

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

Chapter 1370-2
General Rules Governing Hearing Instrument Specialists

Amendments

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

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

- (v) Red and blue ink pens; and
- (vi) An individual to be the subject for the ear impression and the hearing test.

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

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

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

1. An individual whose license has been retired for two (2) years or less will be required to fulfill continuing education requirements as outlined in this Rule as a prerequisite to reactivation. Those hours will be considered replacement hours and cannot be counted during the next licensure renewal period.
2. An individual who requests reactivation of a license which has been retired for more than two (2) years must submit, along with the reactivation request, verification which indicates the attendance and completion of twenty (20) hours of continuing education. The continuing education hours must have been started and successfully completed within the two (2) years immediately preceding the date of the requested reactivation.

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

Rule 1370-2-.19 Council Meetings, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by inserting the following language as new paragraph (5) and renumbering the present paragraph (5) as paragraph (6), so that as amended, the new catchline and the new paragraph (5) shall read:

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

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

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-17-105, 63-17-203, 63-17-219, and 63-17-220.

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

- (1) All advertisements shall adhere to the proscriptions specifically set out in Rule 1370-2-.13 governing Unethical Conduct.
- (2) Advertising Records and Responsibility
 - (a) Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.
 - (b) Any and all advertisements are presumed to have been approved by the licensee named therein.
 - (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee for a period of one (1) year from the last date of broadcast or publication and be made available for review upon request by the Council or its designee.
 - (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-145, 63-17-105, and 63-17-203.

Legal Contact: Mary J. Presley, Assistant General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120 (615) 741-1611.

Contact for disk acquisition and/or party who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 1st Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 (615)-532-4397.

Signatures of the agency officers directly responsible for proposing and/or drafting these rules:

David Levy, Chair
Council for Licensing Hearing Instrument Specialists

Melinda Richards, Ph.D., Chair
Board of Communications Disorders and Sciences

The roll call vote by the Council for Licensing Hearing Instrument Specialists on these rulemaking hearing rules was as follows:

Council Members	Aye	No	Abstain	Absent
Thomas A. Stewart	<u>X</u>	_____	_____	_____
James Alderman	<u>X</u>	_____	_____	_____
David Levy	<u>X</u>	_____	_____	_____
Robert Bowers, M.D.	<u>X</u>	_____	_____	_____
Jackie Miller	<u>X</u>	_____	_____	_____

The roll call vote by the Board of Communications Disorders and Sciences on these rulemaking hearing rules was as follows:

Board Members	Aye	No	Abstain	Absent
Nakeda Rochelle Kirby	_____	_____	_____	<u>X</u>
Sandra Newsome, Ph.D.	_____	_____	_____	<u>X</u>
William W. Dickinson	<u>X</u>	_____	_____	_____
Donna Glover Schwaber	<u>X</u>	_____	_____	_____
Mary Sue Fino-Szumski, Ph.D.	<u>X</u>	_____	_____	_____
Brian B. Burkey, M.D.	_____	_____	_____	<u>X</u>
Melinda Richards, Ph.D.	<u>X</u>	_____	_____	_____

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Council for Licensing Hearing Instrument Specialists on the 1st day of December, 2005, and adopted by the Board of Communications Disorders and Sciences on the 7th day of February, 2006.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 4th day of August, 2005 and such notice of rulemaking hearing having been published in the September 15th, 2005 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 17th day of October, 2005.

Robbie H. Bell, Director
Division of Health Related Boards

Subscribed and sworn to before me this the 7th day of February, 2006.

Notary Public

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

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.

Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 10th day of July, 2006, and will become effective on the 23rd day of September, 2006.