



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 438**

### **SENATE BILL NO. 298**

**By Briggs, Overbey, Haile, Dickerson, Bowling, Bailey**

Substituted for: House Bill No. 413

By Williams, Hawk, Gravitt, Carter, Hazlewood, McCormick, DeBerry, Eldridge, Mark White, Jernigan, Howell, Staples, Coley, Terry, Holsclaw, Thompson

AN ACT to amend Tennessee Code Annotated, Title 33; Title 56, Chapter 7; Title 63, Chapter 6; Title 63, Chapter 9 and Title 68, relative to physicians.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of medical examiners intended to provide medical professionals with knowledge of new developments or reinforcement of previously learned information in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional examinations other than the board of medical examiners' requirements to practice medicine.

(b) The board shall not deny a physician licensure based on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board re-certification or any maintenance of certification to practice medicine in this state.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of osteopathic medical examination intended to provide medical professionals with knowledge of new developments or reinforcement of previously learned information in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional examinations other than the board of osteopathic examination's requirements to practice medicine.

(b) The board shall not deny a physician licensure based on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board recertification or any maintenance of certification to practice medicine in this state.

SECTION 3. (a) There is appointed a task force to study the issues created by the maintenance of certification process for Tennessee physicians.

(b) The speaker of the house of representatives shall appoint three (3) members of the house of representatives to the task force. The speaker of the senate shall appoint three (3) members of the senate to the task force.

(c) Representatives from hospitals, the insurance industry, the physician community, and the American Board of Medical Specialties shall provide information to the task force upon request.

(d) Task force meetings shall be open to the public, with proper notice being provided in advance of the meetings. The public and citizens of this state shall have a reasonable opportunity to be heard.

(e) The task force shall review the overall maintenance of certification process and shall review the use of maintenance of certification by hospitals, insurance companies, and entities that license Tennessee physicians. The task force shall also strategize and make recommendations for improvement of the current process, as well as reviewing alternatives that can be created to replace maintenance of certification, including but not limited to, an expansion of continuing medical education.

(f) The staff for the health committee of the house of representatives and the commerce and labor committee of the senate is authorized to provide support to the task force if requested by the chair of the task force.

(g) The task force shall provide a report with recommendations to the health committee of the house of representatives and the commerce and labor committee of the senate by January 15, 2018, at which time it shall cease to exist.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 298

PASSED: May 10, 2017

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 25<sup>th</sup> day of May 2017

  
BILL HASLAM, GOVERNOR