

Notice of Rulemaking Hearing

Board of Medical Examiners

There will be a hearing before the Tennessee Board of Medical Examiners to consider the promulgation of an amendment to a rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-6-101, 63-6-204, and 63-6-214. 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 Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 19th day of March, 2007.

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, 227 Fr. Lndng., Ste. 300, Heritage Place, MetroCenter, Nashville, TN 37243, (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, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rule

Amendment

Chapter 0880-02

General Rules and Regulations Governing the Practice of Medicine

Rule 0880-2-.14 Specially Regulated Areas and Aspects of Medical Practice, is amended by deleting paragraph (11) in its entirety and substituting instead the following language, so that as amended, the new paragraph (11) shall read:

- (11) Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the title "Medical Doctor" or "M.D." and to practice medicine, as defined in T.C.A. §§ 63-6-204. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 0880-2-.13(2)(a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the physician to disciplinary action pursuant to T.C.A. § 63-6-214(b)(1), (b)(3), (b)(8) and (b)(9).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-1-145, and 63-6-214.

Rule 0880-2-.21 Office Based Surgery, is amended by adding the following language as a new and appropriately numbered subparagraph to paragraph (9):

- (9) () The Level III surgeries that are authorized to be performed in a physician's office are only those that are contained on the list of approved surgeries generated by the Centers for Medicare & Medicaid Services (CMS) as it may from time to time be amended, except those which are recommended to Board for removal by the Board's Office Based Surgery Committee and are subsequently added to the list of unapproved surgeries. Those surgeries that are on the CMS list but not approved for performance in a physician's office are as follows:

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

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of January, 2007. (FS 01-38-07, DBID 558)