

Tennessee Board of Communications Disorders and Sciences/ Council for Licensing Hearing Instrument Specialists



Newsletter

Spring, 2005

A regulatory agency of the State of Tennessee

No. 1

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The Board of Communications Disorders and Sciences/Council for Hearing Instrument Specialists has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board/Council must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, public welfare demanding it.

Introduction

This is the first Newsletter for the Board/Council. We plan on having a yearly newsletter, more if there should be changes in the statutes or rules. These newsletters are to keep all licensees informed of such changes as soon as possible. If there is something newsworthy that you would like us to put in the newsletter, please contact us at the above address.



Difference Between Statutes and Rules

Many Speech Pathologists, Audiologists and Hearing Instrument Specialists do not understand the difference between the statutes and rules governing the Board of Communications Disorders and Sciences and the Council for Licensing Hearing Instrument Specialists.

The statutes, T.C.A. §§ 63-17-101 et seq., are the laws that are passed by the General Assembly during the legislative session. The bills, which the legislators sponsor and vote on, are sometimes drafted by the associations or other organizations which lobby for that statute change.

The rules of the Board of Communications Disorders and Sciences and the Council for Hearing Instrument Specialists are drafted at the direction of the Board by the Rules Coordinator for Health Related Boards for the Board/Council's review and approval. Rules are to clarify and enact the statutes. All rules adopted by the board/council must be based on the statutory authority granted to the board/council by the statutes passed by the General Assembly. No rule will **become** effective if the statutory authority does not exist under the current statutes. All rules adopted by the Board/Council are reviewed by attorneys from the Office of General

Counsel and the Office of the Attorney General before they are allowed to become effective. The steps in the process for rules are as follows:

The proposed rules are presented to the Board/Council at a regularly scheduled Board/Council meeting. After the Board/Council reviews the proposed rules, the Board/Council votes on whether to send them to rulemaking hearing. If they vote not to send them to rule making hearing, the rules are either redrafted or "die", depending on the instruction of the Board/Council.

If the proposed rules are sent to rulemaking hearing, a date for the hearing is set by the Rules Coordinator and the proposed rules are posted in the Tennessee Administrative Register (TAR) in accordance with state statutes and regulations. Any licensee, association, public citizen, or other interested individuals or groups can submit comments regarding the proposed rules, whether for or against the proposed rules, on or before the date of the rulemaking hearing. Once the Rules Coordinator closes the record of the rulemaking hearing, no more comments may be accepted for the record.

At the next scheduled meeting of the Board/Council, the proposed rules and any comments received are presented to the Board/Council for review. At this time, the Board/Council may make changes to the proposed rules based on comments received, make no changes to the proposed rules and/or vote on the proposed rules. All comments received are considered by the Board/Council. A written response will be sent to each person or entity that made a comment after the Board/Council has made a decision on the proposed rules. All Rule amendments approved by the Council must also be approved by the Board. If the Board/Council passes the rule, amended or not, they are then sent to the Office of General Counsel and then forwarded to the Office of the Attorney General for review. If a rule does not have clear statutory authority, the attorneys can send the rule back to the Board/Council for corrections. The attorneys can send the rules back to the Board's/Council's administrative office for spelling, grammar, and other minor corrections that do not change the board's/council's intent for the proposed rules. Once the attorneys approve the proposed rules, they are filed with the Secretary of State's office. The proposed rules become effective 75 days after the filing date.

Homeland Security

Health Related Boards (HRB) is assisting the Tennessee Office of Homeland Security and Department of Health in preparing the State for emergency or crisis situations. Whether the crisis is the result of an act of bioterrorism or the rapid spread of a communicable disease such as SARS, it is imperative that our health care community have a mechanism in place to organize and address the situation in a reasonable and timely manner.

It is the task of Health Related Boards to obtain and record email addresses and/or fax numbers for individual health care professionals. This data will then be used in a crisis or emergency situation to immediately alert health care providers throughout the State of Tennessee of the situation and plan of action. The information gathered will not be shared outside of state government.

Please contact your HRB profession office today and provide this vital information for the health, safety and welfare of the citizens of the State of Tennessee. You may utilize the on-line Change of Address option on the board website at <http://tennessee.gov/health>, fax it to (615) 741-7698, or email it to Bonnie.Ferrell@state.tn.us



New Toll-free Number for Health Related Boards

The Division of Health Related Boards, which includes the Board of Communications Disorders and Sciences/Council for Licensing Hearing Instrument Specialists, has a new toll-free telephone number. The new number is 1-800-778-4123.

Report all address changes in writing within 30 days of the address change.

CHANGE OF ADDRESS

Must be reported in writing or by web within 30 days!

Your name and license number;

Your profession;

Your old address and phone number;

Your new address and phone number, e-mail address, and/or your fax number; and

Your SIGNATURE!

Board's Fax Number: 615-741-7698 or on the Board's Website at tennessee.gov/health.

Active Licenses as of November, 2004

Speech Pathologist 1358

Audiologist 282

Hearing Instrument Specialists 102



Online Renewals at <http://tennessee.gov>

The quickest and easiest way to renew your license and update your information is to do it on line! It's fast, simple, secure, and convenient - and you can pay with a credit card and renew up to 120 days before your expiration date. By renewing on line your license will be updated on the website by the next day.

Just click on license renewal, and then select your board and profession, enter your profession license number, your birth date and social security number or the transaction number from your renewal notice. Next, you may update your home address, your work address and even your billing address so the Board will have current information.

The next step is to enter your renewal information. You'll need to answer all necessary questions and provide information on licenses from other states. You'll have the opportunity to update your education information and list your principal place of employment.

Finally, just enter your payment information. By entering your credit card through the secure site and choosing "submit," you will have completed the online renewal application. Remember, only hit "submit" one time.



Continuing Education Audit

Four licensed Speech Pathologists and four licensed Audiologists have been sent to investigations for failure to comply with the continuing education requirements or by failure to submit their new address within the thirty days. One Hearing Instrument Specialist did not comply.

Deposit of Fees Received

All application fees received by the State of Tennessee and the Board of Communications Disorders and Sciences/ Council for Licensing Hearing Instrument Specialists are deposited by the state within 24 hours of receipt. The actual application that accompanies the fee is not received by the board's administrative staff until after the fee has been deposited. A fee being deposited does not mean that your application is complete or approved.

All applications are reviewed for completeness. For those incomplete applications, a certified letter will be sent to the applicant or licensee requesting the information required to complete the application. The application will not be processed until the information required is properly submitted.

Approval of applications does not occur until after the completed application is processed by the Board staff. Although most applications are approved, do not make that assumption. You will be notified of the approval or denial of the application.

Applications and fees will not be returned to the applicant or licensee. Money orders and checks must be made payable to the Tennessee Department of Health or the Tennessee Board of Communications Disorders and Sciences or The Council for Licensing Hearing Instrument Specialists

Board/Council Meeting Dates for 2005

Communications Disorders and Sciences

2/22/05 - 5/24/05 - 8/30/05 - 11/29/05

Hearing Instrument Specialists

3/31&4/01/05 - 8/04&05/05 - 11/03 & 04/05

Vital-Stim Therapy

The subject of Vital-Stim Therapy was presented to the Board, asking if this particular technique falls within the scope of practice. It is not the Board's function to issue position statements until an actual case or controversy arises which necessitates Board/Council action. As such, it would be premature for the Board to proclaim whether or not a particular technique such as Vital-Stim falls within the scope of practice. It is up to individual licensees to exercise their professional judgment in determining whether particular practices are permissible and generally recognized, and it is up to those individuals to ensure that they have adequate training to engage in any such practice.

The Board will make specific determinations about Vital-Stim therapy or any other new technology or potential practice methodology when and if a licensee who has completed a course in such methodology applies for CE credit, and/or when and if a complaint arises requiring the Board to decide whether Vital-Stim or any other new methodology meets the requirements of the practice act.

Administrative Policies and Procedures

Subject: Renewal for Licensees Called to Active Military Duty

Effective Date: 04/10/03

PURPOSE:

To protect licensees who are active in military service, who have been deployed for action and are not available to renew their licenses or to obtain required continuing education in a timely manner.

POLICY:

The Division shall allow special consideration for renewal of the licenses of military personnel who were called to active duty, and were unable to obtain required continuing education or to renew their license timely.

PROCEDURES:

A. Any licensee who held an active license with Health Related Boards at the time he/she was called to active duty in the military of the United States, and was unable to renew that license while on active duty, shall notify the appropriate board office in writing.

1. The licensee shall submit a letter stating the reason for non-renewal being he/she was on active duty in the U.S. Military.
2. Dates and proof of service shall be submitted to the office by the licensee.

B. Upon receipt of notification and proof of active service, the licensee shall be allowed to renew the license with no late renewal or penalty fees added to the cost of renewal.

1. A copy of all documentation regarding notification and proof of active service shall be included in the permanent licensure file of the licensee.

C. A licensee whose license has been expired for one year or less shall not be required to complete required continuing education for renewal of the license at that time.

D. A licensee whose license has been expired for more than one year shall be required to obtain one-half of the required continuing education in order to have the license renewed.

Consumer Right-To-Know

The Health Care Consumer Right-To-Know Act of 1998, T.C.A. § 63-51-101 *et seq.*, requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten years. (3) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or non-renewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the Department to the public. (4) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the Department will compile a practitioner profile, which is required to be made available to the public via the Internet and toll-free telephone line after May 1, 1999.

Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law. A copy of your initial or updated profile will be furnished to you for your review *prior* to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments.

Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.

A blank copy of the profile may be obtained from the following web address: www.tennessee.gov/health, Click on "Forms & Publications"; then on your profession, then on "Mandatory Practitioner Profile Questionnaire for Licensed Health Care Provider."

Just a reminder to all the Speech Pathologists that are supervising a Speech Assistant. Pursuant to Rule 1370-1-.14 (c) notice of employment, change of supervisors, or termination of any Speech Assistant must be forwarded by the supervising licensee to the Board's Administrative Office within thirty days of such action. Failure to comply may result in disciplinary action.

Rule Changes

There has been change in the requirements for registration as a Speech Pathology Assistant. As of September, 2004, there is a fee to register.

1. **\$20.00** Registration fee
2. **\$ 5.00** Regulatory fee
3. **\$25.00** Total fee due with application

As of January 1, 2005 the minimum qualifications for persons registering to be a Speech Pathology Assistant are as follows:

1. The applicant must have completed a program of study designed to prepare the student to be a Speech Language Pathology Assistant.
2. The applicant must have completed course work and field experiences in a technical training program for Speech Language Pathology Assistants, approved by the American Speech-Language-Hearing Association (ASHA).
3. The applicant must have earned (60) college-level semester credit hours in a program of study that includes general education and the specific knowledge and skills for a SLPA. The training program shall include a minimum of (100) clock hours of field experiences supervised by a licensed Speech Language Pathologist.

You may download a copy of the amended rules from our website, www.tennessee.gov/health. Select "licensing," then "Health Professional Boards," then click on your profession. You will see a box on the left side of the page, click on "Rules and Regulations."

Council for Licensing Hearing Instrument Specialists



Disciplinary Actions

Ms. Karen Y. Torbett had her Hearing Instrument License, number 437, revoked by the Council at their October 28, 2005 meeting. This disciplinary action was due to her failure to comply with the years 2001 and 2002 continuing education requirements.



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Tennessee Board of Communications Disorders and Sciences
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Audiologist, Board Secretary
Nashville, TN

Vacant
Audiologist

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Physician
Nashville, TN

Sandra Newsom, PHD
Speech Pathologist
Knoxville, TN

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Audiologist
Germantown, TN

Nakeda R. Kirby
Citizen Member
Madison, TN

Tennessee Council for Licensing Hearing Instrument Specialists
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Chattanooga, TN

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Ms. Dianne Birkner
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