



# Newsletter

## Tennessee Board of Communication Disorders and Sciences

Fall 2009

A Regulatory Agency of the state of Tennessee

Vol. 2, No. 1

227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 <http://tennessee.gov/health> (615) 532-5157 or 1-800-778-4123  
Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except state and federal holidays) Fax: (615) 532-5369



### About the Board of Communication Disorders and Sciences

This Board began in 1973 as the Board of Examiners of Speech Pathology and Audiology, then was restructured in 1995 by the state Legislature as the current Board of Communication Disorders and Sciences (CDS). Its mission is to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice the profession of speech pathology and audiology within this state to be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The Board is responsible for the investigation of alleged violations of the Practice Act and rules and is responsible for the discipline of licensees who are found guilty of such violations.

The administrative staff of the Division of Health Related Boards supports the Board by issuing licenses to those who meet the requirements of the law and rules. Renewal notices are mailed from Board's administrative office forty-five (45) days prior to the expiration of the license to the current address on record. Licensees are responsible for renewing their licenses on time and keeping the Board apprised of current information. Licenses can be renewed on-line one hundred twenty (120) days prior to expiration at [Tennessee.gov/health](http://Tennessee.gov/health). Click on the "License Renewal" link and follow the

prompts. It is a violation of the law and of the Board's rules to practice on an expired license.

The Board meets throughout the year to conduct administrative business. The seven (7) Board members are appointed by the Governor and serve five (5) year terms. A quorum of four (4) members is required to conduct business. The meetings are open to the public.

### 2010 Board Meeting Schedule

February 9, 2010  
10:00 a.m., CST  
Iris Room

May 11, 2010  
10:00 a.m., CST  
Iris Room

August 10, 2010  
10:00 a.m., CST  
Iris Room

November 9, 2010  
10:00 a.m., CST  
Iris Room



**All Board meetings will be held at 227 French Landing, Suite 150, Heritage Place, Metro Center, Nashville, TN, unless otherwise noted.**

**To contact this Board call  
(615) 532-5157 local or (800) 778-4123  
nationwide  
or  
write to:**

**Tennessee Board of Communication  
Disorders and Sciences  
227 French Landing, Suite 300  
Heritage Place – Metro Center  
Nashville, TN 37243**

**Legislation Update**

**Public Chapter 177  
Increased Educational Requirements for  
Audiologists**

A person who applies for licensure as an audiologist on or after January 1, 2009, must possess a doctoral degree from an accredited educational program approved by the Board. The doctoral degree may be a doctor of audiology degree (Au.D.) or other doctoral degree approved by the Board. In addition to possessing a doctoral degree, the applicant must meet the other requirements except that the doctoral degree shall be in lieu of the master's degree previously required of applicants.

**Note:** The requirement to have a doctoral degree shall not apply to audiologists who were licensed in this or any other state prior to January 1, 2009.

**Public Chapter 324  
Speech Language Pathology Expanded to  
Include Endoscope**

The General Assembly passed a new law June 1, 2007, that expands the scope of practice for speech language pathologists to allow the performance of throat endoscopies in order to observe, collect data, and measure the parameters of communication and swallowing for the purpose of functional assessment and rehabilitation planning.

A speech language pathologist who uses an endoscope shall meet all of the following conditions:

1. A speech language pathologist must obtain written verification from a Board certified otolaryngologist that the speech language pathologist is competent in the proper and safe use of an endoscope.
2. A speech language pathologist shall not perform a procedure utilizing an endoscope unless the patient has been referred to the speech language pathologist by an otolaryngologist or other qualified physician for the performance of such procedure.
3. A speech language pathologist shall perform only non-operative procedures with an endoscope.

4. In every setting in which a speech language pathologist performs a procedure using an endoscope, there must be protocols in place for emergency medical backup.
5. In all cases the speech language pathologist shall send to the referring physician in a timely manner a report and visual recording of each endoscopic procedure performed upon referral of that physician.



**Public Chapter 529  
Prohibition of Employment of Illegal Aliens**

Effective July 1, 2008, if the Commissioner of Labor and Workforce Development receives a complaint that a person licensed by a state regulatory Board, knowingly employs, recruits or refers for a fee for employment, an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory Board will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory Board will be required to suspend the person's license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person's license for one (1) year.

**Public Chapter 83  
Mandatory Domestic Violence Reporting**

Effective July 1, 2007, health care practitioners shall report data for suspected domestic violence cases to the Department of Health.

The mandatory monthly reporting is by a web-based system. The system was operational in October 2007 and the Department has mailed you the details of the required data to be reported and the instructions on how to use the reporting tool. The Board will keep you informed as more information is available.

## Public Chapter 1060 Child Abuse Reporting

Public Chapter 1060 provides immunity from civil and criminal liability for reporting abuse of children by a health care examiner when there is harm or reason to believe there is a mandate to report. No immunity is provided for reports by perpetrators of harm to children.

## Public Chapter 1190 Long Term Care

The long term care system shall recognize that aging is not a disease, but rather a natural process that often includes increasing needs for assistance with daily living activities. To the maximum extent possible and appropriate, the system shall be based on a model of care delivery which acknowledges that services delivered in the home and community-based settings are not primarily medical in nature, but rather, support services that will provide needed assistance with activities of daily living and that will allow persons to "age in place" in their homes and communities.

## Public Chapter 410 Non-Smoker Protection Act



Effective October 1, 2007, Public Chapter 410 created the Non-Smoker Protection Act which **prohibits** smoking in all enclosed public places within the state of Tennessee including, but not limited to, the following places:

(2) "Areas available to and customarily used by the general public" in businesses and non-profit entities patronized by the public including, but not limited to, banks, laundromats, factories, **professional offices**, and retail service establishments; and,

(7) "Health care facilities". (Nursing homes and long-term care facilities are exempt.)

The legislation requires offices and health care facilities to do the following:

- Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking; and
- "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be

communicated with the appropriate offices and/or health care facilities in the future.

## Public Chapter 864 Restroom Access Act

PC 864 requires any place of business that is open to the general public for the sale of goods or services ("retail establishment") that has an employee toilet facility to allow a customer to use such facility during normal business hours, if:

1. The customer requesting the use of the employee toilet facility suffers from a medical condition that requires immediate access to a toilet facility or utilizes an ostomy device; the customer must present the employee with proof of an eligible medical condition, such as a document issued by a licensed medical provider;
2. Three or more employees of the retail establishment are working at the time of the request;
3. There is not a restroom available for public use in the retail establishment or otherwise immediately accessible to the customer; and
4. The employee toilet facility is not located in an area that poses an obvious safety or security risk.

This bill provides immunity from civil damages to any retail establishment or an employee of a retail establishment for any act or omission in allowing a customer to use an employee toilet facility that is not a public restroom if the act or omission:

1. Is not willful or grossly negligent;
2. Occurs in an area that is not accessible to the public; and
3. Results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

This bill does not require any retail establishment to make any physical changes to an employee toilet facility. Any retail establishment or employee of a retail establishment that does not comply with the toilet facility access requirements of this bill commits a Class C misdemeanor punishable only by a fine of up to \$50.

**The complete text of Public Acts, including provisions for any areas of exemption, enforcement of the Acts, and action to be taken for violation of the Acts, is available on the following website:**

<http://www.tennessee.gov/sos/acts/index.htm>



### Practitioners Licensed by the Board as of August 2009

Audiologists	337
Speech Pathologists	1726
Speech Language Pathology Assistants	49



### Non-Compliance with License Renewal Requirements

All practitioners licensed by the Communication Disorders and Sciences Board who fail to renew their licenses pursuant to Rule 1370-1-.09 are subject to disciplinary action. The licensee must pay a \$100 monthly civil penalty for each month the licensee has worked on an expired license, after an initial three month grace period. The licensee's name will be listed on the Monthly Disciplinary Report on the Department's website at: <http://tennessee.gov/health>.

### Non-Compliance with Continuing Education Requirements

All practitioners licensed by the Communication Disorders and Sciences Board who fail to comply with the continuing education requirements pursuant to Rules 1370-1-.12 are subject to disciplinary action. The licensee must pay a \$100 civil penalty within thirty (30) days of notification from the Board and obtain the deficient continuing education hours by the end of the next calendar year, in addition to the current year continuing education hour requirement. The licensee's name will be listed on the Monthly Disciplinary Report on the Department's website at: <http://health.state.tn.us/boards/disciplinary.htm>

### Disciplinary Actions

**Tami Jobe - License No. 1965**  
License revoked – Assessed costs.  
Disciplined November 27, 2006.



**Tanya Jackson – Unlicensed**  
Ordered to cease and desist unlicensed practice.  
Assessed \$15,000 civil penalty and costs.  
Disciplined August 21, 2007.

### Board Responsibility

The Department of Health has the authority for various licensing Boards, whose responsibilities are to protect the public interest, to discipline licensees. This is accomplished through enforcement of the particular Practice Act of each Board, which examines, licenses, and oversees the practice of the licensees. The licensing Boards oversee individual practitioners and in some instances regulate educational programs.

The responsible Board evaluates the credentials and qualifications of each practitioner. After practitioners become licensed, the Board will review any complaint received that may put the professional behavior and/or performance of the practitioner in question. Such complaints may suggest a violation of the Practice Act. Complaints are received from various sources, i.e. the general public, insurance companies, hospitals and other health care facilities, health professionals and the news media. If you feel that a practitioner has failed to live up to his/her professional responsibilities, the Health Related Boards want to hear from you.

While a Board cannot assist with civil or criminal matters and does not represent individuals, the Tennessee Practice Acts allow the licensing Boards to act on behalf of the people of Tennessee at large. When a Board determines that disciplinary action against a practitioner is necessary, the action focuses on prevention of further problems with the practitioner and the protection of future patients. In essence, a Board has the power to control a practitioner's ability to practice in the future in the state of Tennessee, but cannot impute criminal penalties. Any person seeking to recover fees or monetary remedies for injuries should consult a private attorney regarding those matters. The state of Tennessee has no jurisdiction over these types of situations.

### Filing Complaints

The state of Tennessee is graced with some of the finest health care professionals, educational institutions, postgraduate programs and treatment facilities in the United States. The majority of health practitioners in Tennessee are competent and caring individuals and most persons are satisfied with the level of care they receive. However, when a problem is

experienced with a practitioner, you have the right to report him/her. If you believe that a practitioner's performance or behavior is not acceptable, you may file a complaint through Health Related Boards, Office of Investigations.

### How to File a Complaint

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Investigations Division of the Department of Health at 1-800-852-2187 to request a [complaint form](#).

The form must be completed in its entirety. You are also requested to complete and sign a [medical records release form](#). While the form may not always be used, it is helpful to have this form in the event records are needed to determine course of treatment or actions that have been taken with regard to care provided.

**All materials received in connection with the complaint will become property of the Department of Health and cannot be returned. Please return the complaint to:**

**Office of Investigations  
227 French Landing, Suite 201  
Heritage Place Metro Center  
Nashville, TN 37243**



### Complaint Review Process

Upon receipt of the complaint form, the designated Board consultant (who is a practitioner from the particular health profession) and an attorney review the complaint thoroughly to determine whether there has been a violation of the Practice Act.

The Board consultant and the attorney examine the details of the complaint. The practitioner may be contacted and relevant records may be studied. The review process may also involve the review of practitioner files, both public and confidential. Through the review process, the consultant and attorney will reach a decision and determine whether further action is warranted or not. This process may take several months to complete. This is determined by the complexity of the complaint.

Throughout the process, the practitioner's due process rights are assured. The final decision that is reached by the Board will be based on the findings of an investigation. In some cases, a formal public hearing is held.

You may call the Investigations Division from time to time to inquire about the progress of the complaint. While state law does not allow the staff to give details of an investigation, you may request a general status report. Due to the nature of complaints and complex legal and medical issues that are involved, your patience, cooperation and understanding is appreciated.

### Investigative Results

When a decision is reached, you will receive a letter from the Board consultant. The specific content of such letters varies depending upon the circumstances of the complaint. However, they are generally one of the following types:

1. There was no violation of the Practice Act that would lead to disciplinary action, but the practitioner has been informed of the concerns that lead to the complaint.
2. There was a violation of the Practice Act and a formal disciplinary action was taken, made part of the public record, and reported statewide and to the national data bank.

All complaints received are taken seriously and a thorough and fair evaluation under the law is conducted.

### Moved recently?

**All licensees are required to notify the Board's administrative office when they have a change of address within thirty (30) days of the change. This can be done by contacting the Board at 615-532-5157 or 1-800-778-4123, extension 2-5157, or at the department Web site:**

[www.tennessee.gov/health](http://www.tennessee.gov/health)



Deleted: *Lighthouse Professional Services*

Deleted: Lighthouse Professional Services

Changes of Address

a (of change

Formatted: Font: Italic, Underline

Deleted:

Formatted: Font: 12 pt

Tennessee Board of Communication Disorders and Sciences  
227 French Landing, Suite 300  
Heritage Place, MetroCenter  
Nashville, T N 37243



Renew faster online at <http://www.tennessee.gov/health>  
Report all address changes in writing within 30 days of your move.

---

**Tennessee Board of Communication Disorders and Sciences  
Board Members**

**Dr. William Dickinson**  
Audiologist  
Chair

**Dr. Valeria R. Matlock**  
Audiologist  
Vice-Chair

**Ms. Paulette Dobbins**  
Speech Pathologist

**Dr. Jerome Thompson**  
Physician/Otolaryngologist

**Ms. Lynne Harmon**  
Speech Pathologist

**Terri Philpot**  
Speech Pathologist

**O.H. "Shorty" Freeland**  
Citizen Member

**Board Staff**

**Stacy Tarr**  
Board Administrator

**Wilma Black**  
Licensing Technician

**Barbara S. Maxwell**  
Administrative Director