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Sequence Number: 24-19-14
Rule ID(s): 5701
File Date: 4/17/14
Effective Date: 7/16/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Communication Disorders and Sciences
Division:	
Contact Person:	Andrea Huddleston, Interim Chief Deputy General Counsel
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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-.10	Clinical Fellowships, Clinical Externs, 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

1370-01-.10 Clinical Fellowships, Clinical Externs, and Supervision is amended by adding subparagraph (4)(d) which shall read as follows:

(4) Clinical Fellows: Supervision Limitations

- (d) 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, 63-17-110, 63-17-114.

* 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)
Lynne Harmon Burgess	X				
Valeria Matlock	X				
Terri Philpot Flynn	X				
Mary Velvet Burhler	X				
Julie Ann Crosby	X				

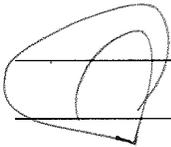
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Communications and Sciences Disorders (board/commission/ other authority) on 11/05/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 09/05/13 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 11/05/13 (mm/dd/yy)

Date: 4-3-14

Signature: 

Name of Officer: Andrea Huddleston
Interim Chief Deputy General Counsel
Department of Health

Subscribed and sworn to before me on: 4-3-14



Notary Public Signature: Suzanne Meekins

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.


 Robert E. Cooper, Jr.
 Attorney General and Reporter
4-14-14
 Date

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Filed with the Department of State on: 4/17/14

Effective on: 7/16/14


 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.

There were no comments on the rules, either written or oral.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process 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.

(If applicable, insert Regulatory Flexibility Addendum here)

REGULATORY FLEXIBILITY ANALYSIS

The Board must consider whether the rules or rule amendments being proposed are such that in relation to small businesses (businesses with 50 or fewer full time employees) the proposed language of the rules or amendments and/or the procedures contained therein meet all of the following requirements:

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or reporting requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans.
- (4) The compliance requirements throughout the proposed rules are as user-friendly as possible while still allowing the Board to achieve its mandated mission in regulating audiologists and speech language pathologists. There is sufficient notice between the rulemaking hearing and the final promulgation of rules to allow services and providers to come into compliance with the proposed rules.
- (5) Compliance requirements are not consolidated and simplified for small businesses in the proposed rules for the protection of the health, safety and welfare of Tennesseans.
- (6) The standards of care required in the proposed rules are the same as existing standards for the delivery of audiology and speech language pathology and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

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

Rulemaking hearing date: November 5, 2013

- 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:**

Tennessee Licensed Speech Language Pathologists who are seeking to complete their clinical fellowship and Speech Language Pathologists who supervise clinical fellows would be subject to the proposed rule amendment.

- 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:**

Reporting, recordkeeping and other administrative costs required for compliance with this proposed rule would not significantly differ from the status quo.

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

This proposed rule should have little adverse impact on small business as the rule will primarily affects licensed speech language pathologists. The proposed rule amendment will likely provide additional safeguards that Tennessee consumers are receiving safe, appropriate and effective speech language pathology services.

- 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:**

The Tennessee Board of Communications Disorders and Sciences does not believe there are any less burdensome alternatives to the proposed rule amendments.

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

Federal: No known comparable federal law.

State: State law currently has no restriction.

- 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.**

The vast majority of speech language pathologists operate out of small businesses. Thus, exempting small businesses would largely render this proposed rule moot.

Impact on Local Governments

Pursuant to T.C.A. § 4-5-228(a), "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 financial impact on local governments."

(Insert statement here)

The proposed rule will likely not have a major 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;

The proposed rules accomplish the following: (1) ensures that supervisors of clinical fellows have adequate experience and (2) requires all clinical fellow supervisors to be at least two years removed from completing his or her clinical fellowship.

- (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;

The proposed rule affects Tennessee licensed speech language pathologists.

- (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;

The promulgation of this rule should not result in any increase or decrease in state and local government revenues and expenditures.

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

Andrea Huddleston, Interim Chief Deputy General Counsel, Department of Health, possesses substantial knowledge and understanding of the rule.

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

Andrea Huddleston, Interim Chief Deputy General Counsel, Department of Health, explained the rule at the rulemaking hearing on November 5, 2013.

- (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, TN 37243, (615) 741-1611, Andrea.Huddleston@tn.gov.

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

None.

(Rule 1370-01-.09, continued)

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-116, 63-17-116(e) and 63-17-128
Administrative History: Original rule 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 July 22, 2003; effective October 5, 2003. Amendment filed September 11, 2006; effective November 25, 2006. Amendment filed June 28, 2013; effective September 26, 2013.

1370-01-.10 CLINICAL FELLOWSHIPS, CLINICAL EXTERNS, AND SUPERVISION.

- (1) Clinical Fellows must work under the supervision of a licensed or ASHA certified Speech Language Pathologist ("supervising licensee").
 - (a) The clinical fellowship experience shall include no less than thirty-six (36) supervisory activities in the following combination:
 1. Eighteen (18) direct (on-site) observations, with one (1) hour equaling one (1) on-site observation.
 2. Eighteen (18) monitored activities which may, for example, include telephone conferences, tape reviews, and record reviews.
 - (b) Each month of the clinical fellowship shall include two (2) on-site observations and two (2) other monitored activities.
- (2) Clinical Fellows: Procedures for Registration
 - (a) An applicant for registration as a Clinical Fellow shall cause a graduate transcript to 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 or doctorate level degree has been completed and must carry the official seal of the institution.
 - (b) An applicant for registration as a Clinical Fellow shall 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 have been obtained through an accredited institution. 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) All supervising licensees must register any and all Clinical Fellows working under their supervision with the Board on a Registration form to be provided by the Board at the request of the supervising licensee. Registration must be made by the supervising licensee before or within ten (10) days of retaining each Clinical Fellow.
- (3) Clinical Fellows: Period of Effectiveness
 - (a) Persons with doctoral degrees or doctoral degree candidates - Clinical fellowships are effective for a period of no less than nine (9) months and no more than four (4) years.
 - (b) Persons with master's degrees - Clinical fellowships are effective for a period of no less than nine (9) months and no more than one (1) year.
 1. Notwithstanding the provisions of subparagraph (b), the clinical fellowship's period of effectiveness for applicants for licensure who are awaiting national certification and subsequent Board review of their application may be extended for a period not to exceed three (3) additional months. Such extension will cease

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.10, continued)

to be effective if national certification or Board licensure is denied. At all times while awaiting national certification results and until licensure is received, clinical fellows shall practice only under supervision as set forth in this rule.

2. Application for licensure or re-registration by the supervising licensee for an additional clinical fellowship should be made thirty (30) days before the expiration of the clinical fellowship.
- (c) In the case of extenuating circumstances, a supervising licensee may request an application for re-registration to extend the clinical fellowship registration. The Board or its designee will determine if an extension will be granted.
- (4) Clinical Fellows: Supervision Limitations.
 - (a) Supervising licensees shall supervise no more than three (3) individuals concurrently.
 - (b) Supervising licensees shall supervise no more than two (2) Speech Language Pathology Assistants concurrently.
 - (c) Supervising licensees shall supervise no more than three (3) Clinical Fellows concurrently.
 - (d) Supervising licensees shall be at least two (2) years removed from the completion of their Clinical Fellowship work.
- (5) Clinical Externs must work under the supervision of a licensed, ASHA certified or ABA certified Audiologist (supervising licensee).
- (6) Clinical Externs: Procedures for Registration
 - (a) An applicant for registration as a Clinical Extern shall have a letter transmitted directly from the authorized individual at the accredited institution to the board administrator verifying that he or she has successfully completed sufficient academic course work to engage in outside supervised clinical practice.
 - (b) An applicant for registration as a Clinical Extern shall have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders. The experience shall have been obtained through an accredited institution. 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) All supervising licensees must register any and all Clinical Externs working under their supervision with the Board on a registration form to be provided by the Board at the request of the supervising licensee. Registration must be made by the supervising licensee prior to the start of the externship.
- (7) Clinical Externs: Period of effectiveness
 - (a) Registration of a Clinical Extern is effective for a period of fifteen (15) continuous months, beginning with the month after the month in which the registration is made.
 - (b) The length of the externship is set by the accredited institution.

(Rule 1370-01-.10, continued)

- (c) Notwithstanding the provisions of subparagraph (a), the clinical externship's period of effectiveness may be extended for a period not to exceed four (4) additional months for applicants for licensure who are awaiting national certification and subsequent Board review of their application. Such extension will cease to be effective if national certification or Board licensure is denied. At all times while awaiting national certification results and until licensure is received, clinical externs shall practice only under supervision as set forth in this rule.
 - (d) In the case of extenuating circumstances, a supervising licensee may request an application for re-registration to extend the clinical externship registration. The Board or its designee will determine if an extension will be granted.
- (8) Clinical Externs: Supervision Limitations. Supervising licensees shall concurrently supervise no more than two (2) Clinical Externs.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-103, 63-17-105, 63-17-110, and 63-17-114. **Administrative History:** Original rule filed December 18, 1995; effective March 1, 1996. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed January 31, 2003; effective April 16, 2003. 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. Amendment filed September 14, 2010; effective December 13, 2010. Amendment filed June 28, 2013; effective September 26, 2013.

1370-01-.11 RETIREMENT AND REACTIVATION OF LICENSE OR REGISTRATION.

- (1) (a) A licensee who holds a current license and does not intend to practice as a Speech Language Pathologist or Audiologist or intends to obtain an Inactive-Pro Bono Services license may apply to convert an active license to an Inactive-Retired status. Such licensee who holds a retired license may not practice and will not be required to pay the renewal fee
 - (b) A registrant who holds a current registration and does not intend to practice as a Speech Language Pathology Assistant may apply to convert an active registration to an Inactive-Retired status. Such registrant who holds a retired registration may not practice and will not be required to pay the renewal fee.
- (2) A person who holds an active license or registration may apply for retired status in the following manner:
- (a) Obtain, complete and submit to the Board's Administrative Office an Affidavit of Retirement form; and
 - (b) Submit any documentation which may be required by the form to the Board's Administrative Office.
- (3) A licensee or registrant who holds a retired license may apply to reactivate his license in the following manner:
- (a) Submit a written request for licensure or registration reactivation to the Board's Administrative Office;
 - (b) Pay the licensure or registration renewal fee and state regulatory fee as provided in Rule 1370-01-.06; and
 - (c) Provide documentation of successfully completing continuing education requirements pursuant to Rule 1370-01-.12.