

**PUBLIC CHAPTER NO. 324****SENATE BILL NO. 1168****By Black, Ketron, Raymond Finney****Substituted for: House Bill No. 233****By Overbey, Armstrong**

AN ACT to amend Tennessee Code Annotated, Section 63-17-103(5), relative to the practice of speech language pathology.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-17-103(5), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision (B):

(B) The practice of speech language pathology shall include the use of rigid and flexible endoscopes to observe the pharyngeal and laryngeal areas of the throat in order to observe, collect data, and measure the parameters of communication and swallowing for the purpose of functional assessment and rehabilitation planning. A speech language pathologist who uses an endoscope shall meet all of the following conditions:

(i) A speech language pathologist must obtain written verification from a board certified otolaryngologist that the speech language pathologist is competent in the proper and safe use of an endoscope. The otolaryngologist's determination of competency shall be based upon the speech language pathologist's training in the proper use of endoscopes, the successful completion of a university course or other educational program of at least fifteen (15) hours on endoscopy, and the successful performance of at least twenty-five (25) endoscopic procedures under the supervision of an otolaryngologist or another speech language pathologist who has successfully performed at least fifty (50) endoscopic procedures and has been approved in writing by a board-certified otolaryngologist to provide such supervision. The speech language pathologist shall maintain this written verification on file at all times at the primary practice location of the speech language pathologist.

(ii) A speech language pathologist shall not perform a procedure utilizing an endoscope unless the patient has been referred to the speech language pathologist by an otolaryngologist or other qualified physician for the performance of such procedure.

(iii) A speech language pathologist shall perform only non-operative procedures with an endoscope.

(iv) In every setting in which a speech language pathologist performs a procedure using an endoscope, there must be protocols in place for emergency medical backup. If the procedure is performed in a community setting such as a physician's office, a physician must be on the premises and provide on-site supervision. If the procedure is performed in an institutional setting such as a hospital or nursing home, a physician must provide general supervision and be readily available in the event of an emergency, including but not limited to physical presence at the institution or availability by telephone.

(v) In all cases the speech language pathologist shall send to the referring physician in a timely manner a report and visual recording of each endoscopic procedure performed upon referral of that physician. If the referring physician is not an otolaryngologist, the speech language pathologist shall also provide a visual recording of the endoscopic procedure to an otolaryngologist if directed to do so by the referring physician.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 16, 2007**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 1st day of June 2007**

  
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PHIL BREDESEN, GOVERNOR