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Sequence Number: 08-11-12
 Notice ID(s): 1883
 File Date: 8/9/12

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:	
Contact Person:	Alex Munderloh
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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, Iris Room		
Address 2:			
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	11/06/12		
Hearing Time:	10 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

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 here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
1370-01	Rules for Speech Pathology and Audiology

Rule Number	Rule Title
1370-01-.09	Renewal of License or Registration
1370-01-.10	Clinical Fellowships, Clinical Externs, and Supervision
1370-01-.12	Continuing Education
1370-01-.14	Speech Language Pathology Assistants and Supervision

(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>)

Chapter 1370-01
Rules for Speech Pathology and Audiology

Amendments

Rule 1370-01-.09 Renewal of License or Registration is amended by deleting subparagraphs (3)(b) and (3)(c) in their entirety and substituting instead the following language, so that as amended the new subparagraphs (3)(b) and (3)(c) shall read:

- (3) Reinstatement of an Expired License or Registration.
- (b) Licensees and registrants who wish to reinstate a license or registration that has been expired for less than five (5) years shall meet the following conditions:
1. Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1370-01-.06; and
 2. Payment of the Late Renewal Fee, pursuant to Rule 1370-01-.06; and
 3. Provide documentation of successfully completing continuing education requirements for every year the license or registration was expired, pursuant to Rule 1370-01-.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 1370-01-.07.
- (c) Licensees and registrants who wish to reinstate a license or registration that has been expired for more than five (5) years shall be required to reapply for licensure in accordance with applicable laws and rules of the Board. As part of the application, the licensee or registrant shall include documentation of current ASHA certification and documentation of having successfully completed continuing education requirements for each year the license or registration was expired pursuant to Rule 1370-01-.12.

Authority: T.C.A. §§ 63-17-105 and 63-17-116(e).

Rule 1370-01-.10 Clinical Fellowships and Supervision is amended by deleting paragraph (4) in its entirety (including (4)(a) through (f)) and substituting instead the following language, so that as amended the new paragraph (4) will include subparagraph (4)(a), (b) and (c) only and shall read:

- (4) Supervision Limitations.
- (a) Supervising licensees shall supervise no more than three (3) individuals 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) clinical fellows concurrently.

Authority: T.C.A. § 63-17-105.

Rule 1370-01-.12 Continuing Education is amended by deleting subpart (1)(a)3. in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1)(b) in its entirety and substituting instead the following language, so that as amended the new subpart (1)(a)3. and the new subparagraph (1)(b) shall read:

(1) Continuing Education – Hours Required.

(a)

3. For new licensees, proof of successful completion of all education and training requirements required for licensure in Tennessee, pursuant to Rule 1370-01-.04, which has been completed during the twelve (12) months preceding licensure, shall constitute continuing education credit for the initial period of licensure.

(b) All speech language pathology assistants must complete a minimum of five (5) hours of continuing education during each calendar year. For new registrants, proof of successful completion of all education and training requirements required for registration in Tennessee, pursuant to Rule 1370-01-.14, which has been completed during the twelve (12) months preceding registration, shall constitute continuing education for the initial period of registration.

Rule 1370-01-.12 Continuing Education is amended by deleting part (1)(f)1. and substituting instead the following language so that, as amended, the new part (1)(f)1. shall read as follows:

1. For Speech Language Pathologists and Audiologists, all of the hours required in subparagraph (a) may be granted for multi-media courses during each calendar year.

Rule 1370-01-.12 Continuing Education is amended by deleting part (1)(f)3. in its entirety and substituting instead the following language so that, as amended, the new part (1)(f)3. shall read as follows:

3. Multi-Media courses may include courses utilizing:

(i) Group: Synchronous, live event. Instruction requires the simultaneous participation of all student and instructors in real time. Learners interact with the learning materials and the instructor at a specific location and time. Examples include but are not limited to Workshops, Seminars, Symposium, Webinar/videoconference, Journal Group, Grand Rounds, Conventions, and Conferences

(ii) Individual: Asynchronous. Learners choose their own instructional time frame and location and interact with the learning materials and instructor according to their own schedules. Examples include but are not limited to recorded videotapes, correspondence course, audiotapes, programmed study, computer-assisted learning, and reading journals/newsletters.

(iii) Blended: Combines elements of both group and individual learning experiences. These may be distance learning/online as well as face-to-face/in person. These courses might have prerequisite reading, videotaping/case study viewing that must be completed prior to, during, or after the face-to-face/in person portion. Examples include but are not limited to live webinar that has required reading/case study review for which the participant will earn credit for successfully completing prior to, during, or after the live segment.

(iv) Independent Study: A learning event proposed by the learner and reviewed, monitored and approved by a Board Approved Independent Study Provider.

Rule 1370-01-.12 Continuing Education is amended by deleting paragraph (4) in its entirety (including (4)(a) and (b) and substituting instead the following language, so that as amended the new paragraph (4) will include subparagraph (4)(a) only and shall read:

- (4) Continuing Education for Reactivation of Retired or Expired Licenses and Registrations.
 - (a) An individual whose license or registration has been retired or has expired must complete the continuing education requirements for each year the license or registration was retired or expired as a prerequisite to reinstatement. The number of continuing education hours to be obtained, and the modality through which the continuing education hours may be obtained, shall be in accordance with the continuing education rules in place at the time the application for reactivation is submitted. The number of continuing education hours required for reactivation shall not exceed 100 hours. The continuing education hours obtained will be considered replacement hours and cannot be counted during the next licensure or registration renewal period.

Authority: T.C.A. § 63-17-105.

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

- (1) Requirements.
 - (a) Speech Language Pathology Assistants.
 - 1. Speech language pathology assistants must work under the supervision of a licensed speech language pathologist ("Supervising Licensee").
 - 2. The minimum qualifications for persons employed as speech language pathology assistants shall be as follows:
 - (i) The applicant must have completed a program of study designed to prepare the student to be a speech language pathology assistant. 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 speech language pathology assistant. The training program shall include a minimum of one hundred (100) clock hours of field experience 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; and
 - V. observation.

(III) The one hundred (100) hours of supervised fieldwork experience must provide appropriate experience for learning the job responsibilities and workplace behaviors of a speech language pathology assistant. This experience is not intended to develop independent practice.

3. If the applicant's academic institution does not provide for the full one hundred (100) hours of supervised field work experience by a licensed speech language pathologist, then the applicant shall register with the Board and shall have a minimum of thirty (30) days up to a maximum of ninety (90) days to acquire the full one hundred (100) clock hours of field experience needed to become a fully credentialed speech language pathology assistant.

(2) Scope of Practice.

(a) A speech language pathology assistant shall not perform the following responsibilities:

1. Interpret test results or perform diagnostic evaluations;
2. Conduct parent or family conferences or case conferences;
3. Perform client or family counseling;
4. Write, develop, or modify a client's individualized treatment plan;
5. Treat clients without following the established plan;
6. Sign any document without the co-signature of the supervising speech language pathologist;
7. Select or discharge clients for services;
8. Disclose clinical or confidential information, either orally or in writing, to anyone not designated by the speech language pathologist;
9. Refer clients for additional outside service;
10. Communicate with patient, family, or others regarding any aspect of the patient/client status or service without the specific consent of the supervising speech language pathologist; and
11. Represent himself or herself as a speech language pathologist.

(3) Supervision by and Responsibilities of the Supervising Licensee.

(a) Prior to the commencement of training and/or employment, individuals seeking to be speech language pathology assistants must be registered by the 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 speech language pathology assistant.
2. The speech language pathology assistant shall not begin training and/or employment until he/she has registered with the Board and paid the required fees, as provided in Rule 1370-01-.06.
3. For those applicants whose academic institution does not provide for the full one hundred (100) hours of supervised field work experience by a licensed speech language pathologist:

- (i) 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 by the applicant.
 - (ii) The applicant shall not begin training and/or employment until he/she has registered with the Board. No fee shall be required during the thirty (30) to ninety (90) day period in which the applicant obtains the full one hundred (100) hours of supervised field work experience. Upon the completion of the full one hundred (100) hours, the applicant shall pay the required fee, as provided in Rule 1370-01-.06, to become fully credentialed speech language pathology assistant.
- (b) The supervising licensee is responsible for ensuring that another licensed speech language pathologist is available on-site to provide supervision when he/she is off site for any period of time.
- (c) Notice of employment, change of supervisor, or termination of any speech language pathology assistant must be forwarded by the supervising licensee to the Board's administrative office within thirty (30) days of such action.
- (d) Prior to utilizing a speech language pathology assistant, the licensed speech language pathologist who is responsible for his or her direction shall carefully define and delineate the role and tasks. The speech language pathologist shall:
 - 1. Define and maintain a specific line of responsibility and authority; and
 - 2. Assure that the speech language pathology assistant 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 speech language pathology assistant 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 or of the licensed speech language pathologist acting as supervisor in the absence of the supervising licensee. A speech language pathology assistant shall be clearly identified as an assistant by a badge worn during all contact with the client.
- (f) When a speech language pathology assistant assists in providing treatment, a supervising license 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 speech language pathology assistant 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
 - (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 speech language pathology assistant.
 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 a speech language pathology assistant means direct supervision of not less than ten percent (10%) of a speech language pathology assistant'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 a speech language pathology assistant's time each week. Indirect supervision may include audio and videotape recordings, numerical data, or review of written progress notes. The supervising licensee, or the licensed speech language pathologist acting as supervisor in the absence of the supervising licensee, must still be on-site;
 - (iv) At all times, the supervising licensee shall be available at a minimum by telephone whenever a speech language pathology assistant is performing clinical activities;
 - (v) All direct and indirect observations shall be documented and shall include information on the quality of a speech language pathology assistant's performance;
 - (vi) Whenever the speech language pathology assistant's performance is judged to be unsatisfactory over two (2) consecutive observations, the speech language pathology assistant shall be retrained in the necessary skills. Direct observations shall be increased to one hundred percent (100%) of all clinical sessions, until the speech language pathology assistant'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; and
 - (viii) Make all decisions regarding the diagnosis, management, and future disposition of the client.
 5. For the individual who is completing the required one hundred (100) hours of supervised field work experience, the supervising licensee shall supervise fifty percent (50%) of the hours remaining at one hundred percent (100%) and shall supervise the remaining hours needed at a minimum of twenty-five percent (25%) as the individual performs the responsibilities outlined above.

(g) Supervision limitations.

1. Supervising licensees shall supervise no more than three (3) individuals concurrently.
2. Supervising licensees shall supervise no more than two (2) speech language pathology assistants concurrently.
3. Supervising licensees shall supervise no more than three (3) clinical fellows concurrently.

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

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.

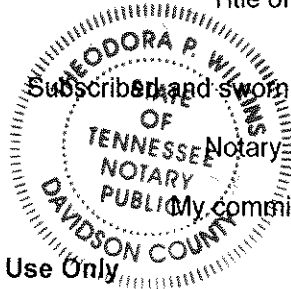
Date: 8/8/12

Signature: *Alex Munderloh*

Name of Officer: Alex Munderloh

Assistant General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 8/8/12

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/3/15

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Filed with the Department of State on: 8/9/12

Tre Hargett
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Secretary of State

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