

Department of Health
Notice of Rulemaking Hearing
Board of Communications Disorders and Sciences
Council for Licensing Hearing Instrument Specialists
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Communications Disorders and Sciences' Council for Licensing Hearing Instrument Specialists to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, and 63-17-203. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 17th day of October, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 1370-2-.08, Examinations, is amended by adding the following language as new parts (1) (b) 2. and (2) (b) 2., and by renumbering the present parts (1) (b) 2. and (2) (b) 2. as parts (1) (b) 3. and (2) (b) 3.:

- (1) (b) 2. Applicants may be required to bring the following to the practical skills examination:
 - (i) An audiometer, audiogram forms, and proof of the audiometer's current calibration; and
 - (ii) An otoscope; and

- (iii) All materials needed to make an ear impression; and
 - (iv) Equipment needed to program, troubleshoot, or modify hearing instruments and ear molds; and
 - (v) Red and blue ink pens; and
 - (vi) An individual to be the subject for the ear impression and the hearing test.
- (2) (b) 2. Applicants may be required to bring the following to the practical skills examination:
- (i) An audiometer, audiogram forms, and proof of the audiometer's current calibration; and
 - (ii) An otoscope; and
 - (iii) All materials needed to make an ear impression; and
 - (iv) Equipment needed to program, troubleshoot, or modify hearing instruments and ear molds; and
 - (v) Red and blue ink pens; and
 - (vi) An individual to be the subject for the ear impression and the hearing test.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-203, 63-17-208, 63-17-209, and 63-17-210.

Rule 1370-2-.12, Continuing Education is amended by deleting subparagraph (4) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (4) (a) shall read:

(4) (a) Reactivation of a Retired License.

1. An individual whose license has been retired for two (2) years or less will be required to fulfill continuing education requirements as outlined in this Rule as a prerequisite to reactivation. Those hours will be considered replacement hours and cannot be counted during the next licensure renewal period.

2. An individual who requests reactivation of a license which has been retired for two (2) or more years must submit, along with the reactivation request, verification which indicates the attendance and completion of twenty (20) hours of continuing education. The continuing education hours must have been started and successfully completed within the two (2) years immediately preceding the date of the requested reactivation.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-203, and 63-17-214.

Rule 1370-2-.19 Council Meetings, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (5), so that as amended, the new catchline and the new paragraph (5) shall read:

1370-2-.19 Council Meetings, Officers, Consultants, Records, Declaratory Orders, and Screening Panels.

- (5) Screening Panels - The Council adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-17-105, 63-17-203, 63-17-219, 63-17-220, and Public Chapter 234 of the Public Acts of 2005.

Rule 1370-2-.20, Advertising, is amended by deleting the language of the rule in its entirety, and is further amended by adding the following language as new paragraphs (1) and (2):

- (1) All advertisements shall adhere to the proscriptions specifically set out in Rule 1370-2-.13 governing Unethical Conduct.
- (2) Advertising Records and Responsibility
 - (a) Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.
 - (b) Any and all advertisements are presumed to have been approved by the licensee named therein.
 - (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a

copy of any other form of advertisement shall be retained by the licensee for a period of one (1) year from the last date of broadcast or publication and be made available for review upon request by the Council or its designee.

- (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, and 63-17-203, and Public Chapter 467 of the Public Acts of 2005.

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Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Communications Disorders and Sciences' Council for Licensing Hearing Instrument Specialists.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 4th day of August, 2005.

Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the 4 day of August, 2005.

Riley C. Darnell
Secretary of State

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By: