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Effective Date: 12/13/2010

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Board of Communications Disorders and Sciences
Division:	
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. 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-.01	Definitions
1370-01-.02	Scope of Practice
1370-01-.03	Necessity of Licensure or Registration
1370-01-.04	Qualifications for Licensure
1370-01-.05	Procedures for Licensure
1370-01-.10	Clinical Fellowships and Supervision
1370-01-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Subpoenas

(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>)

Amendments

Chapter 1370-01
Rules for Speech Pathology and Audiology

Rule 1370-01-.01 Definitions is amended by deleting paragraphs (1), (12) and (27), and subparagraph (30)(a) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (1) (12) and (27), and the new subparagraph (30)(a) shall read:

- (1) Accredited Institution – Refers to the status of the school in relation to requirements of recognized agencies other than the Tennessee Board of Communications Disorders and Sciences. These would include U.S. Department of Education recognized Regional University Accrediting Agencies, Council of Academic Accreditation in Audiology and Speech – Language Pathology (CAA) and the Accreditation Commission for Audiology Education (ACAE).
- (12) Clinical Fellow – A Speech Language Pathologist who is in the process of obtaining his or her paid professional experience, as defined by a Board-approved accreditation agency, before being qualified for licensure.
- (27) Registration – The process by which a Clinical Extern, Clinical Fellow, a Speech Language Pathology Assistant, or other person so required registers with the Board’s Administrative Office.
- (30) (a) The term used to designate any Tennessee licensed Audiologist, or Speech Language Pathologist or ASHA certified Audiologist who provides supervision of a Clinical Extern, Clinical Fellow, registered speech language pathology assistant, or student clinician in speech language pathology or audiology.

Authority: T.C.A. § 63-17-105.

Rule 1370-01-.01 Definitions is amended by inserting the following language as appropriately numbered and alphabetized new paragraphs:

- () ABA – The American Board of Audiology Examiners.
- () Clinical Extern – An audiology student who is in the process of obtaining professional experience, as defined by a Board-approved accreditation agency, before being qualified for licensure.

Authority: T.C.A. § 63-17-105.

Rule 1370-01-.02 Scope of Practice is amended by deleting paragraph (3) in its entirety and substituting instead the following language, and is further amended by inserting the following language as new paragraph (4) and renumbering the current paragraph (4) as paragraph (5), so that as amended, the new paragraphs (3) and (4) shall read:

- (3) Clinical Fellows, pursuant to T.C.A. § 63-17-114(6), shall work under the supervision of a Tennessee licensed Speech Language Pathologist or an ASHA certified Speech Language Pathologist while the Clinical Fellow is obtaining a year of paid professional experience and shall adhere to the regulations established under Rule 1370-01-.10.
- (4) Clinical Externs, pursuant to T.C.A. § 63-17-114(4) and (7), shall work under the supervision of a Tennessee licensed Audiologist, an ASHA Certified Audiologist, or an ABA Certified Audiologist while the clinical extern year is completed, and shall adhere to the regulations established under Rule 1370-01-.10.

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

Rule 1370-01-.03 Necessity of Licensure or Registration is amended by inserting the following language as new subparagraph (5)(a) and renumbering the current subparagraphs (5)(a) through (5)(e) as subparagraphs (5)(b) though (5)(f):

- (5) (a) Clinical Externs are required to register with the Board through their supervising licensee while they are working under the supervising licensee's supervision.

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

Rule 1370-01-.04 Qualifications for Licensure is amended by deleting subparagraph (1)(c) in its entirety and substituting instead the following language, and is further amended by adding the following language as subparagraph (1)(d), and is further amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (1)(c) and (1)(d), and the new paragraph (2) shall read:

- (1) (c) An applicant in the area of speech-language pathology must possess at least a master's degree in speech language pathology from an accredited institution; and
 - 1. Possess a current Certificate of Clinical Competence (CCC) in the area of speech language pathology issued through the American Speech Language and Hearing Association (ASHA); or
 - 2. Have successfully completed and documented the following:
 - (i) A minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall be obtained through an accredited institution which is recognized by ASHA; and
 - (ii) A Clinical Fellowship in the area of Speech Language Pathology; and
 - (iii) Passage of the Written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.
- (d) An applicant in the area of audiology;

1. For applications received after January 1, 2009, the applicant must possess at least a Doctor of Audiology degree or other doctoral degree with emphasis in audiology or hearing science from an accredited institution; and
 - (i) Possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA; or
 - (ii) Have successfully completed and documented the following:
 - (I) a minimum of one thousand eight hundred twenty (1820) clock hours of supervised clinical experience (practicum) by a licensed audiologist or ASHA or ABA certified audiologist; and
 - (II) passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.

2. When the applicant has been licensed in Tennessee or another state prior to 2009, the applicant must possess at least a Master's degree in Audiology from an accredited institution; and
 - (i) Possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA, or ABA certification; or
 - (ii) Have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall be obtained through an accredited institution which is recognized by ASHA; and
 - (iii) The Clinical Fellowship in the area of audiology; and
 - (iv) Passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.

- (2) An individual who seeks licensure in the State of Tennessee and who holds a current license in another state may be granted a Tennessee license, if such person meets the qualifications of licensure by reciprocity pursuant to Rule 1370-01-.05 (9).

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

Rule 1370-01-.05 Procedures for Licensure is amended by deleting paragraph (6) and subparagraphs (7)(b) and (7)(c) in their entirety and substituting instead the following language, so that as amended, the new paragraph (6) and the new subparagraphs (7)(b) and (7)(c) shall read:

- (6) An applicant shall file with the application documentation of proof of possessing the following certification:

- (a) Audiology applicants shall file with their application documentation that they possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA.
- (b) Speech Language Pathology applicants shall file with their application documentation that they possess a current Certificate of Clinical Competence (CCC) in the area of speech language pathology issued through ASHA.
- (7) (b) Documentation of the required supervised clinical experience (practicum) with individuals having a variety of communications disorders, as specified in Rule 1370-01-.04 for the discipline for which licensure is being sought. The experience must be obtained through an accredited institution. Unless already provided pursuant to Rule 1370-01-.10, the applicant shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative Office attesting to the standards of the practicum and the applicant's successful completion.
- (c) A Clinical Fellowship or Clinical Externship in the area in which licensure is being sought.
 1. The applicant shall ensure that the supervising Speech Language Pathologist or Audiologist submits a letter which attests to the Clinical Fellowship or Clinical Externship pursuant to Rule 1370-01-.10 directly to the Board's Administrative Office; or
 2. An audiologist initially licensed after January 1, 2009 shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative office attesting that the applicant has completed the clinical externship requirement or equivalent 1820 supervised clinical clock hours.

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

Rule 1370-01-.10 Clinical Fellowships and Supervision is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by deleting paragraph (1) but not its subparagraphs and substituting instead the following language, and is further amended by deleting paragraph (2) but not its subparagraphs and substituting instead the following language, and is further amended by deleting subparagraph (2)(b) in its entirety and substituting instead the following language, and is further amended by deleting paragraphs (3) and (4) but not their subparagraphs, and substituting instead the following language, and is further amended by adding the following language as subparagraph (3)(c) and as paragraphs (5), (6), (7) and (8), so that as amended, the new catchline, the new paragraphs (1) and (2) but not their subparagraphs, the new subparagraph (2)(b), the new paragraphs (3) and (4) but not their subparagraphs, the new subparagraph (3)(c), and the new paragraphs (5), (6), (7) and (8) shall read:

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").
- (2) Clinical Fellows: Procedures for Registration

- (b) An applicant for registration as a Clinical Fellow shall have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall have been obtained through an accredited institution. The applicant shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative office attesting to the standards of the practicum and the applicant's successful completion.
- (3) Clinical Fellows: Period of Effectiveness
- (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
- (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. §§ 63-17-105 and 63-17-110.

Rule 1370-01-.15 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Subpoenas is amended by inserting the following language as new subparagraph (1)(g) and renumbering the current subparagraph (1)(g) as subparagraph (1)(h):

- (1) (g) Conditions – Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
1. During any period of probation, suspension; or
 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
 4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 63-17-105, 63-17-117, and 63-17-118.

* 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)
Melinda Richards	X				
Paulette Dobbins	X				
Valeria Matlock	X				
Jerome Thompson	X				
William Dickinson	X				
Lynne Harmon	X				
O.H. "Shorty" Freeman	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 05/12/2009, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 02/26/2009

Notice published in the Tennessee Administrative Register on: 03/15/2009

Rulemaking Hearing(s) Conducted on: (add more dates). 05/12/2009

Date: May 18, 2009

Signature: *Lucille F. Bond*

Name of Officer: Lucille F. Bond

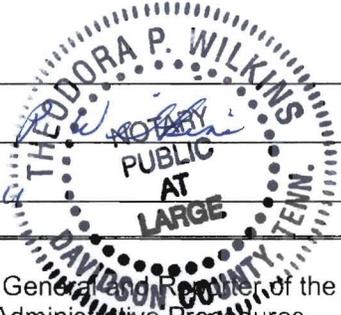
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 5/18/09

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/17/2010



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.

R. E. Cooper, Jr.

Robert E. Cooper, Jr.
Attorney General and Reporter

9-10-10
Date

Department of State Use Only

Filed with the Department of State on: 9/14/10

Effective on: 12/13/10

SECRETARY OF STATE
PUBLICATIONS

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RECEIVED

Tre Hargett
Tre Hargett
Secretary of State

Public Hearing Comments

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

Memorandum

To: Tre Hargett
Tennessee Secretary of State

From: Lucille F. Bond
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health

Date: May 13, 2009

Re: Rulemaking Hearing Comments, Rule: 1370-01-.01, -.02, -.03, -.04, -.05, -.10,
and -.15

There were no comments, written or oral, filed at the rulemaking hearing for the above-referenced rules held before the Board of Communications Disorders and Sciences on May 12, 2009.

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 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 rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or requirements because the licensing boards have, as their 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 rules are as "user-friendly" as possible while still allowing the Board to achieve its mandated mission in regulating the licensed speech language pathologists, audiologists and registered speech language pathology assistants. There is sufficient notice between the rulemaking hearing and the final promulgation of rules to allow services and providers to come into compliance with the proposed rules.
- (5) Compliance requirements are not consolidated or simplified for small businesses in the proposed rules for the protection of the health, safety and welfare of Tennesseans.
- (6) The standards required in the proposed rules are very 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 rules that would stifle entrepreneurial activity or curb innovation.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

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

Rulemaking hearing date: May 12, 2009

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

These rule changes only affect current and future licensed speech language pathologists, audiologists and registered speech language pathology assistants. Their impact on small businesses is expected to be negligible.

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

The rule changes impact current and future licensed speech language pathologists, audiologists and registered speech language pathology assistants and would have minimal affect on any small businesses.

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

None known.

Description of how small business will be adversely impacted by the proposed rules:

The rule changes should have little adverse impact on small business as they primarily affect current and future licensed speech language pathologists and audiologists and registered speech language pathology assistants.

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

State: The proposed rule amendments will have no state counterpart because the Department of Health, Board of Communications Disorders and Sciences is the only agency charged with regulating licensed speech language pathologists and audiologists and registered speech language pathology assistants.

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)

These amendments to the rules are not expected to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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;

1370-01-.01(1) Definitions is amended to include the U.S. Department of Education recognized Regional University Accrediting Agencies, Council of Academic Accreditation in Audiology and Speech – Language Pathology and the Accreditation Commission for Audiology Education as accredited institutions. The old rule did not include the above.
1370-01-.01(12) Definitions is amended to delete the requirement that a “clinical fellow” includes audiology students in their fourth year of doctoral studies. The old rule included the above.
1370-01-.01(27) Definitions is amended to add “clinical extern” to those a “Supervising Licensee” may supervise. The old rule did not include the above.
1370-01-.01 Definitions is amended to add the following definitions: 1) ABA means the American Board of Audiology Examiners; 2) Clinical Extern means an audiology student who is in the process of obtaining professional experience as defined by a Board-approved accreditation agency, before being qualified for licensure. The old rule did not include the above.
1370-01-.02 Scope of Practice is amended to allow a Clinical Fellow to work under the supervision of a Tennessee licensed Speech Language Pathologist or an ASHA certified Speech Language Pathologist. A Clinical Extern must work under the supervision of a Tennessee licensed audiologist, an ASHA certified audiologist, or ABA certified audiologist. The old rule did not include the above.
1370-01-.03 Necessity of Licensure is amended by requiring a Clinical Extern to register with the Board through his supervising licensee while working under supervision. The old rule did not include the above.
1370-01-.04 Qualifications for Licensure is amended to differentiate between qualifications for licensure for a speech pathologist and an audiologist by: 1) delineating different requirements for licensure in speech language pathology and audiology; 2) changing the minimum practicum hours for licensure as a speech language pathologist from 375 hours to 400 hours; and 3) including the specific requirement that after January 1, 2009, a candidate for licensure as an audiologist must possess at least a Doctor of Audiology. The old rule did not include the above.
1370-01-.10 Clinical Fellowships and Supervision is amended by changing the catchline to “Clinical Fellowships, Clinical Externs, and Supervision. It is further amended by differentiating between the registration requirements for “Clinical Fellows” and “Clinical Externs.” The old rule did not include the above.
1370-01-.15 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Subpoenas is amended to add conditions under which the Board may take further disciplinary action against a previously disciplined licensee. The old rule did not include the above.

- (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;

Authority for these amendments comes from state statutes regarding the practice of speech language pathology and audiology, Tenn. Code Ann. §§ 63-17-101, *et seq.*

- (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;

Individuals most directly affected by these rules are current and future licensees who practice speech language pathology and audiology.

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

There are no known opinions of the attorney general that relate to these rules.

- (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;

There is estimated to be no increase or decrease in revenues or expenditures because of these rule amendments.

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

Lucy Bond, Assistant General Counsel, Tennessee Department of Health, Office of General Counsel, 220 Athens Way, Suite 210, Nashville, Tennessee 37243 (615) 741-1611

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

Alison Cleaves, Chief Deputy General counsel, Tennessee Department of Health, Office of General Counsel, 220 Athens Way, Suite 210, Nashville, Tennessee 37243 (615) 741-1611

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

Alison Cleaves, Chief Deputy General counsel, Tennessee Department of Health, Office of General Counsel, 220 Athens Way, Suite 210, Nashville, Tennessee 37243 (615) 741-1611

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

None.

**RULES
OF
TENNESSEE BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES
CHAPTER 1370-01
RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY**

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1370-01-.01 DEFINITIONS. As used in these rules, the following terms and acronyms shall have the following meaning ascribed to them:

(1) ABA – The American Board of Audiology Examiners.

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~~(1) Accredited Institution – Refers to the status of the school in relation to requirements of recognized agencies other than the Tennessee Board of Communications Disorders and Sciences.~~

(2) Accredited Institution – Refers to the status of the school in relation to requirements of recognized agencies other than the Tennessee Board of Communications Disorders and Sciences. These would include U.S. Department of Education recognized Regional University Accrediting Agencies, Council of Academic Accreditation in Audiology and Speech – Language Pathology (CAA) and the Accreditation Commission for Audiology Education (ACAE).

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(23) Advertising - Informational communication to the public in any manner to attract attention to the practice of a speech language pathologist or audiologist. Includes, but is not limited to, business solicitation, with or without limiting qualifications, in a card, sign or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, television broadcasting, electronic media, or any other means designed to secure public attention.

(34) Alternate Supervision – Supervision provided in the temporary and impermanent absence of the supervising licensee.

(45) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid all required fees.

(56) ASHA - American Speech Language and Hearing Association.

(67) Board - The Board of Communication Disorders and Sciences.

(Rule 1370-01-.01, continued)

- (78) Board Administrative Office - The office of the Unit Director assigned to the Board and located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (89) Board Consultant - Any person who has received a delegation of authority by the Board to perform Board functions subject to review and ratification by the full Board where provided by these rules.
- (910) Certificate - The document which bears an expiration date and is issued by the Division of Health Related Boards to a licensee who has completed the licensure renewal process.
- (4011) Closed Files - An administrative action which renders an incomplete or denied file closed.
- (4112) Client - The individual or patient who is receiving direct services and/or treatment.
- (13) Clinical Extern – An audiology student who is in the process of obtaining professional experience, as defined by a Board-approved accreditation agency, before being qualified for licensure.
- ~~(12) Clinical Fellow – A Speech Language Pathologist or Audiologist who is in the process of obtaining his paid professional experience as defined by a Board-approved accreditation agency, before being qualified for licensure. For the purposes of this chapter, a Clinical Fellow includes audiology students who are in their fourth (4) year of doctoral studies.~~
- (14) Clinical Fellow – A Speech Language Pathologist who is in the process of obtaining his or her paid professional experience, as defined by a Board-approved accreditation agency, before being qualified for licensure.
- (4315) Continuing Education (CE) – Education required as a condition of continued licensure.
- (4416) Council - The Council for Licensing Hearing Instrument Specialists.
- (4517) Department - Tennessee Department of Health.
- (4618) Direct Supervision - On-site supervision which includes directing, coordinating, reviewing, inspecting, and approving each act of service.
- (4719) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the Board receives administrative support.
- (4820) Fee - Money, gifts, services, or anything of value offered or received as compensation in return for rendering services.
- (4921) Fee Splitting - The practice of paying commissions to colleagues out of fees received from clients who have been referred by the colleague for rendering services.
- (2022) General Supervision - Direct and/or indirect supervision, including reviewing, inspecting, and approving specific acts of service.
- (2423) He/She Him/Her - When "he" appears in the text of these rules, the word represents both the feminine and masculine genders.
- (2224) HRB - The acronym HRB represents the Health Related Boards.

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(Rule 1370-01-.01, continued)

- (2325) Inactive License - Pro Bono Services Category - Licensure available to speech language pathologists and audiologists licensed by this Board whose practice is limited to the performance of services without compensation only for those persons receiving services from organizations which have received a determination of exemption under 26 U.S.C. §501(c)(3) of the Internal Revenue Code.
- (2426) Inactive License - Retirement - Licensure status available to licensees who hold current licenses and do not intend to practice as a Speech Language Pathologist or Audiologist and who have completed an Affidavit of Retirement form.
- (2527) License - The document issued by the Board to an applicant who has successfully completed the application process and represents the artistically designed form for purposes of display.
- (2628) Private Practice - Those licensed practitioners who, on either a full or part-time basis, establish their own conditions or exchange with their clients, and are solely responsible for the services they provide to clients, regardless of the organizational structure.
- ~~(27) Registration - The act and process by which a Clinical Fellow, a Speech Language Pathology Assistant, or other person so required registers with the Board's Administrative Office.~~
- (29) Registration - The process by which a Clinical Extern, Clinical Fellow, a Speech Language Pathology Assistant, or other person so required registers with the Board's Administrative Office.
- (2830) SLPA - The acronym for Speech Language Pathology Assistant.
- (2931) Speech Language Pathology Assistant - An individual who has registered with the Board pursuant to Rule .14, and who meets minimum qualifications as provided in Rule .14 which are less than those established for licensure as a speech language pathologist , and who works under supervision of a Speech Language Pathologist.
- (3032) Supervising Licensee.
 - ~~(a) The term used to designate any Tennessee licensed Speech Language Pathologist or Audiologist, or ASHA certified Speech Language Pathologist or Audiologist who provides supervision of a Clinical Fellow, unlicensed Speech Language Pathologist, or unlicensed Audiologist.~~
 - (a) The term used to designate any Tennessee licensed Audiologist, or Speech Language Pathologist or ASHA certified Audiologist who provides supervision of a Clinical Extern, Clinical Fellow, registered speech language pathology assistant, or student clinician in speech language pathology or audiology.
 - (b) The term used to designate and Tennessee licensed speech Language Pathologist who provides supervision of a Speech Language Pathology Assistant.
- (3133) TAASLP - Tennessee Association of Audiologists and Speech Language Pathologists.

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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 September 10, 1974; effective October 10, 1974. Amendment filed July 31, 1978; effective September 13, 1978. Amendment filed March 2, 1979; effective April 16, 1979. Repeal and new rule filed July 8, 1987; effective August 21, 1987. Amendment filed September 17, 1991; effective November 1, 1991. Amendment filed September 18, 1991; effective November 2, 1991. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed September 13, 2001; effective

(Rule 1370-01-.01, continued)

November 27, 2001. Amendment filed April 26, 2002; effective July 10, 2002. 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-.02 SCOPE OF PRACTICE.

- (1) The practice of speech language pathology and the practice of audiology are defined by statute at T.C.A. §63-17-103. Exceeding the scope of practice or performing functions which the licensee is not adequately trained for or experienced in may result in disciplinary action pursuant to T.C.A. §§63-17-117, 63-17-126, and Rule 1370-01-.13.
- (2) Licensed speech language pathologists and audiologists who qualify under Rule 1370-01-.03 for the Inactive License-Pro Bono Services category shall limit their practice to performing services without compensation only for those persons receiving services from organizations which have received a determination of exemption under 26 U.S.C. §501(c)(3) of the Internal Revenue Code. Exceeding the scope of practice set out within the practice act and these Rules may result in disciplinary action pursuant to T.C.A. §§63-17-117, 63-17-127, and Rule 1370-01-.13.
- ~~(3) Clinical Fellows, pursuant to T.C.A. §63-17-114 (6) and (7), shall work under the supervision of a licensed Speech Language Pathologist or Audiologist or an ASHA certified Speech Language Pathologist or Audiologist while the Clinical Fellow is obtaining his year of paid professional experience, and shall adhere to the regulations established under Rule 1370-01-.10.~~
- (3) Clinical Fellows, pursuant to T.C.A. § 63-17-114(6), shall work under the supervision of a Tennessee licensed Speech Language Pathologist or an ASHA certified Speech Language Pathologist while the Clinical Fellow is obtaining a year of paid professional experience and shall adhere to the regulations established under Rule 1370-01-.10.
- (4) Clinical Externs, pursuant to T.C.A. § 63-17-114(4) and (7), shall work under the supervision of a Tennessee licensed Audiologist, an ASHA Certified Audiologist, or an ABA Certified Audiologist while the clinical extern year is completed, and shall adhere to the regulations established under Rule 1370-01-.10.
- (45) Speech Language Pathology Assistants shall work under the supervision of a licensed Speech Language Pathologist at all times and shall adhere to the regulations established under Rule 1370-01-.14.

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Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-103, 63-17-105, 63-17-109, 63-17-110, 63-17-114, 63-17-115, 63-17-116, 63-17-117, 63-17-126, 63-17-127, and Public Chapter 523 of the Public Acts of 1989.

Administrative History: Original rule filed September 10, 1974; effective October 10, 1974. Amendment filed July 31, 1978; effective September 13, 1978. Amendment filed April 29, 1986; effective May 29, 1986. Repeal and new rule filed July 8, 1987; effective August 21, 1987. Amendment filed December 8, 1989; effective January 22, 1990. Amendment filed September 18, 1991; effective November 2, 1991. Repeal and new rule filed January 31, 2000; effective April 15, 2000.

1370-01-.03 NECESSITY OF LICENSURE OR REGISTRATION.

- (1) Prior to engaging in the practice of speech language pathology or audiology, a person must hold a current Tennessee license pursuant to T.C.A. §63-17-110, unless the person meets the exemption requirements of T.C.A. §§63-17-111 (g) or 63-17-114.
- (2) Inactive License - Pro Bono Services category - Applicants who intend to exclusively practice speech language pathology or audiology without compensation on patients who receive speech language pathology or audiology services from organizations granted a determination

(Rule 1370-01-.03, continued)

of exemption pursuant to Section 501 (c)(3) of the Internal Revenue Code may obtain an inactive volunteer license to do so as follows:

- (a) Applicants who currently hold a valid Tennessee license to practice speech language pathology or audiology issued by the Board which is in good standing must;
 - 1. Retire their active licenses pursuant to the provisions of Rule 1370-01-.11; and
 - 2. Have submitted to the Board Administrative Office directly from the qualified organization proof of the determination of exemption issued pursuant to Section 501 (c)(3) of the Internal Revenue Code; and
 - 3. Certify that they are practicing speech language pathology or audiology exclusively on the patients of the qualified entity and that such practice is without compensation.
- (b) Applicants who do not currently hold a valid Tennessee license to practice speech language pathology or audiology must comply with all provisions of Rules 1370-01-.04 and 1370-01-.05.
- (c) Inactive Licensees - Pro Bono Services category - Licensees are subject to all rules governing renewal, retirement, reinstatement, reactivation, and continuing education, as provided by Rules 1370-01-.09, 1370-01-.11, and 1370-01-.12. These licenses are also subject to disciplinary action for the same causes and pursuant to the same procedures as active licenses.
- (d) Inactive Licensees - Pro Bono Services category, are distinguished from the inactive licensees referred to in Rules 1370-01-.09 and 1370-01-.11 only by the fact that licenses issued pursuant to this rule allow the practice of speech language pathology or audiology in Tennessee with the restrictions placed on it by this rule.
- (e) Application review and licensure decisions shall be governed by Rule 1370-01-.07.
- (3) Speech language pathology and audiology are healing arts and, as such, the practice is restricted to those persons licensed by this Board. Persons engaging in the practice of audiology or speech language pathology, without being licensed, or expressly exempted by law, are in violation of T.C.A. §63-17-110.
- (4) It is unlawful for any person who is not licensed in the manner prescribed in T.C.A. §§63-17-101, et seq., or expressly exempted by law, to represent himself as a speech language pathologist or audiologist or to hold himself out to the public as being licensed by means of using any title or description of services set out in T.C.A. §63-17-103 on signs, mailboxes, address plates, stationery, announcements, telephone listings, business cards, or other instruments or means of professional identification.
- (5) Registration with the Board, but not licensure, is required for the following classifications:
 - (a) Clinical Externs are required to register with the Board through their supervising licensee while they are working under the supervising licensee's supervision.
 - (ab) Clinical Fellows are required to register with the Board through their supervising licensee while they are working under the supervising licensee's supervision.
 - (bc) Speech Language Pathologist Assistants who meet the qualifications of Rule 1370-01-.14 are required to register with this Board through their supervising licensee.

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(Rule 1370-01-.03, continued)

- (ed) Persons from another state who are not licensed as a speech language pathologist or audiologist may offer speech language pathology and/or audiology services in the State of Tennessee, provided that person does so for no more than five (5) days within a calendar year, meets the qualifications of Rule 1370-01-.04, and does not sell hearing instruments.
- (de) Persons licensed or certified by a similar board in another state, territory, or foreign country or province as a speech language pathologist may offer speech language pathology services in the State of Tennessee for a total of not more than thirty (30) days in any calendar year, provided that the board of the other state or foreign country, on the date of the person's certification or licensure, has standards that are equivalent to, or higher than, the requirements of the Tennessee Board.
- (ef) Persons who reside in another state, territory, or foreign country or province which does not grant certification or licensure as a speech language pathologist may offer speech language pathology services in the State of Tennessee for a total of not more than thirty (30) days in any calendar year, provided that that person meets the qualifications and requirements of the Tennessee Board at the time the person offers such speech language pathology services in this State.

(6) Use of Titles

- (a) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Speech Language Pathologist" and to practice speech language pathology, as defined in T.C.A. §63-17-103.
- (b) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Audiologist" and to practice audiology, as defined in T.C.A. §63-17-103.
- (c) Any person who possesses a valid, unsuspended and unrevoked registration issued by the Board has the right to use the title "Speech Language Pathology Assistant" and to practice under supervision as a Speech Language Pathology Assistant, as defined in T.C.A. §63-17-103.
- (d) Any person licensed or registered by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1370-01-.20 (2) (a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the audiologist or speech language pathologist to disciplinary action pursuant to T.C.A. § 63-17-117.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-17-103, 63-17-105, and 63-17-117, **Administrative History:** Original rule filed September 10, 1974; effective October 10, 1974. Amendment filed July 31, 1978; effective September 13, 1978. Repeal and new rule filed July 8, 1987; effective August 21, 1987. Amendment filed September 18, 1991; effective November 2, 1991. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed September 11, 2006; effective November 25, 2006. Amendment filed April 6, 2010; effective July 5, 2010.

1370-01-.04 QUALIFICATIONS FOR LICENSURE.

- (1) An applicant for licensure as a speech language pathologist or audiologist must meet the following initial requirements to be considered for licensure by the Board:
 - (a) Be at least eighteen (18) years of age;

(Rule 1370-01-.04, continued)

- (b) Be of good moral character;
- ~~(c) Possess at least a master's degree in speech language pathology or audiology from an accredited institution; and~~
 - ~~1. Possess current Certificate of Clinical Competence ("CCC") issued through the American Speech Language and Hearing Association (ASHA) in the area of licensure (speech language pathology and/or audiology); or~~
 - ~~2. Have successfully completed and documented the following:~~
 - ~~(i) a minimum of three hundred and seventy five (375) clock hours of supervised clinical experience (practicum) with individuals having a variety of disorders of communications, as required by ASHA. The experience shall be obtained through an accredited college or university which is recognized by ASHA; and~~
 - ~~(ii) the Clinical Fellowship in the area in which licensure is being sought; and~~
 - ~~(iii) passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.~~
- (c) An applicant in the area of speech-language pathology must possess at least a master's degree in speech language pathology from an accredited institution; and
 - 1. Possess a current Certificate of Clinical Competence (CCC) in the area of speech language pathology issued through the American Speech Language and Hearing Association (ASHA); or
 - 2. Have successfully completed and documented the following:
 - (i) A minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall be obtained through an accredited institution which is recognized by ASHA; and
 - (ii) A Clinical Fellowship in the area of Speech Language Pathology; and
 - (iii) Passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.
- (d) An applicant in the area of audiology;
 - 1. For applications received after January 1, 2009, the applicant must possess at least a Doctor of Audiology degree or other doctoral degree with emphasis in audiology or hearing science from an accredited institution; and
 - (i) Possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA; or
 - (ii) Have successfully completed and documented the following:
 - (i) a minimum of one thousand eight hundred twenty (1820) clock

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- hours of supervised clinical experience (practicum) by a licensed audiologist or ASHA or ABA certified audiologist; and
 - (II) passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.
2. When the applicant has been licensed in Tennessee or another state prior to 2009, the applicant must possess at least a Master's degree in Audiology from an accredited institution; and
- (i) Possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA, or ABA certification; or
 - (ii) Have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall be obtained through an accredited institution which is recognized by ASHA; and
 - (iii) The Clinical Fellowship in the area of audiology; and
 - (iv) Passage of the written Professional Assessments for Beginning Teachers (Praxis Test) as required by Rule 1370-01-.08.

~~(2) An individual who seeks licensure in the State of Tennessee and who holds a current license in another state may be granted a Tennessee license, if such person meets the qualifications of licensure by reciprocity pursuant to Rule 1370-01-.05(3).~~

- (2) An individual who seeks licensure in the State of Tennessee and who holds a current license in another state may be granted a Tennessee license, if such person meets the qualifications of licensure by reciprocity pursuant to Rule 1370-01-.05 (9).

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

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

- (1) An applicant shall download a current application from the Board's Internet Web page or shall obtain a current application packet from the Board's Administrative Office, respond truthfully and completely to every question or request for information contained in the application form, and submit it, along with all documentation and fees required, to the Board's Administrative Office. It is the intent of this Rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all materials be filed simultaneously.
- (2) An applicant shall submit with his application a certified birth certificate or a notarized photocopy of a certified birth certificate.
- (3) An applicant shall submit with his application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.

(Rule 1370-01-.05, continued)

- (4) An applicant shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of a crime in any country, state, or municipality, except minor traffic violations;
 - (b) The denial of certification or licensure application by any other state or country, or the discipline of the certificate holder or licensee in any state or country.
 - (c) Loss or restriction of certification or licensure privileges.
 - (d) Any judgment or settlement in a civil suit in which the applicant was a party defendant, including malpractice, unethical conduct, breach of contract, or any other civil action remedy recognized by the country's or state's statutory, common law, or case law.
- (5) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- ~~(6) An applicant shall file with his application documentation that he possesses a current Certificate of Clinical Competence (CCC) issued through the American Speech Language Hearing Association (ASHA) in the area of requested licensure (speech language pathology and/or audiology).~~
- (6) An applicant shall file with the application documentation of proof of possessing the following certification:
 - (a) Audiology applicants shall file with their application documentation that they possess a current Certificate of Clinical Competence (CCC) in the area of audiology issued through ASHA.
 - (b) Speech Language Pathology applicants shall file with their application documentation that they possess a current Certificate of Clinical Competence (CCC) in the area of speech language pathology issued through ASHA.
- (7) An applicant shall have successfully completed the following requirements and cause the supporting documentation to be provided to the Board's Administrative Office:
 - (a) A master's or doctorate degree in speech language pathology or audiology. Unless already submitted pursuant to rule 1370-01-.10, it is the applicant's responsibility to request that a graduate transcript be submitted directly from the educational institution to the Board's Administrative Office. The transcript must show that graduation with at least a master's level degree has been completed, and must carry the official seal of the institution.
 - ~~(b) A minimum of three hundred and seventy-five (375) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall have been obtained through an accredited college or university which is recognized by ASHA. Unless already provided pursuant to rule 1370-01-.10, the applicant shall cause the Department Chair or other program head to provide directly to the Board's Administrative Office a letter attesting to the standards of the practicum and the applicant's successful completion.~~
 - (b) Documentation of the required supervised clinical experience (practicum) with individuals having a variety of communications disorders, as specified in Rule 1370-01-.04 for the discipline for which licensure is being sought. The experience must be

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(Rule 1370-01-.05, continued)

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

~~(c) A Clinical Fellowship in the area in which licensure is being sought. The applicant shall cause the supervising Speech Language Pathologist or Audiologist to submit directly to the Board's Administrative Office a letter which attests to the Clinical Fellowship pursuant to Rule 1370-01-.10.~~

(c) A Clinical Fellowship or Clinical Externship in the area in which licensure is being sought.

1. The applicant shall ensure that the supervising Speech Language Pathologist or Audiologist submits a letter which attests to the Clinical Fellowship or Clinical Externship pursuant to Rule 1370-01-.10 directly to the Board's Administrative Office; or
2. An audiologist initially licensed after January 1, 2009 shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative office attesting that the applicant has completed the clinical externship requirement or equivalent 1820 supervised clinical clock hours.

(d) The examination for licensure pursuant to Rule 1370-01-.08. When the examination has been successfully completed, the applicant shall cause the examining agency to submit directly to the Board's Administrative Office documentation of the successful completion of the examination.

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

(9) Reciprocity

(a) If the applicant is licensed or was ever licensed in another state, the applicant shall cause the appropriate licensing Board in each state in which he holds or has held a license to send directly to the Board an official statement which indicates the condition of his license in such other state, including the date on which he was so licensed and under what provision such license was granted (i.e. certificate of clinical competence, examination, reciprocity, grandfathering, etc.).

(b) In order to be licensed in the State of Tennessee by reciprocity, the Board must determine that the standards for licensure in effect in that state when the individual was licensed there are at least equivalent to, or exceed, the current requirements for licensure in Tennessee.

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

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(Rule 1370-01-.05, continued)

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

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

1370-01-.06 FEES.

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

(3) Fee Schedule

(a) Speech Language Pathologist	Amount
1. Application	\$ 50.00
2. Duplicate License Fee	25.00
3. Endorsement/Verification Fee	25.00

(Rule 1370-01-.09, continued)

- (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.

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 and Supervision.~~ Clinical Fellowships, Clinical Externs, and Supervision.

~~(1) Clinical Fellows must work under the supervision of a licensed or ASHA certified Speech Language Pathologist or Audiologist ("supervising licensee").~~

(1) Clinical Fellows must work under the supervision of a licensed or ASHA certified Speech Language Pathologist ("supervising licensee").

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- (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) ~~Procedure for Registration~~ 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 successfully complete a minimum of three hundred and seventy-five (375) clock hours of supervised clinical experience ("practicum") with individuals having a variety of communications disorders, as required by ASHA. The experience shall have been obtained through an accredited college or university which is recognized by ASHA. The applicant shall cause the Department Chair or other program head to provide directly to the Board's Administrative Office a letter attesting to the standards of the Practicum and the applicant's successful completion.~~

- (b) An applicant for registration as a Clinical Fellow shall have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall have been obtained through an accredited institution. The applicant shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board's Administrative office attesting to the standards of

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(Rule 1370-01-.10, continued)

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) **Period of effectiveness** 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) **Supervision limitations** 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.

(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

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(Rule 1370-01-.10, continued)

- (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. Formatted: Indent: Left: 0.75", Hanging: 0.38"
- (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. Formatted: Indent: Left: 0.75", Hanging: 0.38"
- (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. Formatted: Indent: Left: 0.75", Hanging: 0.38"
- (7) Clinical Externs: Period of effectiveness Formatted: Indent: Left: 0.38", Hanging: 0.38"
 - (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. Formatted: Indent: Left: 0.38", Hanging: 0.38"

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-103, 63-17-105 and 63-17-114. **Administrative History:** Original rule filed December 18, 1995; effective March 1, 1996. Repeal and new rule filed January 31, 2000; effective April 15, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed June 22, 2004; effective September 5, 2004. Amendment filed August 3, 2005; effective October 17, 2005. Amendment filed September 11, 2006; effective November 25, 2006. Amendment filed April 6, 2010; effective July 5, 2010.

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

(Rule 1370-01-.14, continued)

7. Selection or discharge of clients for services;
 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.

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 §§63-17-101, et seq., or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the Speech Language Pathologist, Audiologist or Speech Language Pathology Assistant for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Censure or Reprimand - This is a written action issued to a Speech Language Pathologist, Audiologist or Speech Language Pathology Assistant for one (1) time and less severe violations. It is a formal disciplinary action which must be accepted by the Speech Language Pathologist, Audiologist or Speech Language Pathology Assistant and ratified by the Board.
 - (c) Probation - This is a formal disciplinary action which places a Speech Language Pathologist, Audiologist or Speech Language Pathology Assistant on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.

(Rule 1370-01-.15, continued)

- (d) Licensure or Registration Suspension - This is a formal disciplinary action which suspends the right to practice for a fixed period of time. It contemplates the re-entry into practice under the licensure or registration previously issued.
- (e) Licensure or Registration Revocation - This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the license or registration previously issued. If revoked, it relegates the violator to the status he possessed prior to application for licensure or registration. Application for reinstatement of a revoked license or registration shall be treated as a new application for licensure or registration which shall not be considered by the Board prior to the expiration of at least one (1) year, unless otherwise stated in the Board's revocation order.
- (f) Civil Penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (4) of this rule.
- (g) Conditions – Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 - 1. During any period of probation, suspension; or
 - 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
 - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
 - 4. As a stand-alone requirement(s) in any disciplinary order.
- (gh) Once ordered, probation, suspension, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee or registrant petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, or other conditioning has run and all conditions placed on the probation, suspension, have been met, and after any civil penalties assessed have been paid.
- (2) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed or unregistered practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
 - (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following two (2) circumstances:
 - 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 - 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation.
 - (b) Procedures

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(Rule 1370-01-.15, continued)

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. §4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order of Compliance
Board of Communications Disorders and Sciences

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

 Petitioner's E-Mail Address: _____
 Telephone Number: _____

Attorney for Petitioner: _____

(Rule 1370-01-.15, continued)

Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20__.

Petitioner's Signature

- (3) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed or unregistered practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
 - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
 - (b) Procedures
 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and

(Rule 1370-01-.15, continued)

- (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. §4-5-223 and rule 1200-10-01-.11.

(c) Form Petition

Petition for Order Modification
Board of Communications Disorders and Sciences

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

 Petitioner's E-Mail Address: _____
 Telephone Number: _____

 Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

 Attorney's E-Mail Address: _____

(Rule 1370-01-.15, continued)

Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20 ____.

Petitioner's Signature

(4) Civil Penalties.

(a) Purpose - The purpose of this Rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. §63-1-134.

(b) Schedule of Civil Penalties.

1. A Type A Civil Penalty may be imposed whenever the Board finds a person who is required to be licensed or registered by the Board guilty of a willful and knowing violation of the Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be, an imminent substantial threat to the health, safety, and welfare of an individual client or the public. For purposes of this section, willfully and knowingly practicing as a Speech Language Pathologist, Audiologist or Speech Language Pathology Assistant without a license, registration, or an exempted classification, constitutes a violation for which a Type A Civil Penalty shall be assessed.
2. A Type B Civil Penalty may be imposed whenever the Board finds a person who is required to be licensed or registered by the Board guilty of a violation of the Act, or regulations pursuant thereto, in such a manner as to impact directly on the care of clients or the public.
3. A Type C Civil Penalty may be imposed whenever the Board finds a person who is required to be licensed or registered by the Board guilty of a violation of the Act, or regulations pursuant thereto, which is neither directly detrimental to the client or the public, nor directly impacts their care, but which only has an indirect relationship to the care of clients or the public.

(c) Amount of Civil Penalties

(Rule 1370-01-.15, continued)

1. Type A civil penalties shall be assessed in an amount not less than \$500 nor more than \$1,000.
2. Type B civil penalties shall be assessed in an amount not less than \$100 nor more than \$500.
3. Type C civil penalties shall be assessed in an amount not less than \$50 nor more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and the law upon which it relies in alleging a violation, the proposed amount of civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
 3. In assessing the civil penalties pursuant to these Rules, the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
- (5) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§63-1-144 and 63-17-219.
- (6) Subpoenas
- (a) Purpose - Although this rule applies to persons and entities other than speech language pathologists and audiologists, it is the Board's intent as to speech language pathologists and audiologists that they be free to practice their profession without fear that such practice or its documentation will be unduly subjected to scrutiny outside the profession. Consequently, balancing that intent against the interest of the public and patients to be protected against substandard care and activities requires that persons seeking to subpoena such information and/or materials must comply with the substance and procedures of these rules.

It is the intent of the Board that the subpoena power outlined herein shall be strictly proscribed. Such power shall not be used by the division or council investigators to seek other incriminating evidence against speech language pathologists and audiologists

(Rule 1370-01-.15, continued)

when the division or board does not have a complaint or basis to pursue such an investigation. Thus, unless the division or its investigators have previously considered, discovered, or otherwise received a complaint from either the public or a governmental entity, then no subpoena as contemplated herein shall issue.

(b) Definitions - As used in this chapter of rules the following words shall have the meanings ascribed to them:

1. Probable Cause

(i) For Investigative Subpoenas - shall mean that probable cause, as defined by case law at the time of request for subpoena issuance is made, exists that a violation of the Licensure Act for Communication Disorders and Sciences or rules promulgated pursuant thereto has occurred or is occurring and that it is more probable than not that the person(s), or items to be subpoenaed possess or contain evidence which is more probable than not relevant to the conduct constituting the violation.

(ii) The utilization of the probable cause evidentiary burden in proceedings pursuant to this rule shall not in any way, nor should it be construed in any way to establish a more restrictive burden of proof than the existing preponderance of the evidence in any civil disciplinary action which may involve the person(s) or items that are the subject of the subpoena.

2. Presiding Officer - For investigative subpoenas shall mean any elected officer of the Board, or any duly appointed or elected chairperson of any panel of the Board.

(c) Procedures

1. Investigative Subpoenas

(i) Investigative Subpoenas are available only for issuance to the authorized representatives of the Tennessee Department of Health, its investigators and its legal staff.

(ii) An applicant for such a subpoena must either orally or in writing notify the Board's Unit Director of the intention to seek issuance of a subpoena. That notification must include the following:

(I) The time frame in which issuance is required so the matter can be timely scheduled; and

(II) A particular description of the material or documents sought, which must relate directly to an ongoing investigation or contested case, and shall, in the instance of documentary materials, be limited to the records of the patient or patients whose complaint, complaints, or records are being considered by the division or board.

I. In no event shall such subpoena be broadly drafted to provide investigative access to speech language pathology or audiology records of other patients who are not referenced either in a complaint received from an individual or governmental entity, or who have not otherwise sought relief, review, or Board consideration of any speech language pathologist's or audiologist's conduct, act, or omission; and

(Rule 1370-01-.15, continued)

- C. A brief, general description of any items to be produced pursuant to the subpoena; and
 - D. The date, time and place for compliance with the subpoena.
- IV. Provide the presiding officer testimony and/or documentary evidence, which in good faith, the applicant believes is sufficient to establish that probable cause exists for issuance of the subpoena, as well as sufficient proof that all other reasonably available alternative means of securing the materials, documents or items have been unsuccessful.
- (II) The Presiding Officer shall do the following:
- I. Have been selected only after assuring the Board's Unit Director that he or she has no prior knowledge of or any direct or indirect interest in or relationship with the person(s) being subpoenaed and/or the licensee who is the subject of the investigation; and
 - II. Commence the proceedings and swear all necessary witnesses; and
 - III. Hear and maintain the confidentiality, if any, of the evidence presented at the proceedings and present to the full board only that evidence necessary for an informed decision; and
 - IV. Control the manner and extent of inquiry during the proceedings and be allowed to question any witness who testifies; and
 - V. Determine based solely on the evidence presented in the proceedings whether probable cause exists and if so, make such recommendation to the full board; and
 - VI. Sign the subpoena as ordered to be issued; and
 - VII. Not participate in any way in any other proceeding whether formal or informal, which involves the matters, items or person(s) which are the subject of the subpoena. This does not preclude the presiding officer from presiding at further proceedings for issuance of subpoenas in the matter.
- (III) The Board shall do the following:
- I. By a vote of two thirds (2/3) of the board members issue the subpoena for the person(s) or items specifically found to be relevant to the inquiry, or quash or modify an existing subpoena by a majority vote; and
 - II. Sign the subpoena as ordered to be issued, quashed or modified.

(Rule 1370-01-.15, continued)

2. Post-Notice of Charges Subpoenas - If the subpoena is sought for a contested case being heard with an Administrative Law Judge from the Secretary of State's office presiding, this definition shall not apply and all such post-notice of charges subpoenas should be obtained from the office of the Administrative Procedures Division of the Office of the Secretary of State pursuant to the Uniform Administrative Procedures Act and rules promulgated pursuant thereto.
- (d) Subpoena Forms
1. All subpoenas shall be issued on forms approved by the Board.
 2. The subpoena forms may be obtained by contacting the Board's Administrative Office.
- (e) Subpoena Service - Any method of service of subpoenas authorized by the Tennessee Rules of Civil Procedure or the rules of the Tennessee Department of State, Administrative Procedures Division may be utilized to serve subpoenas pursuant to this rule.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-134, 63-17-105, 63-17-110, 63-17-117 through 63-17-120, and 63-17-128 **Administrative History:** Original rule filed January 31, 2000; effective April 15, 2000. Amendment filed February 10, 2000; effective April 25, 2000. Amendments filed May 3, 2001; effective July 17, 2001. Amendment filed July 22, 2003; effective October 5, 2003. Amendments filed September 24, 2004; effective December 8, 2004. Amendments filed September 11, 2006; effective November 25, 2006.

1370-01-.16 DISPLAY/REPLACEMENT OF LICENSES.

- (1) Display of License or Registration- Every person licensed or registered by the Board shall display his license or registration in a conspicuous place in his office and, whenever required, exhibit such license to the Board or its authorized representative.
- (2) Replacement License - A licensee whose 'artistically designed' wall license has been lost or destroyed may be issued a new wall license upon receipt of a written request to the Board's Administrative Office. Such written request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original wall license.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-109, 63-17-105 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-.17 CHANGE OF ADDRESS AND/OR NAME.

- (1) Before practicing as a Speech Language Pathologist, Audiologist or Speech Language Pathology Assistant, the licensee or registrant shall notify the Board's Administrative Office, in writing, of the address of his/her primary business.
- (2) If any changes occur in the address of his/her place of business, the licensee or registrant must notify the Board's Administrative Office, in writing, within thirty (30) days of such change; such written notification must reference the licensee or registrant name, profession, and number. Failure to give such notice of business address change shall be deemed just cause for disciplinary action by the Board.
- (3) If any changes occur in the licensee's or registrant's name, the licensee or registrant must notify the Board's Administrative Office within thirty (30) days of the name change. Said notification must be made in writing and must also reference the licensee's or registrant's prior name and