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June 10, 2011

**BY UNITED STATES FIRST CLASS MAIL,  
INTEROFFICE MAIL, AND EMAIL:  
Jan.Cothron@tn.gov**

Jan Cothron  
Manager of Health Compliance  
Division of Occupational Safety and Health  
220 French Landing Drive  
Nashville, Tennessee 37243

**Re: Board of Communication Disorders and Sciences discussion of the scope of  
practice of audiologists in the State of Tennessee.**

Dear Ms. Cothron,

I serve as Assistant General Counsel for the State of Tennessee, Department of Health (State) and I currently advise the Board of Communications Disorders and Sciences. At its last meeting on May 17, 2011, the Board discussed its interpretation of the scope of practice for audiologists and the Board asked me to convey its position to your office.

On or about August 11, 2009, you and Ms. Sandra Bennett joined a meeting with the Board and asked "whether or not it is within the scope of practice of an audiologist to determine whether hearing loss is work related." While Dr. Dickerson had several comments on the subject, the Board did not entertain a motion or vote as to any official position of the Board. In TOSHA's Fall 2009 newsletter, there was an article titled "Hearing Loss and the OSHA 300 Log" which stated that "[t]he Tennessee Board of Communication Disorders and Sciences has rendered a decision that it is not within the scope of practice of an audiologist in Tennessee to determine that a hearing loss is not work related."

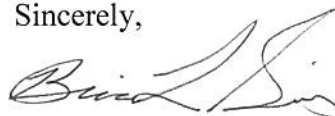
At the Board's February 9, 2010 meeting, the Board voted that it is within an audiologist's scope of practice to determine the level of hearing loss as well as to assess the reason for the hearing loss as well as to assess the reason for the hearing loss after reviewing test results and other evidence the audiologist gathers. In addition and after reviewing the above, the audiologist may make a recommendation as to the possible cause of the hearing loss and make

any proper referrals to physicians or other health care professionals should there be an indication that the hearing loss is due to another condition.

At its most recent meeting on May 17, 2011, the Board provided some greater clarification while remaining consistent with the Board's February 9, 2010 opinion. The Board opined that for the purposes of determining whether an individual should or should not be included on the OSHA 300 log, an audiologist may in determining the possible cause of the hearing loss, determine whether hearing loss is work-related pursuant to OSHA Recordkeeping Regulation 29 C.F.R. 1904.10(b)(6). The purpose of having an audiologist determine whether an individual should be placed on the log is so that the individual may then be examined by a physician to see if the individual's condition violates OSHA's Noise Standard, which must be determined by a licensed physician.

I hope that this letter clarifies any previous confusion as it relates to the scope of practice of audiologists. Thank you for your prompt attention to this matter. **Please contact me if you have any questions.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian L. Sims".

Brian L. Sims  
Assistant General Counsel