

**Department of State  
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Fax: 615-741-5133  
Email: [register.information@tn.gov](mailto:register.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 06-30-13  
Rule ID(s): 5502  
File Date: 6/28/13  
Effective Date: 9/26/13

## 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*

<b>Agency/Board/Commission:</b>	Board of Communications Disorders and Sciences
<b>Division:</b>	
<b>Contact Person:</b>	Alex Munderloh
<b>Address:</b>	Office of General Counsel 220 Athens Way, Suite 210 Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	615-741-1611
<b>Email:</b>	Alex.Munderloh@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-.09	Renewal of License or Registration
1370-01-.10	Clinical Fellowships, Clinical Externs, and Supervision
1370-01-.12	Continuing Education
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-.09 Renewal of License or Registration is amended by deleting subparagraphs (3)(b) and (3)(c) in their entirety and substituting instead the following language, so that as amended the new subparagraphs (3)(b) and (3)(c) shall read:

- (b) Licensees and registrants who wish to reinstate a license or registration that has been expired for five (5) years or less shall meet the following conditions:
  - 1. Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1370-01-.06; and
  - 2. Payment of the late renewal fee, pursuant to Rule 1370-01-.06; and
  - 3. Provide documentation of successfully completing continuing education requirements for every year the license or registration was expired, pursuant to Rule 1370-01-.12.
  - 4. License and registration reinstatement applications hereunder shall be treated as license and registration applications, and review and decisions shall be governed by Rule 1370-01-.07.
- (c) Licensees and registrants who wish to reinstate a license or registration that has been expired for more than five (5) years shall be required to reapply for licensure in accordance with applicable laws and rules of the Board. As part of the application, the licensee or registrant shall include documentation of current ASHA certification or equivalent and documentation of having successfully completed continuing education requirements for each year the license or registration was expired pursuant to Rule 1370-01-.12.

Authority: T.C.A. §§ 63-17-105 and 63-17-116(e).

Rule 1370-01-.10 Clinical Fellowships, Clinical Externs, and Supervision is amended by deleting paragraph (4) in its entirety (including (4)(a) through (f)) and substituting instead the following language, so that as amended the new paragraph (4) will include subparagraph (4)(a), (b) and (c) only and shall read:

- (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.

Authority: T.C.A. § 63-17-105.

Rule 1370-01-.12 Continuing Education is amended by deleting part (1)(a)3. in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1)(b) in its entirety and substituting instead the following language, so that as amended the new part (1)(a)3. and the new subparagraph (1)(b) shall read:

- (a) 3. For new licensees, proof of successful completion of all education and training requirements required for licensure in Tennessee, pursuant to Rule 1370-01-.04, which have been completed during the twelve (12) months preceding licensure, shall constitute continuing education credit for the initial period of licensure.
- (b) All Speech Language Pathology Assistants must complete a minimum of five (5) hours of continuing education during each calendar year. For new registrants, proof of successful completion of all education and training requirements required for registration in Tennessee, pursuant to Rule 1370-01-.14, which have been completed during the twelve (12) months preceding registration, shall constitute continuing education credit for the initial period of registration.

Rule 1370-01-.12 Continuing Education is amended by deleting part (1)(f)1. and substituting instead the following language so that, as amended, the new part (1)(f)1. shall read as follows:

- 1. For Speech Language Pathologists and Audiologists, all of the hours required in subparagraph (a) may be granted for multi-media courses during each calendar year.

Rule 1370-01-.12 Continuing Education is amended by deleting part (1)(f)3. in its entirety and substituting instead the following language so that, as amended, the new part (1)(f)3. shall read as follows:

- 3. Multi-Media courses may include courses utilizing:
  - (i) Group: Synchronous, live event. Instruction requires the simultaneous participation of all students and instructors in real time. Learners interact with the learning materials and the instructor at a specific location and time. Examples include but are not limited to workshops, seminars, symposium, webinar/videoconference, journal group, grand rounds, conventions, and conferences.
  - (ii) Individual: Asynchronous. Learners choose their own instructional time frame and location and interact with the learning materials and instructor according to their own schedules. Examples include but are not limited to video recordings, correspondence courses, audio recordings, programmed study, computer-assisted learning, and reading peer review journals/newsletters.
  - (iii) Blended: Combines elements of both group and individual learning experiences. These may be distance learning/online as well as face-to-face/in person. These courses might have prerequisite reading, videotaping/case study viewing that must be completed prior to, during, or after the face-to-face/in person portion. Examples include but are not limited to live webinar that has required reading/case study review for which the participant will earn credit for successfully completing prior to, during, or after the live segment.
  - (iv) Independent Study: A learning event proposed by the learner and reviewed, monitored and approved by a Board approved independent study provider.

Rule 1370-01-.12 Continuing Education is amended by deleting paragraph (4) in its entirety (including (4)(a) and (b)) and substituting instead the following language, so that as amended the new paragraph (4) will include subparagraph (4)(a) only and shall read:

(4) Continuing Education for Reactivation or Reinstatement of Retired or Expired Licenses and Registrations.

- (a) An individual whose license or registration has been retired or has expired must complete the continuing education requirements for each year the license or registration was retired or expired as a prerequisite to reactivation or reinstatement. The number of continuing education hours to be obtained, and the modality through which the continuing education hours may be obtained, shall be in accordance with the continuing education rules in place at the time the application for reactivation or reinstatement is submitted. The number of continuing education hours required for reactivation or reinstatement shall not exceed 100 hours. The continuing education hours obtained will be considered replacement hours and cannot be counted during the next licensure or registration renewal period.

Authority: T.C.A. § 63-17-105.

Rule 1370-01-.14 Speech Language Pathology Assistants and Supervision 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) 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;
- 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.
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:
    - (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 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.

Authority: T.C.A. §§ 63-17-103, 63-17-105 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)
Lynne Harmon Burgess	X				
Valeria Matlock	X				
John Ashford	X				
Terri Philpot Flynn	X				
Whitney Mauldin	X				
Ronald Eavey				X	
O.H. "Shorty" Freeland				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Communication Disorders and Sciences on 11/06/2012, 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: 08/09/12

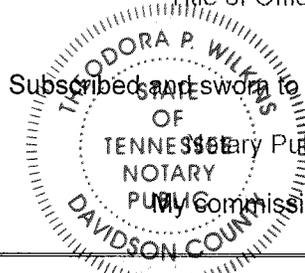
Rulemaking Hearing(s) Conducted on: (add more dates). 11/06/12

Date: 12/12/12

Signature: *Alex Munderloh*

Name of Officer: Alex Munderloh  
Assistant General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 12/12/12

Notary Public Signature: *Theodore P. Wilkins*

My Commission expires on: 11/3/15

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.*  
Robert E. Cooper, Jr.  
Attorney General and Reporter  
6-25-13  
Date

RECEIVED  
 2013 JUN 28 PM 3:46  
 SECRETARY OF STATE

Department of State Use Only

Filed with the Department of State on: 6/28/13

Effective on: 9/26/13  
*Ju King*



## **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.

### **PUBLIC HEARING COMMENTS**

#### **RULEMAKING HEARING**

#### **TENNESSEE BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES**

**NOVEMBER 6, 2012**

The rulemaking hearing for the Tennessee Board of Communications Disorders and Sciences was held on November 6, 2012 in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee.

The rulemaking hearing was attended members of the public. Oral comments by John Williams, Tennessee Association of Audiologists and Speech-Language Pathologists, James B. Hall, on behalf of Deborah L. Curlee Communication Consultants ("CCC"), and Deborah L. Hall, on behalf of CCC were received at the rulemaking hearing. Mr. Williams, Mr. Hall, and Mrs. Hall also submitted written comments.

Mr. Williams was opposed to the change of 1370-01-.12(1)(f)(3) which allows Audiologists and Speech-Language Pathologists to obtain all 15 hours of continuing education via multimedia sources because he claims licensees will have limited ability to interact with the provider of the continuing education seminar and because licensees will not have the same opportunities to network and interact with vendors who display new medical equipment. Mr. Williams was also concerned that the proposed rule language would dramatically expand the events and materials that qualify as multimedia. The Board considered this comment and made minor changes to the definitions of multimedia but declined to limit the number of continuing education hours that can come from multimedia sources.

Mr. and Mrs. Hall commented on the proposed changes to rule 1370-01-.14 pertaining to Speech-Language Pathology Assistants ("SLPA") and Supervision. Mr. and Mrs. Hall were primarily concerned that SLPAs would be allowed to perform duties that must be performed by a licensed Speech-Language Pathologist. Mr. and Mrs. Hall also asked that language be added requiring SLPAs to submit to the Board not only the name of their supervising Speech-Language Pathologist but the name of an alternate as well. The Board considered these comments and did require that a designated alternate be named and removed scope of practice language that encroached on duties reserved to Speech-Language Pathologists.

### **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.

#### Regulatory Flexibility Analysis

- (1) The proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rule amendments exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rule amendments are not written with special consideration for flexible compliance and/or requirements because the Board of Communications Disorders and Sciences has, as its primary mission, the protection of the health, safety, and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations.
- (4) The compliance requirements throughout the proposed rule amendments are as "user-friendly" as possible while still allowing the Board to achieve its mandated mission in regulating licensed Speech Language Pathologists, licensed Audiologists, and registered Speech Language Pathology Assistants. There is sufficient notice between the rulemaking hearing and the final promulgation of rules to allow individuals to come into compliance with the proposed rules.
- (5) The compliance requirements throughout the proposed rule amendments are as consolidated and simplified as possible while still allowing the Board to protect the health, safety, and welfare of Tennesseans.
- (6) The standards required in the proposed rule amendments are basic 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 rule amendments that would stifle entrepreneurial activity or curb innovation.

## STATEMENT OF ECONOMIC IMPACT

### **Types of small businesses that will be directly affected by the proposed rules:**

The proposed rule amendments will affect licensed audiologists, licensed speech language pathologists, registered speech language pathology assistants, applicants to become speech language pathology assistants, clinical fellows, continuing education course providers and small businesses that train and/or employ speech language pathology assistants.

### **Types of small businesses that will bear the cost of the proposed rules:**

Any costs associated with the proposed rule amendments will be assessed upon licensed Audiologists, licensed Speech Language Pathologists, registered Speech Language Pathology Assistants, applicants to become Speech Language Pathology Assistants, Clinical Fellows, continuing education course providers and small businesses that train and/or employ speech language pathology assistants.

### **Types of small businesses that will directly benefit from the proposed rules:**

The proposed rule amendments will benefit licensed Audiologists, licensed Speech Language Pathologists, registered Speech Language Pathology Assistants, applicants to become Speech Language Pathology Assistants, Clinical Fellows, continuing education course providers and small businesses that train and/or employ Speech Language Pathology Assistants. The proposed rule amendments will benefit affected individuals in the following manner: (1) by clarifying the licensure requirements for individuals whose licenses have expired; (2) clarifying the supervision guidelines for Supervising Licensees; (3) clarifying the continuing education requirement for new licensees and new registrants; (4) clarifying the education requirements for reactivation of a retired or expired license or registration; and (5) revising rule sections regarding Speech Language Pathology Assistants to clarify the scope of practice, education requirements, and supervision.

### **Description of how small businesses will be adversely impacted by the proposed rules:**

The proposed rule amendments may affect continuing education course providers to the extent that there may be a decrease in course participation given the exemption to new licensees who have completed education and training during the twelve (12) months preceding licensure.

### **Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

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

### **Comparison of the proposed rule with federal or state counterparts:**

**Federal:** The Board of Communications Disorders and Sciences is not aware of any federal counterparts.

**State:** The proposed rule amendments are generally consistent with similar rules promulgated by similar boards in Kentucky, North Carolina, Alabama, and Arkansas.

## **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 is not expected to have an impact on local government.

## 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) clarify licensure requirements for individuals whose licenses have expired [Rule 1370-01-.09(3)(b), (3)(c)]; (2) clarify the supervision guidelines for Supervising Licensees [Rule 1370-01-.10(4)]; (3) clarify the continuing education requirement for new licensees and new registrants [Rule 1370-01-.12(1)(a)3. and (1)(b)]; (4) clarify the continuing education requirement for reactivation of a retired or expired license or registration [Rule 1370-01-.12(4)(a)]; and (5) revise rule section regarding Speech Language Pathology Assistants to clarify scope of practice, educational requirements, and supervision [Rule 1370-01-.14].

- (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;

N/A

- (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 most directly affect licensed Audiologists, Speech-Language Pathologists, and Speech-Language Pathology Assistants in Tennessee. The Tennessee Association of Audiologists and Speech-Language Pathologists, through its representative John Williams, suggested some changes to the rule.

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

N/A

- (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 impact will likely be minimal.

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

Stacy Tarr, Director of the Tennessee Board of Communications Disorders and Sciences  
Lynn Burgess Harmon, Chairwoman of the Tennessee Board of Communications Disorders and Sciences  
Alex Munderloh, Assistant General Counsel, Tennessee Department of Health

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

Lynn Burgess Harmon, Chairwoman of the Tennessee Board of Communications Disorders and Sciences  
Alex Munderloh, Assistant General Counsel, Tennessee 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

Lynn Burgess Harmon, 1225 E. Weisgarber Rd., Suite 180 South, Knoxville, TN 37909, 865-584-5558, lyneellen@aol.com  
Alex Munderloh, 220 Athens Way, Suite 210, Nashville, Tennessee 37243, 615-741-1611, alex.munderloh@tn.gov

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

N/A

## RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.07, continued)

- (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.

- (1) The examination must be completed prior to application for licensure.
- (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.
- (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.
- (4) The Board adopts the ASHA determination as to the passing score on the Praxis Test or successor examination.

**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](http://www.tennesseeanytime.org)

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.09, continued)

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.
- (a) Licensees and registrants who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licensure processed pursuant to Rule 1200-10-01-.10.
- (b) ~~Reinstatement of a license or registration that has expired for less than five (5) years may be accomplished upon meeting the following conditions:~~
- ~~1. Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1370-01-.06; and~~
  - ~~2. Payment of the Late Renewal fee, pursuant to Rule 1370-01-.06; and~~
  - ~~3. Provide documentation of successfully completing continuing education requirements for every year the license or registration was expired, pursuant to Rule 1370-01-.12.~~
  - ~~4. License and registration reinstatement applications hereunder shall be treated as license and registration applications, and review and decisions shall be governed by Rule 1370-01-.07.~~
- (c) ~~Licenses that have expired for more than five (5) years may not be reinstated, reissued, or restored. The Board will consider an application for a new license if such application is made pursuant to this chapter of rules and the Licensure Act for Communication Disorders and Sciences, T.C.A. §63-17-101, et seq.~~

# RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.09, continued)

- (b) Licensees and registrants who wish to reinstate a license or registration that has been expired for five (5) years or less shall meet the following conditions:
1. Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1370-01-.06; and
  2. Payment of the late renewal fee, pursuant to Rule 1370-01-.06; and
  3. Provide documentation of successfully completing continuing education requirements for every year the license or registration was expired, pursuant to Rule 1370-01-.12.
  4. License and registration reinstatement applications hereunder shall be treated as license and registration applications, and review and decisions shall be governed by Rule 1370-01-.07.
- (c) Licensees and registrants who wish to reinstate a license or registration that has been expired for more than five (5) years shall be required to reapply for licensure in accordance with applicable laws and rules of the Board. As part of the application, the licensee or registrant shall include documentation of current ASHA certification or equivalent and documentation of having successfully completed continuing education requirements for each year the license or registration was expired pursuant to Rule 1370-01-.12.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-116 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.

## 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

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.10, continued)

(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 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) Clinical Fellows 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) individuals concurrently.~~
- ~~(d) A licensee who supervises three (3) individuals may provide alternate supervision to one (1) additional Speech Language Pathology Assistant or Clinical Fellow.~~
- ~~(e) A licensee who supervises two (2) individuals may provide alternate supervision to two (2) additional Speech Language Pathology Assistants or Clinical Fellows.~~
- ~~(f) A licensee who supervises one (1) individual may provide alternate supervision to three (3) additional Speech Language Pathology Assistants or Clinical Fellows.~~

(4) Clinical Fellows: Supervision Limitations.

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.10, continued)

- (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.
- (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.
  - (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

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.10, continued)

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.

**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 and 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.
- (4) License and registration reactivation applications shall be treated as licensure applications and review decisions shall be governed by Rule 1370-01-.07.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-116, 63-17-124 and 63-17-128 **Administrative History:** Original 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-.12 CONTINUING EDUCATION.** All Speech Language Pathologists, Audiologists, and Speech Language Pathology Assistants must comply with the following continuing education rules as a prerequisite to licensure and registration renewal.

- (1) Continuing Education - Hours Required
  - (a) All Speech Language Pathologists and Audiologists must complete a minimum of ten (10) hours of continuing education during each calendar year.

## RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.12, continued)

1. Five (5) hours of the ten (10) hour requirement must have been obtained in the licensee's area of practice (Speech Language Pathology or Audiology); and
  2. Five (5) hours of the ten (10) hour requirement may regard either Speech Language Pathology or Audiology.
  3. ~~For new licensees, submitting proof of successful completion during the twelve (12) months preceding licensure of all education and training requirements required for licensure in Tennessee, pursuant to Rule 1370-01-.04, shall be considered proof of sufficient preparatory education to constitute continuing education credit for the initial period of licensure.~~
  3. For new licensees, proof of successful completion of all education and training requirements required for licensure in Tennessee, pursuant to Rule 1370-01-.04, which have been completed during the twelve (12) months preceding licensure, shall constitute continuing education credit for the initial period of licensure.
- (b) ~~All Speech Language Pathology Assistants must complete a minimum of five (5) hours of continuing education during each calendar year. For new registrants, submitting proof of successful completion during the twelve (12) months preceding registration of (all education and training requirements required for registration in Tennessee, pursuant to Rule 1370-01-.14, shall be considered proof of sufficient preparatory education to constitute continuing education credit for the initial period of registration.~~
- (b) All Speech Language Pathology Assistants must complete a minimum of five (5) hours of continuing education during each calendar year. For new registrants, proof of successful completion of all education and training requirements required for registration in Tennessee, pursuant to Rule 1370-01-.14, which have been completed during the twelve (12) months preceding registration, shall constitute continuing education credit for the initial period of registration.
- (c) The Board does not pre-approve continuing education programs. It is the responsibility of the licensee or registrant, using his/her professional judgment, to determine whether or not the continuing education course is applicable and appropriate and meets the guidelines specified in this rule. Continuing education credit will not be allowed for the following
1. Regular work activities, administrative staff meetings, case staffing/reporting, etc.
  2. Membership or holding office in or participation on boards or committees, or business meetings of professional organizations.
  3. Independent unstructured, or self-structured, learning.
  4. Training specifically related to policies and procedures of an agency.
  5. Seminars, conferences or courses not directly related to Speech Language Pathology or Audiology (i.e. computers, finance, business management, etc.) or inconsistent with the requirements of subparagraph (a).
- (d) Persons who hold dual licenses (Speech Language Pathology and Audiology) must complete a minimum of twenty (20) hours of continuing education during each calendar year. The hours must be distributed equally between each specialty.

## RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.12, continued)

- (e) For purposes of these Rules, one-tenth (0.1) Continuing Education Unit (CEU), as defined by ASHA and other CE course providers, is equivalent to sixty (60) minutes or one (1) hour of continuing education.
- (f) Multi-Media - With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.

~~1. For Speech Language Pathologists and Audiologists, a maximum of five (5) hours of the ten (10) hours required in subparagraph (a) may be granted for multi-media courses during each calendar year.~~

1. For Speech Language Pathologists and Audiologists, all of the hours required in subparagraph (a) may be granted for multi-media courses during each calendar year.

2. For Speech Language Pathology Assistants, all of the hours required in subparagraph (b) may be granted for multi-media courses during each calendar year.

~~3. Multi-Media courses may include courses utilizing:~~

- ~~(i) The Internet~~
- ~~(ii) Closed circuit television~~
- ~~(iii) Satellite broadcasts~~
- ~~(iv) Correspondence courses~~
- ~~(v) Videotapes~~
- ~~(vi) CD-ROM~~
- ~~(vii) DVD~~
- ~~(viii) Teleconferencing~~
- ~~(ix) Videoconferencing~~
- ~~(x) Distance learning~~

3. Multi-Media courses may include courses utilizing:

- (i) Group: Synchronous, live event. Instruction requires the simultaneous participation of all students and instructors in real time. Learners interact with the learning materials and the instructor at a specific location and time. Examples include but are not limited to workshops, seminars, symposium, webinar/videoconference, journal group, grand rounds, conventions, and conferences.
- (ii) Individual: Asynchronous. Learners choose their own instructional time frame and location and interact with the learning materials and instructor according to their own schedules. Examples include but are not limited to video recordings, correspondence courses, audio recordings, programmed

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.12, continued)

study, computer-assisted learning, and reading peer review journals/newsletters.

(iii) Blended: Combines elements of both group and individual learning experiences. These may be distance learning/online as well as face-to-face/in person. These courses might have prerequisite reading, videotaping/case study viewing that must be completed prior to, during, or after the face-to-face/in person portion. Examples include but are not limited to live webinar that has required reading/case study review for which the participant will earn credit for successfully completing prior to, during, or after the live segment.

(iv) Independent Study: A learning event proposed by the learner and reviewed, monitored and approved by a Board approved independent study provider.

- (g) The Board, in cases of documented illness, disability, other undue hardship or retirement, may
1. waive the continuing education requirements; or
  2. extend the deadline to complete continuing education requirements.
- (h) To be considered for a waiver of continuing education requirements, or for an extension of the deadline to complete the continuing education requirements, a licensee or registrant must request such in writing with supporting documentation before the end of the calendar year in which the continuing education requirements were not met.

(2) Documentation - Proof of Compliance.

- (a) Each licensee and registrant must retain documentation of attendance and completion of all continuing education. If asked by the Board for inspection and/or verification purposes, the licensee or registrant must produce one (1) of the following:
1. Verification of continuing education by evidencing certificates which verify attendance at continuing education program(s); or
  2. An original letter on official stationery from the continuing education's program's sponsor verifying the continuing education and specifying date, hours of actual attendance, program title, licensee or registrant name and number.
- (b) Each licensee and registrant on the biennial renewal form must attest to completion of the required continuing education hours and that such hours were obtained during the two (2) calendar years (January 1 - December 31) that precede the licensure or registration renewal year.
- (c) Each licensee and registrant shall maintain, for a period of not less than four (4) years, all documentation pertaining to continuing education.

(3) Violations.

- (a) Any licensee or registrant who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action pursuant to Rule 1370-01-.13.

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.12, continued)

1. Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrants the intended action.
2. The licensee or registrant has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or registration.
3. Any licensee or registrant who fails to show compliance with the required continuing education hours in response to the notice contemplated by part (3) (a) 1. above may be subject to disciplinary action

~~(4) Continuing Education for Reactivation of Retired or Expired Licenses and Registrations.~~

~~(a) Reactivation of a Retired License or Registration. An individual whose license or registration has been retired must complete continuing education requirements for each year the license or registration was retired as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next licensure or registration renewal period.~~

~~(b) Reactivation of an Expired License or Registration. Continuing education hours obtained as a prerequisite for reactivating an expired license or registration may not be counted toward the current calendar year continuing education requirement.~~

(4) Continuing Education for Reactivation or Reinstatement of Retired or Expired Licenses and Registrations.

(a) An individual whose license or registration has been retired or has expired must complete the continuing education requirements for each year the license or registration was retired or expired as a prerequisite to reactivation or reinstatement. The number of continuing education hours to be obtained, and the modality through which the continuing education hours may be obtained, shall be in accordance with the continuing education rules in place at the time the application for reactivation or reinstatement is submitted. The number of continuing education hours required for reactivation or reinstatement shall not exceed 100 hours. The continuing education hours obtained will be considered replacement hours and cannot be counted during the next licensure or registration renewal period.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-124 and 63-17-128. **Administrative History:** (Formerly 1370-01-.10) New rule filed January 31, 2000; effective April 15, 2000. Amendment filed September 13, 2001; effective November 27, 2001. Amendment filed April 26, 2002; effective July 10, 2002. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed July 22, 2003; effective October 5, 2003. Amendment filed September 11, 2006; effective November 25, 2006.

**1370-01-.13 UNPROFESSIONAL AND UNETHICAL CONDUCT.** The Board has the authority to refuse to issue a license or registration, or may suspend, revoke, or condition a license or registration for a period of time, or assess a civil penalty against any person holding a license to practice as a Speech Language Pathologist, or Audiologist, or registration as a Speech Language Pathology Assistant. In addition to the statute at T.C.A. §63-17-117, unprofessional and/or unethical conduct shall include, but not be limited to the following

- (1) Engaging in clinical work when the licensee or registrant is not properly qualified to do so, pursuant to Rules 1370-01-.04 and 1370-01-.14, by successful completion of training, course work and/or supervised practicum;
- (2) Failure to take precautions to avoid injury to the client;

- (3) The guarantee or warranty of any sort, whether expressed orally or in writing, of the results of any speech, language, or hearing consultative or therapeutic procedure for the client;
- (4) Diagnosis or treatment (excluding general information of an educational nature) of any individual speech, language or hearing disorders by correspondence;
- (5) Willfully betraying a professional secret;
- (6) Accepting for treatment, and/or continuing treatment of, any client where benefit cannot reasonably be expected to accrue or is unnecessary;
- (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

**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) Speech Language Pathology Assistants and Supervision.~~
  - ~~(a) Speech Language Pathology Assistants (SLPA) must work under the supervision of a licensed Speech Language Pathologist ("Supervising Licensee").~~
  - ~~(b) Beginning January 1, 2005, the minimum qualifications for persons employed as Speech Language Pathology Assistants shall be as follows:~~
    - ~~1. The applicant must have completed a program of study designed to prepare the student to be a Speech Language Pathology Assistant; and~~
    - ~~2. The applicant must have completed course work and field experiences in a technical training program for Speech Language Pathology Assistants approved by the American Speech-Language-Hearing Association (ASHA).~~

# RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

## (Rule 1370-01-.14, continued)

- (i) ~~Course work and fieldwork experience completed prior to January 1, 2005 will be evaluated to determine whether the applicant meets all criteria for registration.~~
  - (ii) ~~All applicants for registration must be referred for registration by the program director of the technical training program where they have completed the field and course work requirements; or~~
3. ~~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 SLPA. The training program shall include a minimum of one hundred (100) clock hours of field experiences 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~~
    - (II) ~~instruction in assistant-level service delivery practices~~
    - (III) ~~instruction in workplace behaviors~~
    - (IV) ~~cultural and linguistic factors in communication~~
    - (V) ~~observation~~
  - (iii) ~~The one hundred (100) hours of supervised fieldwork experiences must provide appropriate experiences for learning the job responsibilities and workplace behaviors of a SLPA. These experiences are not intended to develop independent practice.~~
- (c) ~~Individuals registered with the Board as Speech Language Pathology Assistants before January 1, 2005 are exempt from the requirements of subparagraph (1) (b).~~
- (2) ~~Supervision by and Responsibilities of the Supervising Licensee.~~
- (a) ~~Prior to commencement of training, individuals seeking to be Speech Language Pathology Assistants must be registered by the Supervising Speech Language Pathologist (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 SLPA.~~
    - 2. ~~The SLPA shall not begin employment until he/she has registered with the Board and paid the required fees, as provided in rule 1370-01-.06.~~

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

- ~~(b) The registration form must also indicate, by name and signature, at least one (1) alternate Supervising Licensee who shall be on-site to provide the supervision when the primary Supervising Licensee is off-site for any temporary and impermanent reason.~~
- ~~(c) Notice of employment, change of supervisors, or termination of any SLPA must be forwarded by the Supervising Licensee to the Board's Administrative Office within thirty (30) days of such action.~~
- ~~(d) Prior to utilizing an SLPA, the licensed Speech Language Pathologist who is responsible for his or her direction shall carefully define and delineate the role and tasks. The Supervising Licensee shall:
  - ~~1. Define and maintain specific line of responsibility and authority.~~
  - ~~2. Assure that the SLPA 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 SLPA 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. An SLPA shall be clearly identified as an Assistant by a badge worn during all contact with the client.~~
- ~~(f) When an SLPA 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:
    - ~~(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 SLPA activities;~~
    - ~~(iv) Training for the specific job setting is to 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.~~~~

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

- ~~3. Outline and direct the specific program for the clinical management of each client assigned to the SLPA.~~
- ~~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 an SLPA means direct supervision of not less than ten percent (10%) of an SLPA'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 an SLPA's time each week. Indirect supervision may include audio and videotape recordings, numerical data, or review of written progress notes. The Supervising Licensee, or alternate Supervising Licensee, must still be on-site.~~
  - ~~(iv) At all times, the supervising licensee shall be available at a minimum by telephone whenever an SLPA is performing clinical activities.~~
  - ~~(v) All direct and indirect observations shall be documented and shall include information on the quality of an SLPA's performance.~~
  - ~~(vi) Whenever the SLPA's performance is judged to be unsatisfactory over two (2) consecutive observations, the SLPA shall be retrained in the necessary skills. Direct observations shall be increased to one hundred percent (100%) of all clinical sessions, until the SLPA'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.~~
  - ~~(viii) Make all decisions regarding the diagnosis, management, and future disposition of the client.~~~~
- ~~(g) A licensed Speech Language Pathologist shall not delegate the following responsibilities:
  - ~~1. Interpretation of test results or performances of diagnostic evaluation;~~
  - ~~2. Conduction of parent or family conferences or case conferences;~~
  - ~~3. Client or family counseling;~~
  - ~~4. Writing, developing, or modifying a client's individualized treatment plan;~~
  - ~~5. Treatment of clients without following the established plan;~~
  - ~~6. Signing any document without the co-signature of the supervising Speech Language Pathologist;~~
  - ~~7. Selection or discharge of clients for services;~~~~

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

- ~~8. Disclosure of clinical or confidential information, either orally or in writing, to anyone not designated by the Speech Language Pathologist; and~~
- ~~9. Referring clients for additional outside services.~~

~~(h) Supervision limitations~~

- ~~1. Supervising licensees shall supervise no more than two (2) Speech Language Pathology Assistants concurrently.~~
- ~~2. Supervising licensees shall supervise no more than three (3) Clinical Fellows concurrently.~~
- ~~3. Supervising licensees shall supervise no more than three (3) individuals concurrently.~~
- ~~4. A licensee who supervises three (3) individuals may provide alternate supervision to one (1) additional Speech Language Pathology Assistant or Clinical Fellow.~~
- ~~5. A licensee who supervises two (2) individuals may provide alternate supervision to two (2) additional Speech Language Pathology Assistants or Clinical Fellows.~~
- ~~6. A licensee who supervises one (1) individual may provide alternate supervision to three (3) additional Speech Language Pathology Assistants or Clinical Fellows.~~

(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;

II. instruction in assistant-level service delivery practices;

III. instruction in workplace behaviors;

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

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.
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.

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

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 license 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:
    - (i) Normal processes in speech, language, and hearing;

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

- (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

RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY CHAPTER 1370-01

(Rule 1370-01-.14, continued)

Speech 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.

**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.

**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