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Sequence Number: 07-02-21
 Notice ID(s): 3311
 File Date: 7/1/2021

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Board of Communications Disorders and Sciences, Council for Licensing Hearing Instrument Specialists
Division:	
Contact Person:	Ashley L. Fine, Associate General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee 37243
Phone:	(615) 253-4877
Email:	Ashley.Fine@tn.gov

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
Address:	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6350
Email:	Tina.M.Harris2@tn.gov

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

Address 1:	Metro Center
Address 2:	665 Mainstream Drive – Poplar Conference Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date :	10/22/2021
Hearing Time:	9:00 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. 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-.04	Preliminary Qualifications for Licensure

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1370-02
General Rules Governing Hearing Instrument Specialists

Amendments

Rule 1370-02-.04 Preliminary Qualifications for Licensure is amended by deleting subparagraph (1)(b) in its entirety and by substituting instead the following language, and is further amended by adding subparagraph (1)(c) and by deleting only subparagraph (2)(b) and paragraph (3) in their entirety and by substituting instead the following language, and is further amended by adding new paragraph (4), so that as amended, the new subparagraph and paragraphs shall read:

- (1) (b) Education equivalent to two (2) years of accredited college level course work or hold National Board for Certification in Hearing Instrument Sciences (NBC-HIS) certification; and
- (c) An applicant must pass the written examination, the practical skills examination, and the Tennessee Jurisprudence Examination as found in Rule 1370-02-.08.
- (2) (b) Education equivalent to two (2) years of accredited college level course work or hold National Board for Certification in Hearing Instrument Sciences (NBC-HIS) certification; and
- (3) Reciprocity for Applicants with NBC-HIS Certification:
 - (a) Eighteen (18) years of age or older; and
 - (b) Hold National Board for Certification in Hearing Instrument Sciences (NBC-HIS) certification; and
 - (c) Hold a current unencumbered license, registration, or certification from another state or country; and
 - (d) An applicant must pass the Tennessee Jurisprudence Examination as found in Rule 1370-02-.08.
- (4) Reciprocity for Applicants without NBC-HIS Certification:
 - (a) Eighteen (18) years of age or older; and
 - (b) Education equivalent to two (2) years of accredited college level course work; and
 - (c) Hold a current unencumbered license, registration, or certification from another state or country, which was based on passing a written and practical examination developed in accordance with IHS standards, with an overall passing score as determined by the IHS; and
 - (d) An applicant must pass the Tennessee Jurisprudence Examination found in Rule 1370-02-.08.

Authority: T.C.A. §§ 63-17-203, 63-17-207, 63-17-208, 63-17-209, 63-17-211, and 2019 Public Chapter 323.

Rule 1370-02-.05 Procedures for Licensure is amended by deleting subparagraph (1)(c) in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1)(h) in its entirety and by re-lettering the remaining subparagraphs accordingly, and is further amended by deleting newly re-lettered part (1)(i)2 in its entirety and substituting the following language, and is further amending by adding new paragraph (3) and renumbering the remaining paragraphs accordingly, and is further amended by deleting newly renumbered paragraph (4), but not all of its subparagraph and parts, and substituting instead the following language, and is further amended by deleting subparagraph (4)(h) in its entirety and re-lettering the remaining subparagraphs accordingly, and is further amended by deleting newly re-lettered part (4)(i)2, subparagraph (4)(m) in their entirety and by substituting instead the following language, and is further amended by deleting newly renumbered subparagraph (5)(c) in its entirety and by substituting instead the following language, and is further amended by deleting newly numbered and newly re-lettered subparagraph (5)(f) in its entirety and by re-lettering the remaining subparagraphs accordingly, and is further amended by deleting newly renumbered and re-lettered

part (5)(h)2 in its entirety and by substituting instead the following language, so that as amended, the new paragraphs, subparagraphs, and parts shall read:

- (1) (c) Proof of Education or NBC-HIS Certification.
 1. It is the applicant's responsibility to provide evidence that he has fulfilled the educational requirements by instructing his college to submit an official transcript directly to the Council's Administrative Office. The transcript must carry the official seal of the school and reference the name under which the applicant has applied for licensure. If the name under which the transcript is issued differs from the applicant's current name, documentation must be submitted which supports such applicant's name change; or
 2. The applicant shall direct the National Board for Certification in Hearing Instrument Sciences to submit evidence that he is currently certified by the NBC-HIS.
- (i) 2. The denial of a license, certification, or registration or the previous or pending discipline of a license, certification, or registration by any other state or country.
- (3) Licensed Hearing Instrument Specialist by Reciprocity for Applicants with NBC-HIS Certification:
 - (a) Applications will be accepted throughout the year and processed in the Council's Administrative Office.
 - (b) An applicant shall obtain a current application form from the Council's Administrative Office, respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the Council's Administrative Office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) An applicant shall pay the nonrefundable Application Fee as provided in Rule 1370-02-.06 and submit the fee with the application.
 - (d) An applicant shall submit with his application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.
 - (e) An applicant shall submit with his application a certified photocopy of his birth certificate.
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any crime in any country, state, or municipality, except minor traffic violations.
 2. The denial of a license, certification, or registration or the previous or pending discipline of a license, certification, or registration by any other state or country.
 - (g) An applicant shall cause to be submitted to the Council's administrative office directly from the vendor identified in the Council's licensure application materials, the result of a criminal background check.
 - (h) The applicant shall direct the National Board for Certification in Hearing Instruments Sciences to submit evidence that he is currently certified by the NBC-HIS.
 - (i) The applicant shall direct the appropriate licensing Council in each state in which he holds a license to send an official statement which indicates that such license is in effect and in good standing.
 - (j) Only those persons who hold, at the time of application, a current unsuspended or unrevoked license from the state in which they are engaged in business may apply for licensure by reciprocity.

- (k) If it is determined by the Council or the Board that an applicant does not meet the reciprocity requirements, he must file an application for licensure by examination.
- (4) Licensed Hearing Instrument Specialist by Reciprocity for Applicants without NBC-HIS Certification:
 - (i) 2. The denial of a license, certification, or registration or the previous or pending discipline of a license, certification, or registration by any other state or country.
 - (m) The applicant shall direct the IHS to submit documentation that he has passed the written examination, pursuant to Rule 1370-02-.08.
- (5) (c) It is the applicant's responsibility to:
 - 1. provide evidence that he has fulfilled the educational requirements by instructing his college to submit an official transcript to the Council's Administrative Office. The transcript must carry the official seal of the school and reference the name under which the applicant has applied for licensure. If the name under which the transcript is issued differs from the applicant's current name, documentation must be submitted which supports such applicant's name change; or
 - 2. direct the National Board for Certification in Hearing Instrument Sciences to submit evidence that he is currently certified by the NBC-HIS.
- (h) 2. The denial of a license, certification, or registration or the previous or pending discipline of a license, certification, or registration by any other state or country.

Authority: T.C.A. §§ 63-17-105, 63-17-203, 63-17-207, 63-17-208, and 2019 Public Chapter 323.

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: July 1, 2021

Signature: Ashley L. Fine

Name of Officer: Ashley L. Fine
Associate General Counsel

Title of Officer: Department of Health

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Filed with the Department of State on: 7/1/2021

Tre Hargett

Tre Hargett
Secretary of State

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