

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, 63-6-101, 63-6-224, 63-24-102, 63-24-104, and 63-24-105. 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 2:30 p.m. (CST) on the 22nd day of March, 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-.03 Licensure Process U.S. and Canada Medical School Graduates, is amended by adding the following new language as paragraph (11) and renumbering the remaining paragraphs accordingly:

- (11) The applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.04 Licensure Process International Medical School Graduates, is amended by adding the following new language as paragraph (14) and renumbering the remaining paragraphs accordingly:

- (14) The applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.05 Licensure of Out of State and International Applicants, is amended by adding the following new language as paragraph (10) and renumbering the remaining paragraphs accordingly:

- (10) Any applicant for any type of licensure authorized by this rule shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.06 Training Licenses And Licensure Exemptions, is amended by deleting part (1)(a)2. and substituting instead the following new language as part (1)(a)2.:

- (1) (a) 2. The documentation required by rule 0880-2-.03 paragraphs (2), (4), (5), (6), (9) and (11) or rule 0880-2-.04 (2), (4), (6), (7), (8), (12) and (14) for each applicant.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.06 Training Licenses and Licensure Exemptions, is amended in paragraph (2) by adding the following new language as subparagraph (b) and re-lettering the remaining subparagraphs accordingly:

- (2) (b) The applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified by correspondence with the Board's administrative office, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.06 Training Licenses and Licensure Exemptions, is amended in paragraph (3) by adding the following new language as subparagraph (b) and re-lettering the remaining subparagraphs accordingly:

- (3) (b) The applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified by correspondence with the Board's administrative office, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.07 Application Review, Approval, Denial, Interviews and Conditioned, Restricted and Locum Tenens Licensure, is amended in paragraph (5) by adding the following new language as subparagraph (d) and re-lettering the remaining subparagraphs accordingly:

- (5) (d) The physician shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.07 Application Review, Approval, Denial, Interviews and Conditioned, Restricted and Locum Tenens Licensure, is amended in paragraph (6) by deleting part (a)2. and substituting instead the following new language as part (6)(a)2.:

- (6) (a) 2. All documentation required by rule 0880-2-.05 paragraphs (2), (4), (5), (6), (7) and (10).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-2-.16 Telemedicine Licensure, is amended by deleting part (2)(a)2. and substituting instead the following new part (2)(a)2.:

- (2) (a) 2. All documentation required by rule 0880-2-.05 paragraphs (2), (4), (5), (6), (7) and (10).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214.

Rule 0880-4-.05 Licensure Process, is amended in paragraph (2) by adding the following language as a new subparagraph (k):

- (2) (k) The applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-24-102 and 63-24-104.

Rule 0880-4-.05 Licensure Process, is amended in paragraph (3) by adding the following language as a new subparagraph (e):

- (3) (e) Cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-24-102 and 63-24-104.

Rule 0880-4-09 Licensure Renewal and Reinstatement, is amended by adding the following language as new subparagraph (2) (c) and renumbering the present subparagraphs (2) (c) and (2) (d) as subparagraphs (2) (d) and (2) (e):

- (2) (c) Submit documentation of successful completion of the continuing education requirements, as provided in rule 0880-4-.12, for all the three (3) calendar year (January 1 – December 31) periods that the license was expired that precede the calendar year during which the reinstatement is requested; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-24-102, and 63-24-105.

Rule 0880-4-11 Retirement and Reactivation of License, is amended by adding the following language as new subparagraph (3) (c) and renumbering the present subparagraphs (3) (c) through (3) (g) as subparagraphs (3) (d) and (3) (h):

- (3) (c) Submit documentation of successful completion of eighty (80) hours of continuing education, as provided in rule 0880-4-.12, during the three (3) calendar year (January 1 – December 31) period that precedes the calendar year during which the reactivation is requested; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-24-102, and 63-24-105.

Rule 0880-5-04 Qualifications for Full and Limited Certification, is amended in paragraph (2) by adding the following language as subparagraph (g) and re-lettering the remaining subparagraph accordingly:

- (2) (g) Cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214 and 63-6-224.

Rule 0880-5-04 Qualifications for Full and Limited Certification, is amended by deleting paragraph (3) and substituting instead the following new paragraph (3):

- (3) Any person who holds a radiological certificate issued by another state obtained pursuant to standards and procedures substantially equivalent to the standards set by these Rules may receive a certification at an appropriate level at the Boards discretion upon compliance with subparagraph (2) (g) of this rule.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214 and 63-6-224.

Rule 0880-5-.11 Bone Densitometry, is amended by adding the following language as part (3)(a)7. and renumbering the remaining part accordingly:

- (3) (a) 7. Cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214 and 63-6-224.

Rule 0880-9-.04 Procedures for Certification, is amended by adding the following new language as paragraph (7) and renumbering the remaining paragraph accordingly.

- (7) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-6-224, and 63-6-237.

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, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

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