



January 3, 2013

Administrator
Tennessee Electrologists Registry
227 French Landing Drive, Suite 300
Nashville, Tennessee 37243

01-16-13
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BY:

RE: Petition for Rulemaking Hearing on Proposed Electrology Rule

Dear Administrator:

The Tennessee Medical Association (TMA) is formally filing a petition for a rulemaking hearing pursuant to T.C.A. § 4-5-201(a) regarding proposed revisions to the agency's rules published in the December 15, 2012 *Tennessee Administrative Register*. TMA is a corporation of more than twenty-five (25) members whose members are Tennessee physician licensees, many of whom are dermatologists. Therefore, many of our members would be affected by a change in this rule because they might be called upon to conduct "general supervision" of an electrologist. The Tennessee Electrologists Registry has the authority to amend its rules pursuant to T.C.A. §§ 4-5-202 and 207. The American Society for Dermatologic Surgery Association (ASDSA), an organization with more than twenty-five (25) Tennessee dermatologist members, joins the TMA in this petition.

The specific reason for our organizations' petition for a rulemaking hearing is because we oppose promulgation of proposed rule 0540-01-.01(23), "General Supervision" without a reference that we can find to *any* activity in the rules or practice act stating exactly what a dermatologist must supervise. The current electrologist practice act is devoid of any reference to the term "General Supervision". The current electrologist rules at 0540-02-.01 *et seq* are similarly without reference to "General Supervision" except to the extent it is included in the .01 definitions section under another definition. Finally, the term is not included in any other section of the published proposed rules except in the definitions section.

The bottom line is that if this rule was adopted by the Agency, the term "General Supervision" would be a definition placed in rule to instruct dermatologists to be available to their supervisee electrologists while such electrologists are engaged in unspecified activities. Thus, the TMA and ASDSA request that the Agency withdraw proposed rule 0540-01-.01(23) until such term can be attached to an actual activity. In the alternative, we requests that the Agency hold a rulemaking hearing so we can formally lodge our opposition to a proposed definition that is not elsewhere used. We cannot imagine that the Attorney General would approve the adoption of a definition that has no reference in the practice act or rules.

We appreciate the Agency's consideration of our request.

Sincerely,

Yarnell Beatty
Vice-President, Advocacy

Lisle Soukup
Director of Advocacy and Public Policy

cc: Jane Young, Esq.

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