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312 Rosa L. Parks Avenue, 8th Floor Tennessee Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: sos.information@state.tn.us

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Effective Date: 07/05/2010

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 Communication Disorders and Sciences
Division:	
Contact Person:	Lucille F. Bond
Address:	220 Athens Way, Suite 210, Nashville, TN
Zip:	37243
Phone:	615-741-1611
Email:	Lucille.f.bond@tn.gov

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. 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-.03	Necessity of Licensure or Registration
1370-01-.10	Clinical Fellowships and Supervision
1370-01-.14	Speech Language Pathology Assistants and Supervision
1370-01-.19	Board Meetings, Officers, Consultants, Declaratory Orders and Screening Panels

Chapter 1370-01
Rules for Speech Pathology and Audiology

Amendments

Rule 1370-01-.01 Definitions is amended by inserting the following language as new paragraph (3) and renumbering the current paragraphs (3) through (30) as paragraphs (4) through (31):

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

Authority: T.C.A. §§ 63-17-103, and 63-17-105.

Rule 1370-01-.03 Necessity of Licensure or Registration is amended by deleting subparagraph (6) (d) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (6) (d) shall read:

- (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. §§ 63-1-145, 63-17-105, and 63-17-117.

Rule 1370-01-.10 Clinical Fellowships and Supervision is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) 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.

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

Rule 1370-01-.14 Speech Language Pathology Assistants and Supervision is amended by deleting subparagraph (2) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (b) shall read:

- (b) The registration form must also indicate, by name and signature, at least one (1) alternate Supervising Licensee who shall be on-site to provide the supervision when the primary Supervising Licensee is off site for any temporary and impermanent reason.

Authority: T.C.A. §§ 63-17-103, 63-17-105, and 63-17-128.

Rule 1370-01-.19 Board Meetings, Officers, Consultants, Declaratory Orders and Screening Panels is amended by adding the following language as new paragraph (6):

- (6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

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)
Nakeda Rochelle Kirby				X	
Paulette Dobbins	X				
William W. Dickinson, Au.D.	X				
Herbert J. Gould, Ph.D.	X				
Mary Sue Fino-Szumski, Ph.D.	X				
Brian B. Burkey, M.D.	X				
Melinda Richards, Ph.D.	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Communications Disorders and Sciences (board/commission/ other authority) on 08/21/07, 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: 02/28/07

Notice published in the Tennessee Administrative Register on: 03/15/07

Rulemaking Hearing(s) Conducted on: (add more dates). 05/02/07

Date: February 24, 2009

Signature: Lucille F. Bond

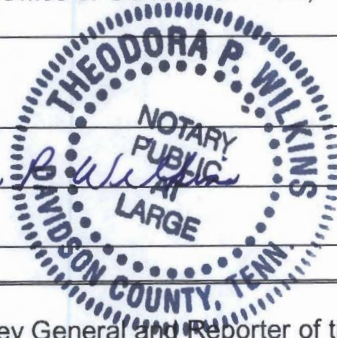
Name of Officer: Lucille F. Bond

Title of Officer: Assistant General Counsel, Office of General Counsel,
Department of Health

Subscribed and sworn to before me on: 2/24/09

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

3-30-10 Date

Department of State Use Only

Filed with the Department of State on: _____

4/6/10

Effective on: _____

7/5/10

Le Hargett

Tre Hargett
Secretary of State

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PUBLICATIONS

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 shall 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.

(Please see attached)



STATE OF TENNESSEE
DEPARTMENT OF HEALTH
DIVISION OF HEALTH RELATED BOARDS
227 FRENCH LANDING, SUITE 300
HERITAGE PLACE, METROCENTER
NASHVILLE, TN 37243
(615) 532-3202 (800) 778-4123
TENNESSEE.GOV/HEALTH

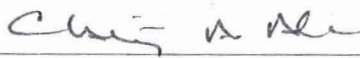
Date: August 21, 2007

To: Robert E. Cooper, Jr., Attorney General

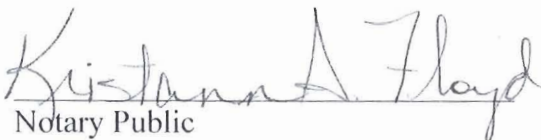
From: Christy A. Allen, Assistant Commissioner, Bureau of Health Licensure and Regulation

Subject: Certification of Compliance with T.C.A. § 4-5-222 as to Rule Number 1370-1, Rules for Speech Pathology and Audiology, Board of Communications Disorders and Sciences

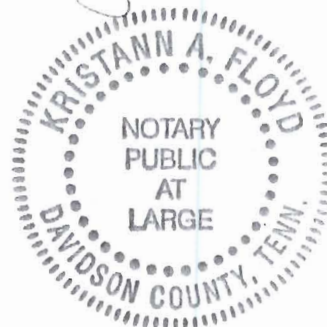
I certify that there were no comments, either oral or written, filed at the rulemaking hearing held regarding this rule and therefore there are no responses as required by T.C.A. § 4-5-222 to be filed. I further certify compliance with all other provisions of T.C.A. § 4-5-222.


Christy A. Allen, Assistant Commissioner
Bureau of Health Licensure and Regulation

Subscribed and sworn to before me this the 20th day of August, 2007.


Notary Public

My commission expires on the 24th day of November, 2007.



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 speech pathologists and audiologists. 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 Communication Disorders and Sciences

Rulemaking hearing date: May 2, 2007.

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

Amendment to 1370-01-.03

Licensees who advertise or medical practices that advertise the services of the licensees

Amendment to 1370-01-.10

- (a) Persons with doctoral degrees or doctoral degree candidates who intend to practice independently when licensed; and
- (b) Licensee or medical practices that seek to employ persons who are presently clinical fellows

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

The rule changes impact licensed speech pathologists and audiologists 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 licensed speech pathologists and audiologists.

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 Communication Disorders and Sciences does not believe there are less burdensome alternatives to the proposed rule amendments.

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 Definitions – The old rule did not include for supervision in the temporary or impermanent absence of the supervision license. The new rule includes the above.

1370-01-.03 Necessity of Licensure or Registration – The old rule did not specifically require that one must use the titles authorized by this rule in every “advertisement” or make the failure to do so an omission of a material fact which makes the advertisement misleading and deceptive subjecting an audiologist or speech pathologist to disciplinary action. The new rule includes the above.

1370-01-.10 Clinical Fellowships and Supervision – The old rule did not provide that clinical fellowships for persons with doctoral degrees doctoral candidates are effective for no less than nine (9) months and no more than four (4) years. The old rule did not provide that clinical fellowships for persons with master’s degrees are effective for no less than nine (9) months and no more than one (1) year. The new rule includes the above.

1370-01-.14 Speech Language Pathology Assistants and Supervision – The old rule did not include the provision that a registration for a speech pathology assistant must include the name of at least one alternate Supervision Licensee when the primary supervising licensee is off site for any temporary reason. The new rule includes the above.

1370-01-.19 Board Meetings, Officers, Consultants, Declaratory Orders and Screening Panels – The current rule does not contemplate a process for a disciplined licensee to petition the Board for a reconsideration or stay of his/her disciplinary order. The new rule names the board member who chaired the meeting when the disciplinary matter was originally heard to make the decision for the full Board to hear or not hear the petition.

- (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 1370-1
RULES FOR SPEECH PATHOLOGY AND AUDIOLOGY**

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1370-1-.01 DEFINITIONS. As used in these rules, the following terms and acronyms shall have the following meaning ascribed to them:

- (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) 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.
- (3) Alternate Supervision – Supervision provided in the temporary and impermanent absence of the supervising licensee.
- (34) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid all required fees.
- (45) ASHA - American Speech Language and Hearing Association.
- (56) Board - The Board of Communication Disorders and Sciences.
- (67) 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.
- (78) 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.
- (89) 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.
- (910) Closed Files - An administrative action which renders an incomplete or denied file closed.

(Rule 1370-1-.01, continued)

- | (4011)Client - The individual or patient who is receiving direct services and/or treatment.
- | (4112)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.
- | (4213)Continuing Education (CE) – Education required as a condition of continued licensure.
- | (4314)Council - The Council for Licensing Hearing Instrument Specialists.
- | (4415)Department - Tennessee Department of Health.
- | (4516)Direct Supervision - On-site supervision which includes directing, coordinating, reviewing, inspecting, and approving each act of service.
- | (4617)Division - The Division of Health Related Boards, Tennessee Department of Health, from which the Board receives administrative support.
- | (4718)Fee - Money, gifts, services, or anything of value offered or received as compensation in return for rendering services.
- | (4819)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.
- | (4920)General Supervision - Direct and/or indirect supervision, including reviewing, inspecting, and approving specific acts of service.
- | (2021)He/She Him/Her - When "he" appears in the text of these rules, the word represents both the feminine and masculine genders.
- | (2122)HRB - The acronym HRB represents the Health Related Boards.
- | (2223)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.
- | (2324)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.
- | (2425)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.
- | (2526)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.
- | (2627)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.
- | (2728)SLPA - The acronym for Speech Language Pathology Assistant.

(Rule 1370-1-.01, continued)

(2829)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.

(2930)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.
- (b) The term used to designate and Tennessee licensed speech Language Pathologist who provides supervision of a Speech Language Pathology Assistant.

(3031)TAASLP - Tennessee Association of Audiologists and Speech Language Pathologists.

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 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.

1370-1-.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 1370-1-.13.
- (2) Licensed speech language pathologists and audiologists who qualify under Rule 1370-1-.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 1370-1-.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 1370-1-.10.
- (4) 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 1370-1-.14.

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.

1370-1-.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 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 1370-1-.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 1370-1-.04 and 1370-1-.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 1370-1-.09, 1370-1-.11, and 1370-1-.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 1370-1-.09 and 1370-1-.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 1370-1-.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:

(Rule 1370-1-.03, continued)

- (a) Clinical Fellows are required to register with the Board through their supervising licensee while they are working under the supervising licensee's supervision.
- (b) Speech Language Pathologist Assistants who meet the qualifications of Rule 1370-1-.14 are required to register with this Board through their supervising licensee.
- (c) 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 1370-1-.04, and does not sell hearing instruments.
- (d) 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.
- (e) 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) Violation of this rule regarding use of titles shall constitute unprofessional conduct and subject the licensee or registrant to disciplinary action.~~

(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 1370-1-.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.

(Rule 1370-1-.09, continued)

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

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.

1370-1-.10 CLINICAL FELLOWSHIPS AND SUPERVISION.

- (1) Clinical Fellows must work under the supervision of a licensed or ASHA certified Speech Language Pathologist or Audiologist ("supervising licensee").
 - (a) The clinical fellowship experience shall include no less than thirty-six (36) supervisory activities in the following combination:
 - 1. Eighteen (18) direct (on-site) observations, with one (1) hour equaling one (1) on-site observation.
 - 2. Eighteen (18) monitored activities which may, for example, include telephone conferences, tape reviews, and record reviews.
 - (b) Each month of the clinical fellowship shall include two (2) on-site observations and two (2) other monitored activities.
- (2) Procedure 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

(Rule 1370-1-.10, continued)

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.

- (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

- ~~(a) Clinical fellowships are effective for a period of no less than nine (9) months and no more than one (1) year.~~
- ~~(b) Notwithstanding the provisions of subparagraph (a), 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.~~
- ~~(c) 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.~~

(3) 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.

(4) 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.

(Rule 1370-1-.10, continued)

- (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.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-103, 63-17-105, 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

1370-1-.11 RETIREMENT AND REACTIVATION OF LICENSE OR REGISTRATION.

- (1) (a) A licensee who holds a current license and does not intend to practice as a Speech Language Pathologist or Audiologist or intends to obtain an Inactive-Pro Bono Services license may apply to convert an active license to an Inactive-Retired status. Such licensee who holds a retired license may not practice and will not be required to pay the renewal fee
- (b) A registrant who holds a current registration and does not intend to practice as a Speech Language Pathology Assistant may apply to convert an active registration to an Inactive-Retired status. Such registrant who holds a retired registration may not practice and will not be required to pay the renewal fee.
- (2) A person who holds an active license or registration may apply for retired status in the following manner:
 - (a) Obtain, complete and submit to the Board's Administrative Office an Affidavit of Retirement form; and
 - (b) Submit any documentation which may be required by the form to the Board's Administrative Office.
- (3) A licensee or registrant who holds a retired license may apply to reactivate his license in the following manner:
 - (a) Submit a written request for licensure or registration reactivation to the Board's Administrative Office;
 - (b) Pay the licensure or registration renewal fee and state regulatory fee as provided in Rule 1370-1-.06; and
 - (c) Provide documentation of successfully completing continuing education requirements pursuant to Rule 1370-1-.12.
- (4) License and registration reactivation applications shall be treated as licensure applications and review decisions shall be governed by Rule 1370-1-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-116, 63-17-124 and 63-17-128 **Administrative History:** Original rule filed January 31, 2000; effective April 15, 2000. Amendment filed April 26, 2002; effective July 10, 2002. Amendment filed September 11, 2006; effective November 25, 2006.

(Rule 1370-1-.13, continued)

- (1) Engaging in clinical work when the licensee or registrant is not properly qualified to do so, pursuant to Rules 1370-1-.04 and 1370-1-.14, by successful completion of training, course work and/or supervised practicum;
- (2) Failure to take precautions to avoid injury to the client;
- (3) The guarantee or warranty of any sort, whether expressed orally or in writing, of the results of any speech, language, or hearing consultative or therapeutic procedure for the client;
- (4) Diagnosis or treatment (excluding general information of an educational nature) of any individual speech, language or hearing disorders by correspondence;
- (5) Willfully betraying a professional secret;
- (6) Accepting for treatment, and/or continuing treatment of, any client where benefit cannot reasonably be expected to accrue or is unnecessary;
- (7) Violation, or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the practice act or any lawful order of the Board issued pursuant thereto;
- (8) Making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice as a Speech Language Pathologist, Audiologist, or Speech Language Pathology Assistant;
- (9) Engaging in the practice as a Speech Language Pathologist, Audiologist, or Speech Language Pathology Assistant under a false or assumed name, or the impersonation of another practitioner under a like, similar or different name;
- (10) Violation of the continuing education provisions of Rule 1370-1-.12;
- (11) Conviction of a felony or any offense involving moral turpitude;
- (12) Failing to provide adequate supervision for any assistant pursuant to Rule 1370-1-.14 or clinical fellow pursuant to Rule 1370-1-.10, including timely registration with the Board;
- (13) Supervising a quantity of assistants or clinical fellows inconsistent with the provisions of Rules 1370-1-.10 and/or 1370-1-.14

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, 63-17-114, 63-17-117 and 63-17-128 **Administrative History:** Original rule filed January 31, 2000; effective April 15, 2000. Amendment filed September 11, 2006; effective November 25, 2006.

1370-1-.14 SPEECH LANGUAGE PATHOLOGY ASSISTANTS AND SUPERVISION.

- (1) Speech Language Pathology Assistants and Supervision.
 - (a) Speech Language Pathology Assistants (SLPA) must work under the supervision of a licensed Speech Language Pathologist ("Supervising Licensee").
 - (b) Beginning January 1, 2005, the minimum qualifications for persons employed as Speech Language Pathology Assistants shall be as follows:
 1. The applicant must have completed a program of study designed to prepare the student to be a Speech Language Pathology Assistant; and

(Rule 1370-1-.14, continued)

2. The applicant must have completed course work and field experiences in a technical training program for Speech Language Pathology Assistants approved by the American Speech-Language-Hearing Association (ASHA).
 - (i) Course work and fieldwork experience completed prior to January 1, 2005 will be evaluated to determine whether the applicant meets all criteria for registration.
 - (ii) All applicants for registration must be referred for registration by the program director of the technical training program where they have completed the field and course work requirements; or
 3. The applicant must have earned sixty (60) college-level semester credit hours in a program of study that includes general education and the specific knowledge and skills for a SLPA. The training program shall include a minimum of one hundred (100) clock hours of field experiences supervised by a licensed Speech Language Pathologist.
 - (i) At least twenty (20) semester credit hours of the sixty (60) hour requirement shall be in general education.
 - (ii) At least twenty (20) semester credit hours of the sixty (60) hour requirement shall be in technical content. The course content must include the following:
 - (I) overview of normal processes of communication and overview of communication disorders
 - (II) instruction in assistant-level service delivery practices
 - (III) instruction in workplace behaviors
 - (IV) cultural and linguistic factors in communication
 - (V) observation
 - (iii) The one hundred (100) hours of supervised fieldwork experiences must provide appropriate experiences for learning the job responsibilities and workplace behaviors of a SLPA. These experiences are not intended to develop independent practice.
 - (c) Individuals registered with the Board as Speech Language Pathology Assistants before January 1, 2005 are exempt from the requirements of subparagraph (1) (b).
- (2) Supervision by and Responsibilities of the Supervising Licensee.
- (a) Prior to commencement of training, individuals seeking to be Speech Language Pathology Assistants must be registered by the Supervising Speech Language Pathologist (Supervising Licensee) with the Board on a registration form provided at the request of the Supervising Licensee.
 1. The registration form shall be completed by the Supervising Licensee who shall return the completed form to the Board's Administrative Office with a copy of the written plan of training to be used for that SLPA.

(Rule 1370-1-.14, continued)

2. The SLPA shall not begin employment until he/she has registered with the Board and paid the required fees, as provided in rule 1370-1-.06.
- ~~(b) The Registration form must also indicate, by name and signature, at least one (1) alternate Supervising Licensee who shall be available to provide the supervision when the primary Supervising Licensee is off site for any reason.~~
- (b) The registration form must also indicate, by name and signature, at least one (1) alternate Supervising Licensee who shall be on-site to provide the supervision when the primary Supervising Licensee is off site for any temporary and impermanent reason.
- (c) Notice of employment, change of supervisors, or termination of any SLPA must be forwarded by the Supervising Licensee to the Board's Administrative Office within thirty (30) days of such action.
 - (d) Prior to utilizing an SLPA, the licensed Speech Language Pathologist who is responsible for his or her direction shall carefully define and delineate the role and tasks. The Supervising Licensee shall:
 1. Define and maintain specific line of responsibility and authority.
 2. Assure that the SLPA is responsible only to him or her in all client-related activities.
 - (e) Any licensed Speech Language Pathologist may delegate specific clinical tasks to a registered SLPA who has completed sufficient training. However, the legal, ethical and moral responsibility to the client for all services provided, or omitted, shall remain the responsibility of the Supervising Licensee. An SLPA shall be clearly identified as an Assistant by a badge worn during all contact with the client.
 - (f) When an SLPA assists in providing treatment, a Supervising Licensee shall:
 1. Provide a minimum of fifteen (15) hours of training for the competent performance of the tasks assigned. This training shall be completed during the first thirty (30) days of employment. A written plan for this training shall be submitted with registration. This training should include, but not be limited to, the following:
 - (i) Normal processes in speech, language, and hearing;
 - (ii) A general overview of disorders of speech, language, and hearing;
 - (iii) An overview of professional ethics and their application to the SLPA activities;
 - (iv) Training for the specific job setting is to include information on:
 - (I) The primary speech, language, and hearing disorders treated in that setting;
 - (II) Response discrimination skills pertinent to the disorders to be seen;
 - (III) Equipment to be used in that setting;
 - (IV) Program administration skills, including stimulus presentation, data collection, and reporting procedures, screening procedures, and utilization of programmed instructional materials; and

(Rule 1370-1-.14, continued)

- (V) Behavior management skills appropriate to the population being served.
- 2. Evaluate each client prior to treatment.
- 3. Outline and direct the specific program for the clinical management of each client assigned to the SLPA.
- 4. Provide direct/indirect, but on-site observation according to the following minimum standards:
 - (i) Provide direct observation for the first ten (10) hours of direct client contact following training.
 - (ii) Supervision of an SLPA means direct supervision of not less than ten percent (10%) of an SLPA's time each week. Direct supervision means on-site and in-view supervision as a clinical activity is performed.
 - (iii) The supervising licensee shall provide indirect supervision of not less than twenty percent (20%) of an SLPA's time each week. Indirect supervision may include audio and videotape recordings, numerical data, or review of written progress notes. The Supervising Licensee, or alternate Supervising Licensee, must still be on-site.
 - (iv) At all times, the supervising licensee shall be available at a minimum by telephone whenever an SLPA is performing clinical activities.
 - (v) All direct and indirect observations shall be documented and shall include information on the quality of an SLPA's performance.
 - (vi) Whenever the SLPA's performance is judged to be unsatisfactory over two (2) consecutive observations, the SLPA shall be retrained in the necessary skills. Direct observations shall be increased to one hundred percent (100%) of all clinical sessions, until the SLPA's performance is judged to be satisfactory over two (2) consecutive observations.
 - (vii) Ensure that the termination of services is initiated by the speech language pathologist responsible for the client.
 - (viii) Make all decisions regarding the diagnosis, management, and future disposition of the client.
- (g) A licensed Speech Language Pathologist shall not delegate the following responsibilities:
 - 1. Interpretation of test results or performances of diagnostic evaluation;
 - 2. Conduction of parent or family conferences or case conferences;
 - 3. Client or family counseling;
 - 4. Writing, developing, or modifying a client's individualized treatment plan;
 - 5. Treatment of clients without following the established plan;
 - 6. Signing any document without the co-signature of the supervising Speech Language Pathologist;

(Rule 1370-1-.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, and 63-17-114. **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.

1370-1-.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.

- (2) If any misdemeanor or felony conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-17-105, and 63-51-101, et seq. **Administrative History:** Original rule filed February 17, 2000; effective May 2, 2000.

1370-1-.19 BOARD MEETINGS, OFFICERS, CONSULTANTS, DECLARATORY ORDERS AND SCREENING PANELS

- (1) Board meetings - The time, place, and frequency of Board meetings shall be at the discretion of the Chairperson or after the written request of any two (2) members of the Board, except at least one (1) meeting shall be held annually.
- (2) The Board shall elect annually from its membership a chairperson and a secretary who each shall hold office for one (1) year, or until the election and qualification of a successor. In the absence of the Board's chair, the meeting shall be chaired by the Board's Secretary.
 - (a) Chairperson - presides at all Board meetings.
 - (b) Secretary - who along with the Board's administrator shall be responsible for correspondence from the Board.
 - (c) . If a need arises, the Board can elect by majority vote a chair Pro Tem to serve as Chairperson for that Board meeting.
- (3) The Board has the authority to select a Board Consultant who shall serve as a Consultant to the Division and who is vested with the authority to do the following acts:
 - (a) Review complaints and recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division;
 - (b) Recommend whether and upon what terms a complaint, case or disciplinary action might be settled. Any matter proposed for settlement must be subsequently reviewed, evaluated, and ratified by the Board before it becomes effective; and
 - (c) Undertake any other matter authorized by a majority vote of the Board of Communications Disorders and Sciences.
- (4) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office
- (5) Screening panels. - The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.
- (6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

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(Rule 1370-1-.19, continued)

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-138, 63-17-105, 63-17-115, 63-17-117 and 63-17-118.
Administrative History: Original rule filed January 31, 2000; effective April 15, 2000. Amendment filed February 17, 2000; effective May 2, 2000. Amendment filed September 11, 2006; effective November 25, 2006.

1370-1-.20 ADVERTISING

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning communications disorder services, the importance of the interests affected by the choice of a Speech Language Pathologist or Audiologist and the foreseeable consequences of unrestricted advertising by Speech Language Pathologists or Audiologists which is recognized to pose special possibilities for deception, require that special care be taken by Speech Language Pathologists or Audiologists to avoid misleading the public. The Speech Language Pathologist or Audiologist must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by Speech Language Pathologists or Audiologists is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Definitions
 - (a) Advertisement. Informational communication to the public in any manner designed to attract public attention to the practice of a Speech Language Pathologist or Audiologist who is licensed to practice in Tennessee.
 - (b) Licensee - Any person holding a license to practice speech language pathology and/or audiology in the State of Tennessee. Where applicable this shall include partnerships and/or corporations.
 - (c) Material Fact - Any fact which an ordinary reasonable and prudent person would need to know or rely upon in order to make an informed decision concerning the choice of practitioners to serve his or her particular needs.
 - (d) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
 - (e) Discounted Fee - Shall mean a fee offered or charged by a person for a product or service that is less than the fee the person or organization usually offers or charges for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee".
- (3) Advertising Fees and Services
 - (a) Fixed Fees - Fixed fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall
 - (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
 - (c) Discount Fees. Discount fees may be advertised if:
 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and