

**TENNESSEE BOARD OF COMMUNICATION DISORDERS AND SCIENCES
MEETING MINUTES**

DATE: August 18, 2023
TIME: 10:00 A.M., CST
LOCATION: Health Related Boards
665 Mainstream Dr
Nashville, TN 97243

BOARD MEMBERS

PRESENT: Carrie Mills, Board Chairperson
Alicia Barker, Audiologist,
Richard Morton, Citizen Member,
Matthew Ward, Speech Pathologist
Skye Jones, Audiologist, Board Secretary
David Haynes, Otolaryngologist

BOARD MEMBERS

ABSENT:

Robyn Lusby, Speech Pathologist

STAFF MEMBERS

PRESENT: Candyce Wilson, Unit Director
Kristen Moon, Associate General Counsel
Ingrid Rodriguez, Board Administrator

Ms. Candyce Wilson called the meeting to order at 10:00 a.m. A roll call was conducted, and quorum was confirmed.

Legislative Office Update

Noteworthy Health-Related Legislation

- The Department of Health's administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Non-Health Related Legislative Activity of Note

- June 19th is now designated as a state holiday for Juneteenth.
- State employees are authorized to use sick leave from a sick leave bank to care for a sick minor child of the employee.
- State employees must be provided six paid weeks of leave for the birth of the employee's child or because of the employee's adoption of a child.
- "Send Me" is now an additional state motto.
- The legislature passed an extensive transportation modernization act.
- The legislature passed a teacher paycheck protection act that, among other things, raises the minimum teacher salary to \$50,000 by 2026.
- Law enforcement officers and the district attorney general's office may extend criminal immunity to persons who are experiencing a drug overdose and who are seeking medical assistance.

Pertinent Public Chapters

*All Public Chapters are hyperlinked to the actual document on the Secretary of State's website.

Public Chapter No. 1—SB1/HB1—Johnson/Lamberth

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor's sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a 2 hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

Public Chapter No. 41—SB256/HB75—Johnson/Lamberth

This law allows law enforcement or the district attorney general's office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. This was a Department of Mental Health and Substance Abuse's legislative initiative.

Public Chapter No. 42—SB266/HB314—Johnson/Lamberth

This law makes changes regarding assignment of benefits to a healthcare provider and the collection of out-of-network charges by healthcare facilities, by removing existing notification requirements and duplicative language within code to adhere to the federal No Surprises Act. This law was effective on March 14, 2023. This was a Department of Commerce and Insurance legislative initiative.

Public Chapter No. 48—SB11/HB2—Johnson/Zachary

This law extends certain provisions within the code regarding Covid-19 established during the 2021 Special Session. This bill was effective on March 21, 2023. Public Chapter No. 49—SB94/HB50—Johnson/Lamberth This law codifies the Acts of the 2022 legislative session. This law was effective on March 21, 2023.

Public Chapter No. 49—SB94/HB50—Johnson/Lamberth

This law codifies the Acts of the 2022 legislative session. This law was effective on March 21, 2023.

Public Chapter No. 55—SB680/HB895—Reeves/Hurt

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

Public Chapter No. 99—SB925/HB1429—Lundberg/Hicks

This law removes the requirement that a provider of home medical equipment services that has a principal place of business outside this state maintain an office or place of business within this state. This law also requires the board for licensing health care facilities to promulgate rules to identifying contacts for state surveyors and state surveys. This law was effective on March 31, 2023.

Public Chapter No. 103—SB1225/HB0556—White/Littleton

This law requires that court clerks notify the health facilities commission, instead of the department of health, when an offender is placed on the registry of persons who have been determined to have abused, neglected, misappropriated, or exploited the property of vulnerable individuals. This law also requires that notice must be provided within 90 days of conviction of the offense. This law became effective on March 31, 2021.

Public Chapter No. 107—SB72/HB1195—Watson/Williams

This law authorizes nurse practitioners and physician assistants to refer individuals, either orally or in writing, for physical therapy. This law also removes certain minimum education requirements to engage in the independent practice of physical therapy and allows physical therapists to treat patients without a referral from a physician under certain circumstances. This bill clarifies the definition of “notified” for purposes of treating a patient without a referral. This act became effective on April 4, 2023. Public

Chapter No. 114—SB255/HB74—Johnson/Lamberth

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase “adult education programming to include preparation and testing toward obtaining a high school equivalency credential” throughout the code. This law is effective on July.

Public Chapter No. 125—SB701/HB729—Crowe/Hulsey

This law clarifies the emergency medical backup requirement for speech language pathologists using endoscopes so that the procedure may be performed when a physician is on the premises or is remotely available regardless of whether the procedure is performed in a community or institutional setting. This act takes effect July 1, 2023.

Public Chapter No. 156—SB40/HB206—Roberts/Ragan

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

Public Chapter No. 168—SB600/HB90—Hensley/Moody

This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a person in obtaining a criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

Public Chapter No. 188—SB277/HB325—Johnson/Lamberth

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. This law was a Department of Health legislative initiative. Public

Chapter 190—SB350/HB294—Campbell/Freeman

This law creates the “Save Tennessee Students Act” and requires public institutions of higher education to include, among other thing, the telephone number of the suicide and crisis lifeline on student identification cards for students enrolled in the institution. This law takes effect July 1, 2023. Public

Chapter No. 194—SB451/HB165—Lowe/Butler

This law authorizes employees of a public accommodation to ask for certain information about a guide dog in training. A person who utilizes a guide dog is subject to the same liability for damages as a person whose pet causes damage to a place of public accommodation. Fraudulently representing that an animal is a service animal or service animal in training to an employee of a public accommodation is a Class B misdemeanor. A misrepresentation of service animal is a Class B misdemeanor and requires 100 community service hours to be served. This law is effective on July 1, 2023.

Public Chapter No. 199—SB672/HB1051—Reeves/Vaughan

This law authorizes a qualified advance practitioner to issue a certificate of need in support of hospitalization for emergency diagnosis, evaluation, and treatment. A qualified advance practitioner is an individual working in collaboration with a licensed physician and who is a nationally certified psychiatric-mental health advanced practice nurse or physician assistant with additional qualifications in psychiatry. The admitting hospital or treatment resource may rescind the certificate of need if a licensed physician or other qualified professional in examining the patient determines that the patient no longer meets admission criteria. Additionally, this law authorizes a licensed physician who is a board-certified psychiatrist to execute a certificate of need in support of hospitalization for a patient’s admission without a second certificate of need in support of hospitalization. This law takes effect July 1, 2023.

Public Chapter No. 200—SB675/HB667—Reeves/Hicks

This law re-writes the prescription drug donation repository program act. This law creates prescription drug donation repository program where pharmacies may donate prescription drugs that meet certain qualifications. Donation and facilitation of a donation are not considered wholesale distribution, and a person donating or facilitating a donation does not require licensure as a wholesaler. Drugs will be dispensed based on a property system where indigent persons, a person whose income is below 600% of the federal poverty level, are the first to receive them. This law does not authorize the resale of prescription drugs. This law takes effect January 1, 2024.

Public Chapter No. 201—SB721/HB498—Massey/Martin

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare

services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIAA-compliant electronic means. This law was effective on April 24, 2023. Public

Chapter No. 244—SB1392/HB1213—McNally/Sexton

This law makes changes to the “Tennessee Right to Shop Act” and changes the structure of certain insurance incentives and out of pocket payments. This law takes effect July 1, 2023.

Public Chapter No. 252—SB221/HB273—Roberts/Terry

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board’s attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

Public Chapter No. 270—SB859/HB982—Reeves/Terry

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

Public Chapter No. 285—SB1237/HB306—Hensley/Bulso

This law requires, in connection with an interscholastic athletic activity or event where membership in the TSSAA (Tennessee Secondary Athletic Association) is required, a student enrolled in a private school in this state to participate in an athletic activity or event only in accordance with the student’s sex as defined in code. This does not prohibit a student whose sex is female from participating on a team designated for male students if the school does not offer a separate team for female students in that sport. This law was effective on April 28, 2023.

Public Chapter No. 296—SB644/HB252—Hensley/Barrett

This law removes the requirement that a parent-teacher of a home school student provide proof of the student's immunizations and receipt of health services or examinations required by law generally for children in this state to the local education agency. Under this law, if a home school student participates in an LEA-sponsored interscholastic activity or event or an LEA-sponsored extracurricular activity, then the LEA may request and receive proof that the school received a health service or examination that is required for the LEA’s students to participate in the activity or event. This law was effective on April 28, 2023

Public Chapter No. 300—SB551/HB448—Lowe/Davis

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

Public Chapter No. 306—SB924/HB577—Rose/Parkinson

This law adds as an enhancement factor that can be considered during sentencing if a defendant has been convicted of aggravated assault or attempted first degree murder on the grounds or premises of a healthcare facility. Healthcare facility is defined as a hospital licensed under title 33 or 68. This law takes effect July 1, 2023.

Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs

This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

Public Chapter No. 327—SB0004/HB0435—Massey/White

This law establishes a deaf mentor and parent advisor program to assist families in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind at the Tennessee Schools for the Deaf and the West Tennessee School for the Deaf. This law makes a pilot program established in 2019 for the West Tennessee School for the Deaf permanent and applicable statewide to Schools for the Deaf. This law is effective on July 1, 2023.

Public Chapter No. 332—SB0068/HB0234—Roberts/Ragan

This law makes permanent rules filed with the Secretary of State on or after January 1, 2022, which are set to expire on June 30, 2023, remain in effect until repealed, amended or superseded by legislative enactment. This law was effective on May 5, 2023.

Public Chapter No. 337—SB269/HB317—Johnson/Lamberth

This law designates June 19th as as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. This was one of Governor Lee’s legislative initiatives.

Public Chapter No. 353—SB1443/HB727—Roberts/Fritts

This law requires an LEA to obtain the written, informed, and voluntary signed consent of a student’s parent or legal guardian, or the student if they are 18 years of age or older, before the student participates in a survey, analysis, or evaluation. A parent or legal guardian who wishes to excuse the student from participating in health screenings as part of a coordinate school health program must submit a request in writing to the school’s nurse, instructor, school, counselor, or principal. As used in this law, “health screening” means vision, dental, blood pressure, and hearing screenings. This law makes other changes regarding a student’s receiving of instruction of sexual orientation curriculum or gender identity curriculum or a student’s membership of a club or organization. This law is effective July 1, 2023.

Public Chapter 386—SB193/HB702—Lundberg/Doggett

This law adds fentanyl, carfentanil, remifentanyl, alfentanil, and thiafentanil to what constitutes a qualifying controlled substance for purposes of certain felony offenses. This law is on July 1, 2023, and applies to offenses after that date.

Public Chapter No. 412—SB1398/HB1242—Reeves/Powers

This law makes it a Class A misdemeanor to knowingly possess xylazine and makes it a Class C felony to knowingly manufacture, deliver, or sell xylazine, or to knowingly possess xylazine with intent to manufacture, deliver, or sell xylazine. This law exempts veterinarians. This law is effective July 1, 2023.

Public Chapter No. 426—SB0458/HB0496—Watson/Martin

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

Public Chapter No. 466—SB858/HB952—Reeves/Boyd

This law makes several changes concerning the powers and authorities of the Health Facilities Commission, including but not limited to authorizing the Commission to license facilities also licensed by the Department of Mental Health and Substance Abuse Services for the purpose of provide acute care services, authorizes the licensing and regulating of assisted-care facility administrators, amends the duties and responsibilities of the board for licensing health care facilities, authorizes the recovery and collection of civil monetary penalties under certain circumstances, and cleans up references to the Department of Health. This law has multiple effective dates. However, the law in its entirety will become effective on July 1, 2024.

Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan

This law creates the “Mature Minor Doctrine Clarification Act.” This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

Public Chapter No. 486—SB1440/HB239—Roberts/Bulso

This law defines “sex” in code to mean a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. “Evidence of a person’s biological sex” includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate. This law takes effect on July 1, 2023.

Consideration of application

Ms. Mill presented Ms. Erin application to the Board for review regarding indications on her criminal background check. Mr. Morton made motion to approve Ms. Martin license, seconded by Mr. Ward. All in favor, the motion carried.

Presentation and Discussion from ASHA

Ms. William state of Bills Director presented ASHA state licensing rule for supervision requirements regarding CF timeline. Ms. Mills voice the Board concerns with shorting the CF supervision timeline requirement. Ms. Lindenhall VP of legislative affairs voiced concern for shortage in the state of Tennessee. Ms. Moon presented the process of Rule making to the Board

if the Board decide to move forward with changing the CF supervision timeline.

Ms. Jones made motion to change CF standard timeline to meet ASHA requirements, second by Ms. Barker. Motion went into discussion and vote. Votes were equal for y and n and motions did not carry.

Review/Approve Board Meeting Minutes

The Board reviewed the May 19, 2023, meeting minutes. Mr. Morton made a motion to approve minutes, seconded by Ms. Barker. All in favor, the motion carried.

Investigative Report

The investigative report was presented by Barbara Granum. In the year 2023 thus far, the office has opened eight (8) new complaint for Communications Disorders, and eight (8) complaints closed. Of the three (3) complaints closed three (3) were for insufficient evidence, and five (5) were closed with no action. The six (6) complaint opened, were for unprofessional conduct and two (2) for practicing beyond the scope. Under Speech Language Pathology two (2) new complaint opened and two (2) complaint closed. The two (2) complaint closed were with no action. The two (2) complaint opened were for practicing beyond the scope. For Audiology there were six (6) complaints opened and six (6) complaint closed. Of the six (6) complaint closed three (3) were for insufficient evidence and three (3) were closed with no action. The six (6) complaint opened, were for unprofessional conduct.

Financial Report

Ms. Wilson explained there were no financial report, since the financial office was currently working on the end of year reports. They would not be attending any meetings at this time. Until our next Boarding meeting on November 03, 2023.

Administrative Report

Ms. Rodriguez provided the following administrative report.

**TOTAL LICENSED/REGISTERED AS OF
August 17, 2023**

Audiologists	Speech Pathologist	SLPA
Active Licensees – 638	Active Licensees – 4027	Registered – 148

SINCE LAST BOARD MEETING (05/19/2023-08/17/2023)

Audiologists	AUD ACE	Speech Pathologists	SLP CFP	SLPA
New – 18	New- 7	New – 160	New – 84	New – 4
Retired – 0		Retired – 4		Retired – 0
Expired – 7		Expired - 53		Expired – 4
Total Renewals – 57		Total Renewals – 436		Total Renewals – 13
Online Renewals - 46		Online Renewals – 372		Online Renewals – 10
Reinstatements – 1		Reinstatements – 10		Reinstatements – 0

Tentative meeting for 2023-2024

November 03, 2023
February 16, 2024
May 17, 2024
August 16, 2023
November 1, 2024

Office of General Counsel Report

Ms. Moon reminded the Council of the Conflict-of-Interest policy as well as the Open Meeting Act.

Currently, there are no open cases in the office of general counsel, the disciplinary coordinators are monitoring two (2) licensees. Ms. Moon presents a summary of the Disciplinary Process,

• **Investigations:** The disciplinary process is a **complaint-driven process**. Once a complaint is received in the Department of Health's Office of Investigations, the following occurs:

o **Phase 1 Review** - Complaint is reviewed by board consultant and staff attorney. At this stage, the consultant and attorney are asking "if everything alleged is true, would this be a violation?"

♣ If "Yes", then the complaint is sent out to be investigated. The complaint is assigned to an investigator who will conduct interviews and gather necessary evidence (photographs, patient records, drug logs, etc.).

♣ If "No", then case is closed without further review.

♣ Case can also be closed with a confidential, non-reportable Letter of Warning or Letter of Concern.

o **Phase 2 Review** - Once the investigation is completed, the file is reviewed again with a consultant and staff attorney to see if there is evidence to support a violation. The consultant and attorney can at that point either:

♣ Close the complaint.

♣ Close the complaint with a letter of concern or letter of warning.

♣ Set disciplinary parameters and send to the Office of General Counsel for disciplinary action.

o **REMEMBER:** If someone approaches you regarding a complaint, **do not discuss the complaint with the individual.** Explain that as a board member, you cannot discuss disciplinary matters and that they can file a complaint with the Office of Investigations.

• **Hearings and Screening Panel:** Cases that are sent to the Office of General Counsel are then assigned to an attorney (typically, your advisory attorney). The attorney reviews the file and the following steps are taken:

o **TENN. CODE ANN. § 4-5-320(c) letter is sent.** The "320c letter" informs the licensee of the alleged facts and violations and gives the licensee an opportunity to show compliance with all lawful requirements.

o **A Consent Order is sent as a settlement offer.** If the licensee chooses to resolve the matter

informally, they can sign the Consent Order which is then submitted to the Board at the next meeting for approval and ratification.

o In matters where the facts are undisputed, the licensee may be given the opportunity to have the matter presented to the Board's Screening Panel.

- ♣ Confidential
- ♣ Informal
- ♣ Panel's recommendation can be accepted or rejected.

o **Notice of Charges:** if the licensee is unable to show compliance and does not wish to enter into a Consent Order, the attorney will file a Notice of Charges with the Administrative Procedures Division. A judge is assigned, and the matter becomes public.

- ♣ This is a public record and is not a confidential document.
- ♣ Settlements can still be reached, and those settlements are presented to the Board as **Agreed**

Orders.

o **Contested Case Hearing:** If a settlement is not reached then a contested hearing takes place. The hearing is conducted like a jury trial with the Board acting as the finders of fact and the Administrative Law Judge (ALJ) ruling on evidentiary and procedural issues.

♣ General rules for contested cases:

- If you have a question during the contested case, ask the ALJ
- No outside information • Don't text or e-mail
- When directed by the ALJ, you may ask the witness questions
- You cannot speak to Respondents, witnesses or the attorneys about the case while it is going on unless it is done during the course of the hearing i.e. no conversations in the halls or over lunch

♣ During contested case hearings, your advisory attorney represents the Department as an advocate for the Department's position regarding the Respondent.

♣ You must weigh the case independently and cannot be swayed by the attorney's role as your advisory attorney.

o **Final Orders:** all contested case hearings should have a final order.

♣ It is important that the Board make sure that all deliberations are public and that all decisions are ratified by a vote.

♣ Often the State and/or Respondent will present a proposed order or other recommendations for the Board's consideration.

♣ These are only for your consideration during deliberations and may be used as much or as little as you desire.

♣ You may determine that the facts in these proposals do not accurately reflect the evidence as you heard it.

- ♣ You may rewrite the facts.
- ♣ You may choose not to include facts that you do not believe were supported by the evidence.
- ♣ Proposed orders are distinct from the Notice of Charges in that the Notice of Charges reflects the State's assertions as to the conduct that violates the law and the potential penalties for those violations at the beginning of the case before the Board.

♣ **There are four main parts to a final order as required by statute:**

1. Findings of Fact

- Should reflect relevant facts of the case
- Not all findings of fact need to be a violation of law (historical, narrative, jurisdictional)
- Make sure you articulate any changes to proposed findings or the Notice of Charges
- Best to vote on Findings of Fact individually

2. Conclusions of Law

- It is imperative that the conclusions of law reflect the particular findings of fact that substantiate the violation.
- It is best if the conclusions of law are voted on individually.

3. Policy Statement

- Reviewing courts often look at the policy statement to determine the rationale for a Board's decision in regard to the penalty.
- Can be the last thing voted on by the Board.
- Better for it to be specific to the case rather than "for the health, safety and welfare."

4. Imposition of Discipline: The Board may impose the following types of discipline:

- Reprimand
- Probation
- Suspension
- Revocation (Respondent always has leave to reapply)
- Civil Penalty
 - Specify the Type
 - Specify the Amount
 - Specify the Number of each type
 - Must state the Basis for the imposition of civil penalties
- Costs
 - the maximum amount of costs must be included in the order
 - In addition to the restrictions on the license on the lifting of a suspension or probation, the Board may impose the following: - costs are to reimburse the Board for its expenses and not as a punishment.
 - Discipline must be voted on by the Board.
 - All of these forms of discipline are reportable to the NPDB.

Other Board Actions:

• **Summary Suspension:**

- o If the Board finds that public health, safety, or welfare **imperatively requires emergency**

action, summary suspension of a license may be ordered pending proceedings for revocation or other action.

o The Board can proceed with the summary suspension and notify the licensee of the opportunity for an informal hearing, review or conference before the agency within seven (7) business days of the issuance of the order of summary suspension (TENN. CODE ANN. § 4-5-320(c)).

• **Declaratory Order:**

o Any affected person may petition the Board for a **declaratory order as to the validity or applicability of a statute, rule or order** within the primary jurisdiction of the Board.

o The Board can either convene a contested case hearing and issue a declaratory order which will be subject to review in Chancery court OR refuse to issue a declaratory order and the person may apply for a declaratory judgment (court passes on legal authority of rule or order). (TENN. CODE ANN §§ 4-5-223, 4-5-225).

• **Order Modification:**

o Board will entertain petitions for modification of disciplinary orders **if the petitioner can show that compliance with the order is impossible.**

♣ Not a substitute for reconsideration and/or appeal and only available if these rights have been either exhausted or timely pursued.

♣ “Impossible” does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.

♣ Order modifications are reviewed initially by legal and administrative staff and either denied or forwarded to the Office of General Counsel for presentation to the Board as an uncontested matter.

CONDUCT NEW BUSINESS

No corresponds was presented at this time.

Ratify New licenses and Reinstatement of licenses.

Mr. Morton made a motion to ratify the list, seconded by Ms. Jones. All in favor, the motion carried.

Newly Licensed HIS

Beck, Aubrey A
Edwards, Rachael Hoffman
Falconbury, Richard
Frazee, Josyanne Lee
Furlong, Amanda
Horine, Derek
Howard Scott
Jones, Cory Kenneth

Justice, Whitney
Kail, Laura Beth
Laraway, Shannon
Mathes, Sheena Ann
Miller, Lynsey
Pacuinias, Sarah
Pearce, Nickalus
Stackpole, Brooke Lynn
Stykes, Mechele Lea
Varnell, Sara

Mr. Morton made a motion to ratify the list, seconded by Ms. Jones. All in favor, the motion carried.

Discuss legislation and take action.

Ms. Moon presented the Board with the ASHA standers for clinic fellow provisional period of effectiveness. After the review Ms. Jones made a motion to adopt option #1, seconded by Ms. Barker. All in favor, the motion carried.

Public Comment

No public comments were presented at this time.

Adjournment

Mr. Morton made motion for adjournment, seconded by Ms. Barker. All in favor, the motion carried.

*****Ratified by the Board of Communications Disorders and Sciences on November 03, 2023*****

