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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:	Board of Communications Disorders and Sciences
Division:	
Contact Person:	Ashley L. Fine, Associate General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee 37243
Phone:	(615) 741-1611
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 :	08/03/2021		
Hearing Time:	10:00 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
1370-01	Rules for Speech Pathology and Audiology
Rule Number	Rule Title
1370-01-.01	Definitions
1370-01-.03	Necessity of Licensure or Registration

1370-01-.04	Qualifications for Licensure
1370-01-.05	Procedures for Licensure
1370-01-.06	Fees
1370-01-.07	Application Review, Approval, and Denial
1370-01-.09	Renewal of License or Registration
1370-01-.10	Clinical Fellowships, Clinical Externs, and Supervision
1370-01-.12	Continuing Education
1370-01-.13	Unprofessional and Unethical Conduct
1370-01-.14	Speech Language Pathology Assistants and Supervision
1370-01-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Subpoenas
1370-01-.16	Display/Replacement of Licenses or Registration
1370-01-.17	Change of Address and/or Name

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1370-01-.09	Renewal of License or Registration
1370-01-.10	Clinical Fellowships, Clinical Externships, and Supervision
1370-01-.12	Continuing Education
1370-01-.13	Unprofessional and Unethical Conduct
1370-01-.14	Speech Language Pathology Assistants and Supervision
1370-01-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Subpoenas
1370-01-.16	Display/Replacement of Licenses or Registration
1370-01-.17	Change of Address and/or Name

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>.

Rule Chapter 1370-01
Rules for Speech Pathology and Audiology

Amendments

Rule 1370-01-.01 Definitions is amended by deleting paragraphs (12), (13), (18), (29), (30) (31), and (32) in their entirety and substituting instead the following language and is further amended by adding new paragraphs (7), (12), (14), (15), (16), (17), (22), (31), (34), (35), and (36) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (7) Audiology Clinical Extern (ACE) – An Audiology student who is in the process of obtaining professional experience, as defined by a Board-approved accreditation agency, before being qualified for licensure.
- (12) Certificate of Clinical Competence (CCC) – A nationally recognized and accredited professional credential in the fields of Audiology (CCC-A) and Speech-Language Pathology (CCC-SLP).
- (14) Clinical Externship – The period of professional experience required by Audiology Clinical Externs.
- (15) Clinical Fellow (CF) – An individual who has completed the educational requirements for licensure as a Speech Language Pathologist, has received at least a master's degree from an accredited institution, and holds a provisional license to practice as a Clinical Fellow during the individual's period of paid supervised clinical experience.
- (16) Clinical Fellowship – The period of paid supervised clinical experience for a Clinical Fellow.
- (17) Clinical Fellow Provisional License – A license granted to a Clinical Fellow pursuant to T.C.A. § 63-17-110.
- (22) Direct Supervision – On-site, in view supervision which may include directing, coordinating, inspecting, and approving each act of service.
- (31) Indirect Supervision – Supervision accomplished by indirect means which may include: review of audio and video recordings, numerical data, and/or written progress notes.
- (34) Registration – The process by which a person so required is registered with the Board's Administrative Office.
- (35) Speech Language Pathology Assistant (SLPA) – An individual who has registered with the Board pursuant to Rule 1370-01-.14, and who meets minimum qualifications as provided in Rule 1370-01-.14 which are less than those established for licensure as a Speech Language Pathologist, and who works under supervision of a Speech Language Pathologist.
- (36) Supervising Licensee – The term used to designate any Tennessee licensed Audiologist, or Speech Language Pathologist or ASHA certified Audiologist who provides supervision of an ACE, Clinical Fellow, registered Speech Language Pathology Assistant, or student clinician in Speech Language Pathology or Audiology.

Authority: T.C.A. §§ 63-17-103, 63-17-105, 63-17-110, 63-17-114, and 63-17-128.

Rule 1370-01-.03 Necessity of Licensure or Registration is amended by deleting subparagraphs (5)(a), (5)(b), and (5)(c) in their entirety and by substituting instead the following language, so that as amended, the new subparagraphs shall read:

- (5) (a) Supervising Licensees are required to register Audiology Clinical Externs (ACEs), and their supervision of the ACEs, with the Board. Supervising Licensees are required to register any changes in supervision with the Board.

- (b) Clinical Fellows are required to register their Supervising Licensee with the Board. The Supervising Licensee is responsible for ensuring that the Clinical Fellow registers any change in supervision with the Board.
- (c) Speech Language Pathology Assistants who meet the qualifications of Rule 1370-01-.14 are required to register with the Board. The Supervising Licensee is required to register any changes in supervision with the Board.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-17-103, 63-17-105, 63-17-110, 63-17-114, and 63-17-117.

Rule 1370-01-.04 Qualifications for Licensure is amended by deleting subpart (1)(d)2(iii) in its entirety and substituting instead the following language, so that as amended, the new subpart shall read:

- (iii) The Clinical Externship in the area of Audiology; and

Authority: T.C.A. §§ 63-17-102, 63-17-103, 63-17-105, 63-17-109 through 63-17-115.

Rule 1370-01-.05 Procedures for Licensure is amended by deleting paragraph (11) in its entirety and substituting instead the following language, and is further amended by adding new paragraph (12), so that as amended, the new subparagraphs shall read:

- (11) A Speech Language Pathologist or Audiologist who holds an ASHA certification or equivalent, or holds a Doctor of Audiology degree (AuD) from an accredited institution of higher learning and has passed the examination required for licensure under § 63-17-110 (b) (2), or is licensed in another state and who has made application to the Board for a license in the State of Tennessee, may perform activities and services of a Speech Language Pathology or Audiological nature without a valid license pending disposition of the application. For purposes of this rule, "pending disposition of the application" shall mean a Board member or the Board's designee has determined the application is complete and the applicant has received written authorization from the Board member or the Board designee to commence practice, pursuant to T.C.A. § 63-1-142.
- (12) Upgrade from provisional licensure to full licensure
 - (a) If applying by Certificate of Clinical Competence, an applicant shall file with the application documentation of proof of possessing a current Certificate of Clinical Competence in the area of Speech Language Pathology issued through ASHA.
 - (b) If applying by a method other than Certificate of Clinical Competence, an applicant shall submit with the application documentation an original letter, dated within the preceding twelve (12) months, from the applicant's supervisor attesting to the application's successful completion of the required Clinical Fellowship period.
 - (c) An applicant must successfully complete all examinations for licensure pursuant to Rule 1370-01-.08.

Authority: T.C.A. §§ 63-17-105, 63-17-110 through 63-17-113, 63-17-115, and 63-17-117.

Rule 1370-01-.06 Fees is amended by deleting subparagraph (1)(a) in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1)(c) in its entirety and re-lettering the remaining paragraphs accordingly, and is further amended by deleting newly re-lettered subparagraph (1)(d) in its entirety and by substituting instead the following language, and is further amended by adding new subparagraph (1)(h), so that as amended, the new subparagraphs shall read:

- (a) Application Fee - A fee to be paid by all applicants, including those seeking licensure, provisional licensure, or licensure by reciprocity. It must be paid to the Board each time an application for licensure is filed, or a license is reactivated.
- (d) Initial Licensure Fee - A fee to be paid when the Board has granted licensure or provisional licensure and prior to the issuance of the 'artistically designed' wall license.
- (h) Clinical Fellows shall not be charged a fee to upgrade from provisional licensure to full licensure.

Authority: T.C.A. §§ 63-1-105, 63-17-110 and 63-17-128.

Rule 1370-01-.06 Fees is amended by deleting only subparagraph (3)(a) in its entirety and substituting instead the following language, and is further amended by deleting part (3)(a)3 in its entirety and renumbering the remaining parts accordingly, and is further amended by deleting newly re-numbered parts (3)(a)5 and (3)(a)6 in their entirety and substituting instead the following language, so that as amended, the new subparagraph and parts shall read:

(a)	Speech Language Pathologist or Clinical Fellow	Amount
5.	Late Renewal Fee	120.00
6.	Licensure Renewal Fee (biennial)	60.00

Authority: T.C.A. §§ 63-1-105, 63-17-110 and 63-17-128.

Rule 1370-01-.06 Fees is amended by deleting part (3)(b)3 in its entirety and renumbering the remaining parts accordingly, and is further amended by deleting newly re-numbered parts (3)(b)5 and (3)(b)6 in their entirety and substituting instead the following language, so that as amended, the new parts shall read:

5.	Late Renewal Fee	120.00
6.	Licensure Renewal Fee (biennial)	60.00

Authority: T.C.A. §§ 63-1-105 63-17-110 and 63-17-128.

Rule 1370-01-.06 Fees is amended by deleting part (3)(c)3 in its entirety and renumbering the remaining parts accordingly, and is further amended by deleting newly re-numbered parts (3)(c)5 and (3)(c)6 in their entirety and substituting instead the following language, so that as amended, the new parts shall read:

5.	Late Renewal Fee	120.00
6.	Licensure Renewal Fee (biennial)	60.00

Authority: T.C.A. §§ 63-1-105, 63-17-110 and 63-17-128.

Rule 1370-01-.06 Fees is amended by deleting part (3)(d)3 in its entirety and renumbering the remaining parts accordingly.

Authority: T.C.A. §§ 63-1-105, 63-17-110 and 63-17-128.

Rule 1370-01-.07 Application Review, Approval, and Denial is being amended by deleting the rule title, and only paragraphs (1), (2), (3), (4), subparagraph (5)(a), and paragraph (7) in their entirety and by substituting instead the following language, so that as amended, the new rule title, paragraphs, and subparagraphs shall read:

Rule 1370-01-.07 Application Review, Approval, and Denial for Licenses, Provisional Licenses, and Registrations.

- (1) Applications will be accepted throughout the year and processed in the Board's Administrative Office.
- (2) Completed applications received in the Board's Administrative Office shall be submitted to a member of the Board or a Board designee for review. If the completed application was received before the thirtieth (30th) day of the month preceding the next Board meeting, an initial determination shall be made prior to the next Board meeting.
- (3) Issuance decisions pursuant to this rule may be preliminarily made upon review by any Board member or a Board designee.
- (4) The initial determination shall be presented to the full Board for review. The license, provisional license, or registration will not be issued until such time as the full Board ratifies the initial determination. [A

Speech Language Pathologist or Audiologist who is ASHA certified (or equivalent) or is licensed in another state and has made application in Tennessee may practice in Tennessee pending disposition of the application.]

- (5) (a) If the requested information is not received within the sixty (60) day period, the application file shall be closed and the applicant notified that the Board will not consider licensure, provisional licensure, or registration until a new application is received pursuant to the rules governing that process, including another payment of all applicable fees.
- (7) If the Board finds that it has erred in the issuance of a license, provisional license, or registration, the Board will give written notice by certified mail, return receipt requested, of intent to revoke the license, provisional license, or registration. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to Rule 1370-01-.07(6)(b).

Authority: T.C.A. §§ 63-1-142, 63-17-105, 63-17-110 through 63-17-114(6), 63-17-115, and 63-17-117.

Rule 1370-01-.09 Renewal of License or Registration is amended by deleting parts (1)(b)1 and (3)(b)1 in their entirety, and substituting instead the following language, and is further amended by adding new subparagraph (3)(c) and re-lettering the remaining subparagraph, so that as amended, the new parts and subparagraph shall read:

- (3) (b) 1. Payment of the renewal fee and state regulatory fees, pursuant to Rule 1370-01-.06; and
- 2. Payment of the late renewal fee, pursuant to Rule 1370-01-.06, which shall not exceed twice the renewal fee; and

Authority: T.C.A. §§ 63-1-107; 63-17-105, 63-17-116, 63-17-116(e), and 63-17-128.

Rule 1370-01-.10 Clinical Fellowships, Clinical Externs, and Supervision is amended by deleting the rule title, and paragraph (1) in their entirety and by substituting instead the following language, and is further amended by adding subparagraph (1)(c) and is further amended by deleting paragraphs (2), (3), (4), (7) and only subparagraph (7)(d), in their entirety and substituting instead the following language, and is further amended by adding new subparagraph (7)(e) so that as amended, the new rule title, paragraphs, and subparagraphs shall read:

Rule 1370-01-.10 Clinical Fellowships, Clinical Externships, and Supervision.

- (1) Clinical Fellows must hold a provisional license and must work under the supervision of a Tennessee Licensed or ASHA Certified Speech Language Pathologist (“Supervising Licensee”). The Clinical Fellow, working under the provisional license during the Clinical Fellowship, is authorized to perform all functions specified in T.C.A. § 63-17-103 for Speech Language Pathologists.
 - (c) The Supervising Licensee is not required to be on site at all times while supervising a Clinical Fellow.
- (2) Clinical Fellowship Procedures for Provisional Licensure
 - (a) An applicant for a provisional license 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 a provisional license as a Clinical Fellow shall have successfully completed a minimum of four hundred (400) clock hours of supervised clinical experience (practicum) with individuals having a variety of communications disorders, as required by ASHA. The experience shall have been obtained through an accredited institution. The applicant shall have a letter transmitted directly from the authorized individual at the accredited institution to the Board’s Administrative office attesting to the standards of the practicum and the applicant’s successful completion.

- (c) An applicant shall complete a current application, respond truthfully and completely to every question or request for information contained in the application form, and submit it, along with all documentation and fees required, to the Board'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 materials be filed simultaneously.
 - (d) An applicant shall submit with the application a certified birth certificate or a notarized photocopy of a certified birth certificate.
 - (e) An applicant shall submit with the application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of a crime in any country, state, or municipality, except minor traffic violations.
 2. The denial of certification or licensure application by any other state or country, or the discipline of the certificate holder or licensee in any state or country.
 3. Loss or restriction of certification or licensure privileges.
 4. Any judgment or settlement in a civil suit in which the applicant was a party defendant, including malpractice, unethical conduct, breach of contract, or any other civil action remedy recognized by the country's or state's statutory, common law, or case law.
 - (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (h) An applicant shall submit evidence of good moral character. Such evidence shall include at least one (1) recent (dated within the preceding twelve (12) months) original letter from a professional attesting to the applicant's personal character and fitness for provisional licensure.
 - (i) A Clinical Fellow must register the Clinical Fellow's supervising licensee with the Board on a registration form provided in the application. Registration must be made before or within ten (10) days of retaining the supervisor.
- (3) Clinical Fellowship: Period of Effectiveness
- (a) Persons with doctoral degrees or doctoral degree candidates - Clinical fellow Provisional Licenses 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 Fellow Provisional Licenses are effective for a period of no less than nine (9) months and no more than eighteen (18) months.
 - (c) Notwithstanding the provisions of subparagraph (b), the period of effectiveness of the Clinical Fellow Provisional License 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 full licensure is received, Clinical Fellows shall practice only under supervision as set forth in this rule.
 - (d) In the case of extenuating circumstances, a Clinical Fellow may request an extension of the period of effectiveness beyond the additional three (3) months. The Board or its designee will determine whether an extension will be granted.
 - (e) In order to request an extension, a Clinical Fellow must submit a Speech Language Pathology Clinical Fellowship (CFY) Change Form (found on the Board's website at https://www.tn.gov/content/dam/tn/health/healthprofboards/CFY_Change_Form.pdf).

(4) Supervision Limitations

- (a) Supervising Licensees shall serve as primary supervisors for no more than three (3) individuals concurrently. Supervising Licensees may also serve as an alternate supervisor for one (1) additional SLPA.
 - 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.
- (b) Supervising Licensees shall be at least two (2) years removed from the completion of their Clinical Fellowship work.

(7) Clinical Externship: Period of effectiveness

- (d) In the case of extenuating circumstances, a Supervising Licensee may request an application for an extension of the Clinical Externship registration. The Board or its designee will determine if an extension will be granted.
- (e) In order to request an extension, a Supervising Licensee must submit an Audiology Clinical Externship (ACE) Change Form (found on the Board's website at https://www.tn.gov/content/dam/tn/health/healthprofboards/ACE_Change_Form.pdf).

Authority: T.C.A. §§ 63-17-103, 63-17-105, 63-17-110, and 63-17-114.

Rule 1370-01-.12 Continuing Education is amended by deleting subparagraph (1)(a), parts (1)(a)1 and (1)(a)2 and subparagraphs (1)(b) and (1)(d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs and parts shall read:

- (1) (a) All Speech Language Pathologists and Audiologists must complete twenty (20) hours of continuing education during the two calendar years (January 1 – December 31) that precede the licensure renewal year.
 - 1. Ten (10) hours of the twenty (20) hour requirement must have been obtained in the licensee's area of practice (Speech Language Pathology or Audiology); and
 - 2. Ten (10) hours of the twenty (20) hour requirement may regard either Speech Language Pathology or Audiology.
- (b) All Speech Language Pathology Assistants must complete a minimum of ten (10) hours of continuing education during the two (2) calendar years (January 1 – December 31) that precede the licensure renewal year cycle. 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 have been completed during the twelve (12) months preceding registration, shall constitute continuing education credit for the initial period of registration.
- (d) Persons who hold dual licenses (Speech Language Pathology and Audiology) must complete a minimum of twenty (20) hours of continuing education during the two (2) calendar years that precede the licensure renewal cycle. The hours must be distributed equally between each specialty.

Authority: T.C.A. §§ 63-17-105, 63-17-124, and 63-17-128.

Rule 1370-01-.13 Unprofessional and Unethical Conduct is amended by deleting the introductory paragraph and paragraph (12) in their entirety and substituting instead the following language, and is further amended by adding new paragraphs (13), (14), and (15) and by renumbering the remaining paragraph accordingly, and is further amended by deleting newly renumbered paragraph (16) and by substituting instead the following language, so that that as amended, the new paragraphs shall read:

The Board has the authority to refuse to issue a license, a provisional license, or registration, or may suspend, revoke, or condition a license, a provisional license or registration for a period of time, or assess a civil penalty against any person holding a license to practice as a Speech Language Pathologist, or Audiologist, or Clinical Fellow or registration as a Speech Language Pathology Assistant. In addition to the statute at T.C.A. § 63-17-117, unprofessional and/or unethical conduct shall include, but not be limited to the following:

- (12) Failing to provide adequate supervision for any Speech Language Pathology Assistant pursuant to Rule 1370-01-.14;
- (13) Failing to provide adequate supervision for any Clinical Fellow pursuant to Rule 1370-01-.10;
- (14) Failing to provide adequate supervision for any Audiology Clinical Extern pursuant to Rule 1370-01-.10.
- (15) Failing to timely register supervision with the Board; and
- (16) Supervising a quantity of Speech Language Pathology Assistants, Clinical Fellows, or Audiology Clinical Externs inconsistent with the provisions of Rules 1370-01-.14 and/or 1370-01-.10.

Authority: T.C.A. §§ 63-17-105, 63-17-110, 63-17-114, 63-17-117, and 63-17-128. Administrative

Rule 1370-01-.14 Speech Language Pathology Assistants and Supervision is amended by deleting subparts (3)(f)4(ii), (3)(f)4(iii), and (3)(f)4(iv) and subparagraph (3)(g) in their entirety and by substituting instead the following language, so that as amended, the new subparts shall read:

- (3) (f) 4. (ii) Provide direct supervision of at least ten percent (10%) of a Speech Language Pathology Assistant's time each week;
- (iii) Provide indirect supervision of at least twenty percent (20%) of a Speech Language Pathology Assistant's time each week;
- (iv) The Supervising Licensee or any Speech Language Pathologist acting as supervisor in the absence of the Supervising Licensee shall be on the premises at all times;
- (3) (g) Supervision limitations.
 - 1. Supervising licensees shall supervise no more than three (3) individuals concurrently. Supervising Licensees may also serve as an alternate supervisor for one (1) additional SLPA.
 - (i) Supervising licensees shall supervise no more than two (2) Speech Language Pathology Assistants concurrently.
 - (ii) Supervising licensees shall supervise no more than three (3) Clinical Fellows concurrently.
 - 2. Supervising licensees shall be at least two (2) years removed from the completion of their Clinical Fellowship work.

Authority: T.C.A. §§ 63-17-103, 63-17-105, 63-17-114 and 63-17-128.

Rule 1370-01-.15 Disciplinary Actions, Civil Penalties, Assessment of Costs, and Subpoenas is amended by deleting paragraph (1), and only subparagraphs (1)(a), (1)(b), (1)(c), (1)(d), (1)(e), (1)(g), and only parts (1)(g)2 and (1)(g)3, and subparagraph (1)(h) in their entirety and substituting instead the following language, so that as amended, the new paragraph, subparagraphs, and parts shall read:

- (1) Upon a finding by the Board that the Speech Language Pathologist, Audiologist, Clinical Fellow, 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, Clinical Fellow, 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, Clinical Fellow, 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, Clinical Fellow, 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, Clinical Fellow, 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.
- (d) Licensure, Provisional Licensure or Registration Suspension - This is a formal disciplinary action which suspends the right to practice for a fixed period of time. It contemplates the re-entry into practice under the licensure, provisional licensure, or registration previously issued.
- (e) Licensure, Provisional Licensure, or Registration Revocation - This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the license, provisional license, or registration previously issued. If revoked, it relegates the violator to the status he possessed prior to application for licensure, provisional licensure, or registration. Application for reinstatement of a revoked license, provisional license, or registration shall be treated as a new application for licensure, provisional licensure, or registration which shall not be considered by the Board prior to the expiration of at least one (1) year, unless otherwise stated in the Board's revocation order.
- (g) Conditions – Any action deemed appropriate by the Board to be required of a disciplined licensee, provisional licensee, or registrant in any of the following circumstances:
 - 2. During any period of revocation after which the licensee, provisional licensee, or registrant may petition for an order of compliance to reinstate the revoked license; or
 - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license, provisional license, or registration; or
- (h) Once ordered, probation, suspension, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee, provisional licensee, or registrant petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, or other conditioning has run and all conditions placed on the probation or suspension have been met, and after any civil penalties assessed have been paid.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-134, 63-17-105, 63-17-110, 63-17-117 through 63-17-120, and 63-17-128.

Rule 1370-01-.16 Display/Replacement of Licenses is amended by deleting paragraph (1) in its entirety and by substituting instead the following language, so that as amended, the new paragraph shall read:

- (1) Display of License or Registration- Every person licensed, provisionally licensed, or registered by the Board shall display his license or registration in a conspicuous place in his office and, whenever required, exhibit such license to the Board or its authorized representative.

Authority: T.C.A. §§ 63-1-109, 63-17-105, 63-17-110 and 63-17-128.

Rule 1370-01-.17 Change of Address and/or Name is amended by deleting the rule, but not the rule title, in its entirety so that as amended, the new rule shall read:

- (1) Before engaging in practice, the licensee, provisional licensee, or registrant shall notify the Board's Administrative Office, in writing, of the address of his/her primary business.
- (2) If any changes occur in the address of his/her place of business, the licensee, provisional licensee, or registrant must notify the Board's Administrative Office, in writing, within thirty (30) days of such change; such written notification must reference the licensee's, provisional licensee's, or registrant's name, profession, and number. Failure to give such notice of business address change shall be deemed just cause for disciplinary action by the Board.
- (3) If any changes occur in the licensee's, provisional licensee's or registrant's name, the licensee, provisional licensee, or registrant must notify the Board's Administrative Office within thirty (30) days of the name change. Said notification must be made in writing and must also reference the licensee's, provisional licensee's, or registrant's prior name and number. A copy of the official document evidencing the name change must be forwarded with the written notification.

Authority: T.C.A. §§ 63-1-106, 63-1-108, 63-17-110 and 63-17-105.

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: May 21, 2021

Signature: *Ashley L. Fine*

Name of Officer: Ashley L. Fine

Title of Officer: Associate General Counsel
Department of Health

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Tre Hargett

Tre Hargett
Secretary of State

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