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# 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).*

<b>Agency/Board/Commission:</b>	Tennessee Board of Communications Disorders and Sciences Council for Licensing Hearing Instrument Specialists
<b>Division:</b>	
<b>Contact Person:</b>	Hannah Lanford, Assistant General Counsel
<b>Address:</b>	665 Mainstream Drive, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-1611
<b>Email:</b>	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
1370-02	General Rules Governing Hearing Instrument Specialists
Rule Number	Rule Title
1370-02-.06	Fees

(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 1370-02  
General Rules Governing Hearing Instrument Specialists

Amendments

Rule 1370-02-.06 Fees is amended by deleting parts (3)(a)3 and (3)(a)6 in their entirety and substituting instead the following language, so that as amended, the new parts shall read:

- |    |                                      |           |
|----|--------------------------------------|-----------|
| 3. | Written Endorsement/Verification Fee | \$ 0.00   |
| 6. | Licensure Renewal Fee (Biennial)     | \$ 500.00 |

Authority: T.C.A. §§ 63-17-201, 63-17-203, 63-17-210, 63-17-211, 63-17-214, and 63-17-215.

\* 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)
Thomas Stewart	X				
Randy Williams	X				
Dr. Frederick Rayne	X				
Jerry L. Hall	X				
Lordy Dell Smith	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Communications Disorders and Sciences Council for Licensing Hearing Instrument Specialists (board/commission/ other authority) on 09/25/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

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

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Communication Disorders and Sciences (board/commission/ other authority) on 11/17/2015 (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: 07/08/15 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 09/25/15 (mm/dd/yy)

Date: 04/11/16

Signature: 

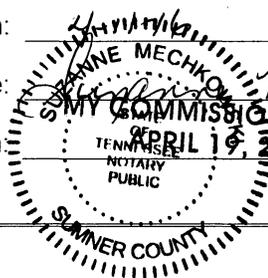
Name of Officer: Hannah Lanford  
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: 

My commission expires on: APRIL 19, 2017



Tennessee Board of Communications Disorders and Sciences  
Council for Licensing Hearing Instrument Specialists  
Rule 1370-02-.06  
General Rules Governing Hearing Instrument Specialists  
Fees

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  
Herbert H. Slatery III  
Attorney General and Reporter  
April 19, 2016  
Date

Department of State Use Only

Filed with the Department of State on: 4/25/16  
Effective on: 7/24/16  
Tre Hargett  
Tre Hargett  
Secretary of State

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## **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 public comments, 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.

**(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 any new compliance or reporting requirements.

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

This rule amendment does not establish any new schedules or deadlines.

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

This rule amendment does not establish any new compliance or reporting requirements.

**(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:** Tennessee Board of Communications Disorders and Sciences Council for Licensing Hearing Instrument Specialists

**Rulemaking hearing date:** 09/25/2015

**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 licensees of the Council for Licensing Hearing Instrument Specialists. Currently, there are one hundred thirty-three (133) licensees, twenty (20) apprentices, and seventeen (17) applications in process. These licensees will benefit from the two hundred dollar (\$200) fee reduction. The removal of the written endorsement/verification fee will benefit those applicants moving out of the state and seeking such endorsement/verification.

**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:**

These proposed rule amendments should not affect reporting or recordkeeping and do not involve administrative costs. The proposed rules reduce existing fee requirements and as such, do not require reporting, recordkeeping, or other administrative costs in order to comply with the proposed rule change.

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

The Board does not anticipate that there will be any adverse impacts to small businesses as small businesses could benefit from the fee reduction. These proposed rule amendments should not have any impact on consumers.

**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 methods of achieving the purpose and/or objectives of the proposed rule amendment.

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

**Federal:** None.

**State:** Many boards, currently operating at a surplus, are reducing some licensure fees.

Also, other boards are discussing removing any endorsement/verification fees from their rules.

**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 proposed rule amendments do not provide 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;

These amendments will reduce the written endorsement/verification fee to zero.

Additionally, these amendments will reduce the biennial licensure renewal fee from \$700.00 to \$500.00.

- (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 rule amendments will affect all licensees of the Council for Licensing Hearing Instrument Specialists. Currently, there are one hundred thirty-three (133) licensees, twenty (20) apprentices, and seventeen (17) applications in process.

- (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 and 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, 665 Mainstream Drive, Nashville, Tennessee 37243, (615) 741-1611, [Hannah.Lanford@tn.gov](mailto:Hannah.Lanford@tn.gov).

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

None.

(Rule 1370-02-.05, continued)

2000. Amendment filed March 17, 2006; effective May 31, 2006. Amendment filed June 29, 2007; effective September 12, 2007.

### 1370-02-.06 FEES.

- (1) The fees authorized by the Tennessee Council for Hearing Instrument Specialists Act (*T.C.A. §§63-17-201, et seq.*) and other applicable statutes are established as follows:
  - (a) Application Fee - A nonrefundable fee to be paid by all applicants. It must be paid to the Council each time an application for licensure is filed, or a license is reactivated. This fee includes the Initial License Fee and /or the fee for Licensure by Reciprocity.
  - (b) Council Operations Fee - A non-refundable fee to be paid by each hearing instrument specialist. This fee shall be paid by the last day in the licensee's birth month in the non-renewal year. This fee shall be effective for two (2) renewal cycles for each licensee. This fee shall expire at midnight on December 31, 2016.
  - (c) Duplicate License or Duplicate Certificate Fee - A nonrefundable fee to be paid when an individual requests a replacement for a lost/destroyed "artistically designed" license or a lost/destroyed renewal certificate.
  - (d) Examination (and Retake) Fee – A fee to be paid prior to each time an examination, or any component of an examination, is taken or retaken. The Examination (and Retake) Fee is nonrefundable if the examination, or any component of an examination, is taken or retaken. If the Examination (and Retake) Fee is paid but the examination or examination component(s) are not taken or retaken, the Examination (and Retake) Fee, except for twenty-five dollars (\$25.00), shall be refunded if the applicant submits a refund request within thirty (30) days from when the examination that the applicant was scheduled to take was administered.
  - (e) Late Renewal Fee - a nonrefundable fee to be paid when licensee fails to timely renew his license. This is an additional fee which must be submitted along with the Licensure Renewal Fee (Biennial) and the State Regulatory Fee.
  - (f) Licensure Renewal Fee (Biennial) - A nonrefundable fee to be paid by all license and certificate holders prior to issuance of the "artistically designed" license on a biennial renewal basis. This fee also applies to individuals who reactivate a retired or lapsed certificate or license.
  - (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
  - (h) Written Endorsement/Verification Fee - A nonrefundable fee paid for each certification, verification, or endorsement of a licensee's record for any purpose.
- (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 Council for Licensing Hearing Instrument Specialists.
- (3) Fee Schedule

(Rule 1370-02-.06, continued)

(a) Hearing Instrument Specialists

Type Fee	Amount
1. Application Fee.....	\$ 450.00
2. Duplicate License or Duplicate Certificate Fee .....	\$ 25.00
<del>3. Written Endorsement/Verification Fee .....</del>	<del>\$ 20.00</del>
<u>3. Written Endorsement/Verification Fee .....</u>	<u>\$ 0.00</u>
4. Examination Fees	
(i) Written - 1st attempt.....	\$ 175.00
(ii) Written - Retake .....	\$ 175.00
(iii) Practical - 1st attempt.....	\$ 175.00
(iv) Practical - Retake .....	\$ 125.00
5. Late Renewal Fee .....	\$ 150.00
<del>6. Licensure Renewal Fee (Biennial) .....</del>	<del>\$ 700.00</del>
<u>6. Licensure Renewal Fee (Biennial) .....</u>	<u>\$ 500.00</u>
7. State Regulatory Fee (Biennial)	\$ 10.00
8. Council Operations Fee..... (Paid in the non-renewal year)	\$ 300.00

(b) Apprentice Hearing Instrument Specialist

Type Fee	Amount
1. Application Fee.....	\$ 125.00
2. Examination and Retake Fee.....	\$ 125.00
3. State Regulatory Fee .....	\$ 10.00

Authority: T.C.A. §§ 63-17-201, 63-17-203, 63-17-210, 63-17-211, 63-17-214, and 63-17-215.

~~Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-201, 63-17-203, 63-17-210 and 63-17-215.~~  
**Administrative History:** For Administrative History prior to November, 1987 see page 1. Repeal and new rule filed September 24, 1987; effective November 8, 1987. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Repeal and new rule renumbered from 0760-1-.06 filed December 28, 1999; effective March 12, 2000. Amendment filed February 10, 2000; effective April 25, 2000. Amendment filed April 17, 2003; effective July 1, 2003. Amendment filed June 29, 2007; effective September 12, 2007. Amendments filed April 29, 2011; to have been effective July 28, 2011. The Government Operations Committee stayed for 60 days the amendments; new effective Date September 25, 2011. Withdrawal of amendments 1370-02-.06(3)(a)1 through 7 and 1370-02-.06(3)(b) filed September 22, 2011; effective September 25, 2011. Amendments 1370-02-.06(3)(a)1 through 8 and 1370-02-.06(3)(b) were originally