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Sequence Number: 01-06-11
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File Date: 01/06/2011

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Communications Disorders and Sciences
Division:	Council for Licensing Hearing Instrument Specialists
Contact Person:	Diona E. Layden
Address:	220 Athens Way, Suite 210 Nashville TN 37243
Phone:	(615) 741-1611
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator, Division of Health Related Boards
Address:	Heritage Place – Metro Center 227 French Landing, Suite 300 Nashville, Tennessee 37243
Phone:	615-532-3202 or (Toll Free) 1-800-778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Heritage Place – Metro Center 227 French Landing, Suite 150, Poplar Conference Room		
Address 2:			
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	03/03/2011		
Hearing Time:	9:00 am	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1370-02	General Rules Governing Hearing Instrument Specialists

Rule Number	Rule Title
1370-02-.09	Renewal of License
1370-02-.11	Retirement and Reactivation of License
1370-02-.12	Continuing Education, Calibration Certificates, and Bills of Sale

(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>)

Rule 1370-02-.09 Renewal of License is amended by deleting subparagraph (2)(b) and subparagraph (2)(c) and substituting instead the following language as new subparagraph (2)(b) and subparagraph (2)(c) and is further amended by adding a new subparagraph (2)(d) so that, as amended, the new subparagraphs (2)(b), (2)(c), and (2)(d) shall read as follows:

- (b) Licenses expired for less than one (1) calendar year may be reinstated in the following manner:
 - 1. Pay the past due renewal fee and the state regulatory fee, pursuant to Rule 1370-02-.06;
 - 2. Pay the Late Renewal fee, pursuant to Rule 1370-02-.06;
 - 3. Provide documentation of successfully completing continuing education requirements for the year in which the license was expired, pursuant to Rule 1370-02-.12; and
 - 4. Provide current calibration of equipment certificates for each audiometer used at the licensee's place of business, pursuant to Rule 1370-02-.12.
- (c) Licenses expired for one (1) calendar year or more may be reinstated in the following manner:
 - 1. Pay a renewal fee, pursuant to Rule 1370-02-.06, that equals the amount of the current renewal fee plus the state regulatory fee times two;
 - 2. Pay the Late Renewal fee, pursuant to Rule 1370-02-.06;
 - 3. Provide documentation of successfully completing twenty (20) hours of continuing education, which shall include two (2) hours of Tennessee statutes and rules, pursuant to Rule 1370-02-.12;
 - 4. Provide current calibration of equipment certificates for each audiometer used at the licensee's place of business, pursuant to Rule 1370-02-.12; and
 - 5. Cause to be submitted to the Council's Administrative Office, directly from the vendor identified in the Council's reinstatement materials, the results of a criminal background check.
- (d) License reinstatement applications hereunder shall be treated as license applications, and review and decisions shall be governed by Rule 1370-02-.07.

Authority: T.C.A. § 63-17-203, 63-17-214.

Rule 1370-02-.11 Retirement and Reactivation of License is amended by deleting paragraph (3) in its entirety, including its subparts, and substituting instead the following for new paragraph (3) so that as amended, the new paragraph (3) shall read as follows:

- (3) A person who holds a retired license may apply to reactivate the license in the following manner:
 - (a) Licenses retired for two (2) years or less.
 - 1. Submit a written request to the Council's Administrative Office for licensure reactivation;

2. Pay the current licensure renewal fee and the state regulatory fee, pursuant to Rule 1370-02-.06. If reactivation is requested prior to the expiration of one (1) year from the date of retirement, the Council will require payment of the late renewal fee, the current licensure renewal fee, and the state regulatory fee, pursuant to Rule 1370-02-.06;
 3. Provide documentation of successfully completing continuing education requirements, pursuant to Rule 1370-02-.12; and
 4. Cause to be submitted to the Council's Administrative Office, directly from the vendor identified in the Council's reactivation materials, the results of a criminal background check.
- (b) Licenses retired for more than two (2) years.
1. Submit a written request to the Council's Administrative Office for licensure reactivation;
 2. Pay a renewal fee, pursuant to Rule 1370-02-.06, that equals the amount of the current licensure renewal fee plus the state regulatory fee times two;
 3. Provide documentation of successfully completing twenty (20) hours of continuing education, which shall include two (2) hours of Tennessee statutes and rules, pursuant to Rule 1370-02-.12; and
 4. Cause to be submitted to the Council's Administrative Office, directly from the vendor identified in the Council's reactivation materials, the results of a criminal background check.

Authority: T.C.A. § 63-17-203, 63-17-214.

Rule 1370-02-.12 Continuing Education, Calibration Certificates, and Bills of Sale is amended by adding a new part (1)(a)3. as follows, so that as amended, the new part (1)(a)3. shall read as follows:

3. For new licensees, submitting proof of successful completion of the written and practical examinations, pursuant to Rule 1370-02-.08, shall be considered proof of sufficient preparatory education to constitute continuing education credit for the first calendar year of licensure.

Authority: T.C.A. § 63-17-203.

Rule 1370-02-.12 Continuing Education, Calibration Certificates, and Bills of Sale is amended by deleting part (4)(a)2. in its entirety and substituting instead the following for new part (4)(a)2. so that as amended, the new part (4)(a)2. shall read as follows:

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

Authority: T.C.A. § 63-17-203, 63-17-214.

Rule 1370-02-.12 Continuing Education, Calibration Certificates, and Bills of Sale is amended by deleting subparagraph (4)(c) in its entirety and substituting instead the following for new subparagraph (4)(c) so that as amended, the new subparagraph (4)(c) shall read as follows:

- (c) Reinstatement of Expired Licensure – An individual who requests reinstatement of a license which has been expired for more than one (1) calendar year must submit, along with the reinstatement request, verification which indicates the attendance and successful completion of twenty (20) hours of continuing education, which shall include two (2) hours of Tennessee statutes and rules. The continuing education hours must have been started and successfully completed within the two (2) years immediately preceding the date of the requested reactivation.

Authority: T.C.A. § 63-17-203, 63-17-214.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: January 6, 2011

Signature: *[Handwritten Signature]*

Name of Officer: Diona E. Layden

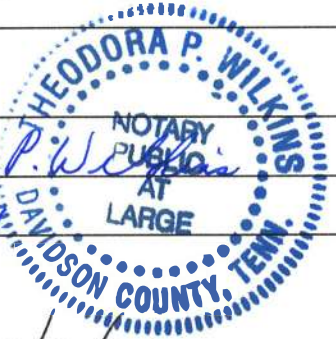
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 1/6/11

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/7/2012



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Filed with the Department of State on: 1/6/11

[Handwritten Signature]

Tre Hargett
Secretary of State

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