



# Newsletter

## Tennessee Council of Hearing Instrument Specialists

Winter 2009

A regulatory agency of the State of Tennessee

Vol. 1, No. 1

227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 • <http://tn.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 Council of Hearing Instrument Specialists



This council 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 Council of Hearing Instrument Specialists

(HIS). Its mission is to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice the profession of hearing instrument specialists within this state to be qualified. The council 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 council is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The council 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 council by issuing licenses to those who meet the requirements of the law and rules. Renewal notices are mailed from council'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 Council 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 Council's rules to practice on an expired license.

The council meets throughout the year to conduct administrative business. The five (5) council members are appointed by the Governor. A quorum of three (3) members is required to conduct business. The meetings are open to the public.



### 2010 Council Meeting Schedule

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

March 18, 2010  
Poplar Room  
9 a.m.

June 10, 2010  
Poplar Room  
9 a.m.

September 16, 2010  
Poplar Room  
9 a.m.

December 2, 2010  
Poplar Room  
9 a.m.

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

Tennessee Council of Hearing Instrument  
Specialists  
227 French Landing, Suite 300  
Heritage Place – Metro Center  
Nashville, TN 37243

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## Legislation Update

### 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 or council, 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 council will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory council 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 the General Assembly passed a law during the last legislative session that mandates that health care practitioners shall report cases of suspected or confirmed domestic violence to the Tennessee 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 council 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 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 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 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>



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

Hearing Instrument Specialists 118

### Apprentices Training to Become Licensed as of August 2009

Apprentice Specialists 6



### Non-Compliance with License Renewal Requirements

All practitioners licensed by the Council of Hearing Instrument Specialists who fail to renew their licenses pursuant to Rule 1370-2-.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://health.state.tn.us/Boards/disciplinary.htm>.

### Non-Compliance with Continuing Education Requirements

All practitioners licensed by the Council of Hearing Instrument Specialists who fail to comply with the continuing education requirements pursuant to Rules 1370-2.12 are subject to disciplinary action. The licensee must pay a \$100 civil penalty within thirty (30) days of notification from the Council 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 Web site at:

<http://health.state.tn.us/Boards/disciplinary.htm>.

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## Continuing Education Audit

Five percent (5%) of license renewals are audited each month. Following are the results of the January 1, 2008 to July 31, 2008 audit:

### Hearing Instrument Specialists

13 Licensees audited

12 Compliant

1 Non-compliant

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## 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 Complaint Divisions 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 whether to investigate the complaint 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 Complaint 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 within thirty (30) days when they have a change of address. This can be done by contacting the Board at (615) 532-5157 or 1-800-778-4123, extension 2-5157. You may also visit the board's Web site:

<http://health.state.tn.us/boards/Hearinginstruments/index.htm>



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¶ Changes of Address¶

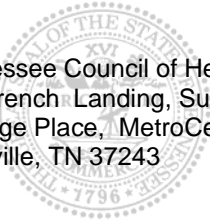
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Tennessee Council of Hearing Instrument Specialists  
227 French Landing, Suite 300  
Heritage Place, MetroCenter  
Nashville, TN 37243



**Renew faster by renewing online at <http://health.state.tn.us>  
Report all address changes in writing within 30 days of the address change.**

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**Tennessee Council of Hearing Instrument Specialists**

**Craig Haltom**  
Hearing Instrument Specialist  
Chair

**Jackie Miller**  
Hearing Instrument Specialist  
Secretary

**David Levy, Ph.D.**  
Hearing Instrument Specialist

**Frederick Rayne, M.D.**  
Physician

**James D. Alderman**  
Citizen Member

**Council Staff**

**Stacy Tarr**  
Board Administrator

**Wilma Black**  
Licensing Technician

**Barbara S. Maxwell**  
Administrative Director