

Department of Health
Notice of Rulemaking Hearing
Board of Medical Examiners
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Medical Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 48-101-610, 48-101-618, 48-101-630, 48-248-401, 48-248-404, 48-248-501, 48-248-603, 63-6-101, 63-6-204, 63-6-210, 63-6-224, 63-6-230, 63-6-233, 63-6-236, and Public Chapter 59 of the Public Acts of 2005. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 10:30 a.m. (CDT) on the 18th day of July, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0880-2-.09 Licensure Renewal and Reinstatement, is amended by deleting subparagraph (2) (d) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (d) shall read:

- (2) (d) Submit, along with the application, documentation of successful completion of the continuing medical education requirements provided in rule 0880-2-.19 for all the calendar years (January 1 – December 31) that the license was expired that precede the calendar year during which the reinstatement is requested. Unless the licensee has actively practiced medicine in another state while the Tennessee license has been expired, none of the required continuing medical education shall be taken via the Internet or other electronic means.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-6-210, and 63-6-233.

0880-2-.10 Licensure Retirement/Inactivation and Reactivation, is amended by deleting subparagraph (3) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3) (b) shall read:

- (3) (b) Submit, along with the application, documentation of successful completion of the continuing medical education requirements provided in rule 0880-2-.19 obtained within two (2) years preceding the reactivation request. Unless the licensee has practiced pursuant to rule 0880-2-.22 or has actively practiced medicine in another state while the Tennessee license has been inactivated or retired, none of the required continuing medical education shall be taken via the Internet or other electronic means.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-6-210, 63-6-230, and 63-6-233.

Rule 0880-2-.14 Specially Regulated Areas and Aspects of Medical Practice, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) Prescription writing shall be governed by T.C.A. § 63-6-236.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-204, and 63-6-236.

Rule 0880-2-.20 Medical Professional Corporations and Medical Professional Limited Liability Companies, is amended by adding the following language as part (1) (b) 9., and is further amended by deleting part (1) (c) 1. but not its subparts, and substituting instead the following language, and is further amended by deleting part (1) (c) 2. in its entirety and substituting instead the following language, and is further amended by adding the following language as part (2) (b) 9., and is further amended by deleting part (2) (c) 1. but not its subparts, and substituting instead the following language, and is further amended by deleting part (2) (c) 2. in its entirety and substituting instead the following language, so that as amended, the new part (1) (b) 9., the new part (1) (c) 1. but not its subparts, the new parts (1) (c) 2. and (2) (b) (9), the new part (2) (c) 1. but not its subparts, and the new part (2) (c) 2. shall read:

- (1) (b) 9. A foreign or domestic physician assistant general partnership, physician assistant professional corporation or physician assistant professional limited liability company doing business in Tennessee in which all shareholders/members are either physician assistants licensed pursuant to Tennessee Code Annotated Title 63, Chapter 19, Part 1 and/or physicians licensed pursuant to Tennessee Code Annotated Title 63, Chapter 6 and/or Chapter 9 or composed of entities which are directly or indirectly owned by such licensed physician assistants and/or physicians.

- (1) (c) 1. All, except the following officers, must be persons who are eligible to form or own shares of stock in a medical professional corporation as limited by T.C.A. § 48-101-610 (d) (1), (2), (3) and/or (4) and subparagraph (1) (b) of this rule:
- (1) (c) 2. With respect to members of the Board of Directors, only persons who are eligible to form or own shares of stock in a medical professional corporation as limited by T.C.A. § 48-101-610 (d) (1), (2), (3) and/or (4) and subparagraph (1) (b) of this rule shall be directors of a MPC.
- (2) (b) 9. A foreign or domestic physician assistant general partnership, physician assistant professional corporation or physician assistant professional limited liability company doing business in Tennessee in which all shareholders/members are either physician assistants licensed pursuant to Tennessee Code Annotated Title 63, Chapter 19, Part 1 and/or physicians licensed pursuant to Tennessee Code Annotated Title 63, Chapter 6 and/or Chapter 9 or composed of entities which are directly or indirectly owned by such licensed physician assistants and/or physicians.
- (2) (c) 1. All, except the following managers, must be persons who are eligible to form or own shares of stock in a medical professional limited liability company as limited by T.C.A. § 48-248-401 (d) (1), (2), (3) and/or (4) and subparagraph (2) (b) of this rule:
- (2) (c) 2. Only persons who are eligible to form or become members of a medical professional limited liability company as limited by T.C.A. § 48-248-401 (d) (1), (2), (3) and/or (4) and subparagraph (1) (b) of this rule shall be allowed to serve on the Board of Governors of a MPLLC.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 48-101-610, 48-101-618, 48-101-630, 48-248-401, 48-248-404, 48-248-501, 48-248-603, 63-6-101, and Public Chapter 59 of the Public Acts of 2005.

Rule 0880-5-.01 Definitions, is amended by deleting paragraphs (2) and (3) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (2) and (3) shall read:

- (2) Full Certification - Certification obtained by submitting certification issued by the A.R.R.T. which will enable the holder to perform, except for bone densitometry, any and all procedures or functions in a physician's office.
- (3) Limited Certification - Certification issued by the Tennessee Board of Medical Examiners which enables the holder to perform only those radiological procedures or functions intended for the body areas or specialty indicated on the issued

certification, other than those procedures involving the administration of contrast media.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-224.

Rule 0880-5-.10 Scope of Practice, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) A.R.R.T. certificate holders are fully certified and may perform any and all radiographic procedures or functions in a physician's office that are within the American Society of Radiologic Technologists' (A.S.R.T.) scope of practice for radiographers.
 - (a) Performing bone densitometry is not considered to be within the A.S.R.T.'s scope of practice for radiographers.
 - (b) A.R.R.T. certificate holders who wish to perform bone densitometry and who receive initial certification as an x-ray operator in Tennessee after July 1, 2006 are required to:
 - 1. obtain the A.R.R.T.'s certification in bone densitometry (BD) by successfully completing the A.R.R.T.'s Bone Densitometry Clinical Experience Requirements; or
 - 2. obtain limited certification in bone densitometry, pursuant to Rule 0880-5-.11.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-224.

Rule 0880-5-.11 Bone Densitometry, is amended by deleting parts (3) (a) 5. and (3) (a) 6. in their entirety and substituting instead the following language, and is further amended by deleting subparagraph (3) (c) in its entirety and renumbering the remaining subparagraphs accordingly, so that as amended, the new parts (3) (a) 5. and (3) (a) 6. shall read:

- (3) (a) 5. Cause to have submitted verification of attendance and successful completion of a Board-approved radiological certification training course; and
- (3) (a) 6. Have successfully completed the Board-approved examination pursuant to subparagraph (4) (f) of this rule; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-224.

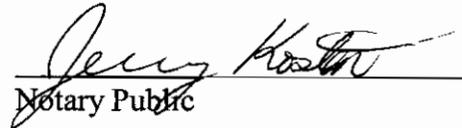
Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 1st Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Medical Examiners.



Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 17th day of May, 2005.


Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the 17 day of May, 2005.


Riley C. Darnell
Secretary of State

By: 

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