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Sequence Number: 03-16-16
Rule ID(s): 6149
File Date: 3/23/16
Effective Date: 6/21/16

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Board of Medical Examiners Committee on Physician Assistants
Division:	
Contact Person:	Mary Katherine Bratton, Deputy General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Mary.Bratton@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0880-10	General Rules Governing the Practice of an Orthopedic Physician Assistant
Rule Number	Rule Title
0880-10-.06	Fees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0880-10
General Rules Governing the Practice of an Orthopedic Physician Assistant

Amendments

Rule 0880-10-.06 Fees is amended by deleting subparagraph (3)(b) in its entirety and substituting the following language, so that as amended, the new subparagraph (3)(b) shall read as follows:

(3) (b) Biennial Licensure Renewal Fee \$175.00

Authority: T.C.A. §§ 63-1-103, 63-1-106, 63-1-108, 63-1-112, 63-19-104, and 63-19-201.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Omar Nava	X				
Benjamin L. Hux	X				
Bret Reeves	X				
Donna Lynch	X				
Barbara Thornton	X				
James Montag, Jr.	X				
Beverly Gardner	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Medical Examiners Committee on Physician Assistants (board/commission/ other authority) on 01/08/2016 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Michael D. Zanolli, M.D.	X				
Subhi D. Ali, M.D.	X				
Dennis Higdon, M.D.	X				
Michael John Baron, M.D.	X				
Neal Beckford, M.D.	X				
Deborah Christiansen, M.D.	X				
Clinton A. Musil, Jr., M.D.	X				
Patricia Eller	X				
Barbara Outhier	X				
Nina Yeiser	X				
Melanie Blake, M.D.	X				
W. Reeves Johnson, Jr. MD	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Medical Examiners (board/commission/ other authority) on 01/26/2016 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 09/16/15 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 01/08/16 (mm/dd/yy)

Date: 11 28 16

Signature: Mary Katherine Bratter

Name of Officer: Mary Katherine Bratter

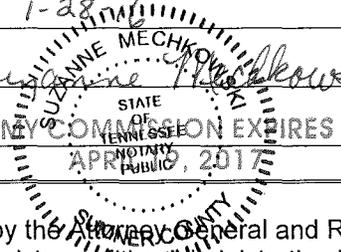
Title of Officer: Deputy General Counsel

Board of Medical Examiners Committee on Physician Assistants
Rules 0880-10-.06
General Rules Governing the Practice of an
Orthopedic Physician Assistant
Fees

Subscribed and sworn to before me on: 1-28-16

Notary Public Signature: Suzanne Mechko

My commission expires on: APR 15, 2017



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter
3/15/2016
Date

Department of State Use Only

Filed with the Department of State on: 3/23/16

Effective on: 6/21/14

Tre Hargett
Tre Hargett
Secretary of State

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PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments, either written or oral.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The extent to which the rule or rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

The proposed rule amendment does not overlap, duplicate, or conflict with other federal, state, and local government rules.

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

The proposed rule amendment establishes clarity, conciseness, and lack of ambiguity.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

The proposed rule amendment does not establish compliance or reporting requirements for small businesses.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

The proposed rule amendment does not establish compliance or reporting requirements for small businesses.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

The proposed rule amendment does not establish compliance or reporting requirements for small businesses.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

The proposed rule amendment does not establish performance, design or operational standards for small businesses.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

The proposed rule amendment does not create unnecessary barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: *Committee on Physician Assistants*

- 1. Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

All licensed orthopedic physician assistants will be subject to the proposed rule amendment. These licensed orthopedic physician assistants will receive the benefit of the proposed rule amendment. Currently, there are twenty-two (22) licensed orthopedic physician assistants in Tennessee.

- 2. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:**

The proposed rule amendment does not affect the reporting requirements or other administrative costs for compliance.

- 3. Statement of the probable effect on impacted small businesses and consumers:**

The proposed rule amendment should have little effect on small businesses.

- 4. Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

The proposed rule amendment is not burdensome, intrusive, or costly.

- 5. Comparison of the proposed rule with any federal or state counterparts:**

Federal: None.

State: None.

- 6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

The proposed rule amendment does not provide exemptions for small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule amendment should not have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The amendment to Rule 0880-10-.06 will reduce the biennial license renewal fee from two-hundred twenty-five dollars (\$225.00) to one hundred seventy-five dollars (\$175.00).

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All licensed orthopedic physician assistants will be subject to the proposed rule amendment. These licensed orthopedic physician assistants will receive the benefit of the proposed rule amendment. Currently, there are twenty-two (22) licensed orthopedic physician assistants in Tennessee.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rule amendment should not result in any increase or decrease in state or local government revenues or expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Mary Katherine Bratton, Deputy General Counsel, Department of Health.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Mary Katherine Bratton, Deputy General Counsel, Department of Health.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Department of Health, Office of General Counsel, 665 Mainstream Drive, Nashville, Tennessee 37205, (615) 741-1611, Mary.Bratton@tn.gov.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

(Rule 0880-10-.05, continued)

- (e) Result of a criminal background check;
- (f) Certificate of completion or Diploma from an approved orthopedic physician assistant program; and
- (g) Certification/licensure from other state boards.

(17) All applications shall be sworn to and signed by the applicant and notarized.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-19-104, 63-19-201, 63-19-202, 63-19-203, and 63-19-204. **Administrative History:** Original Rule filed July 10, 1997; effective September 23, 1997. Amendment filed June 10, 1998; effective October 28, 1998. Amendment filed June 25, 1998; effective October 30, 1998. Amendments filed March 17, 2006; effective May 31, 2006.

0880-10-.06 FEES.

(1) The fees are as follows:

- (a) Application Fee - A fee to be paid by all applicants. This fee includes the Initial Licensure Fee and State Regulatory Fee. In cases where an applicant is denied licensure or the application file closes due to abandonment, only the portion pertaining to the Initial Licensure Fee and the portion of the State Regulatory Fee that applies to initial licensure will be refundable.
- (b) Biennial Licensure Renewal Fee - A non-refundable fee to be paid prior to the issuance of the "artistically designed" license. This fee must be received on or before the expiration date of the license.
- (c) Initial Licensure Fee - A fee to be paid at the time of application for initial licensure after approval by the Committee on Physician Assistants and the Board of Medical Examiners.
- (d) Late Renewal Fee - A non-refundable fee to be paid when a license holder fails to renew his license on or before the expiration date on the license. This is an additional fee which must be submitted with the Biennial Licensure Renewal Fee and State Regulatory Fee.
- (e) Replacement License Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" wall license or renewal certificate.
- (f) State Regulatory Fee - A fee to be paid by all individuals at the time of application and with all renewal applications.

(2) All fees must be submitted to the Committee's administrative office by cashier's check, personal check or money order. Checks or money orders are to be made payable to the Committee on Physician Assistants.

(3) Fee Schedule:	Amount
(a) Application Fee (Total)	\$ 335.00
1. Application Fee	\$ 75.00

(Rule 0880-10-.06, continued)

- | | | |
|----------------|---|----------------------|
| 2. | Initial Licensure Fee | \$ 250.00 |
| 3. | State Regulatory Fee | \$ 10.00 |
| (b) | Biennial Licensure Renewal Fee | \$ 225.00 |
| (b) | Biennial Licensure Renewal Fee | \$ 175.00 |
| (c) | Late Renewal Fee | \$ 50.00 |
| (d) | Replacement License Fee | \$ 25.00 |
| (e) | State Regulatory (biennial) | \$ 10.00 |

- (4) Total Application Fee must be paid at the time of application.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-103, 63-1-106, 63-1-108, 63-1-112, 63-19-104, and 63-19-201. **Administrative History:** Original Rule filed July 10, 1997; effective September 23, 1997. Amendment filed June 10, 1998; effective October 28, 1998. Amendment filed January 20, 2012; effective April 19, 2012.

0880-10-.07 APPLICATION REVIEW, APPROVAL AND DENIAL.

- (1) An application packet shall be requested from the committee's administrative office.
- (2) Review of all applications to determine whether or not the application file is complete may be delegated to the Committee's Administrator.
- (3) If an application is incomplete when received by the Committee's Administrative Office, or the reviewing Committee member or the Committee consultant determine additional information is required from an applicant before an initial determination can be made, the Committee's Administrative Office shall notify the applicant of the information required.
 - (a) The applicant shall cause the requested information to be received by the Committee's administrative office on or before the ninetieth (90th) day after the initial letter notifying the applicant of the required information is sent.
 - (b) If requested information is not timely received, the application file may be considered abandoned and may be closed by the Committee's administrator. If that occurs, the applicant shall be notified that the Committee will not consider issuance of a license until a new application is received pursuant to the rules governing that process, including another payment of all fees applicable to the applicant's circumstances and submission of such new supporting documents as is required by the Committee or the Committee's consultant.
- (4) If a license is denied, limited, conditioned or restricted by the Committee and subsequently by the Board, the denial, limitation, condition or restriction shall become final and the following shall occur:
 - (a) A notification of the denial, limitation, condition or restriction shall be sent by the Committee's Administrative Office by certified mail, return receipt requested. Specific reasons for denial, limitation, condition or restriction will be stated, such as incomplete information, unofficial records, examination failure, or matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial, limitation, condition or restriction.