3. Supervising licensees shall supervise no more than three (3) Clinical Fellows concurrently.

(4) Supervising licensees shall be at least two (2) years removed from the completion of their Clinical Fellowship work.

Form

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-103, 63-17-105, 63-17-114 and 63-17-128. **Administrative History:** Original rule filed January 31, 2000; effective April 15, 2000. Amendment filed June 22, 2004; effective September 5, 2004. Amendment filed August 3, 2005; effective October 17, 2005. Amendment filed September 11, 2006; effective November 25, 2006. Amendment filed April 6, 2010; effective July 5, 2010. Repeal and new rule filed June 28, 2013; effective September 26, 2013.

1370-01-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SUBPOENAS.

- (1) Upon a finding by the Board that the Speech Language Pathologist, Audiologist, or Speech Language Pathology Assistant has violated any provision of the Tennessee Code Annotated §§63-17-101, et seq., or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:

Tennessee Secretary of State
Tre Hargett



Publications Division
312 Rosa L. Parks Avenue, 8th Floor
Nashville, Tennessee 37243-1102

Cody Ryan York
Director of Publications

615-253-4564
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June 8, 2016

Ms. Hannah Lanford
Assistant General Counsel
Board of Communications Disorders and Sciences
665 Mainstream Drive
Nashville, TN 37243

Dear Ms. Lanford,

Per Ashley Fine's phone conversation with our staff on June 2, 2016, we have corrected Rule 1370-01-.04, paragraph (2), to read, "An individual who seeks licensure in the State of Tennessee and who holds a current license in another state may be granted a Tennessee license, if such person meets the qualifications of licensure by reciprocity pursuant to Rule 1370-01-.05 (10)." The Rulemaking Hearing Rule filed with our office on March 24, 2016 amended Rule 1370-01-.05 by adding and renumbering paragraphs, which moved reciprocity from paragraph (9) to paragraph (10). If you should have questions, please feel free to contact me at (615) 741-2650.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody York', is written over a white background.

Cody Ryan York
Director of Publications