

Department of Health  
Notice of Rulemaking Hearing  
Board of Osteopathic Examination  
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Osteopathic Examination to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-9-104, 63-9-111, and 63-9-112. 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. (CDT) on the 6th 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 1050-2-.03 Licensure Process, is amended by adding the following language as new subparagraph (1) (j) and renumbering the remaining subparagraph accordingly, and is further amended by deleting subparagraph (2) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (j) and (2) (b) shall read::

- (1) (j) 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.
- (2) (b) The applicant must comply with all provisions of paragraph (1) of this rule.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, and 63-9-111.

Rule 1050-2-.04 Training, is amended by deleting the introductory language of the rule in its entirety and substituting instead the following language, and is further amended by deleting part (1) (a) 2. in its entirety and substituting instead the following language, so that as amended, the new introductory language and the new part (1) (a) 2. shall read:

1050-2-.04 Training. Those persons who pursuant to T.C.A. § 63-9-104 (d) may be eligible to practice osteopathic medicine in Tennessee while participating in a training program such as described in 1050-2-.03 (1) (k) with a training license issued by the Board may secure such license pursuant to paragraph (1) of this rule. Those persons pursuant to T.C.A. §§ 63-9-104(c) who may be eligible to practice osteopathic medicine in Tennessee with a Board issued exemption from licensure may secure such exemptions pursuant to paragraph (2) of this rule. Persons who have been issued a license to practice osteopathic medicine in Tennessee and whose license has not been revoked or suspended need not obtain an exemption from licensure or a training license pursuant to this rule to be able to participate in a training program.

(1) (a) 2. The documentation required by rule 1050-2-.03 subparagraphs (1) (b), (1) (c), (1) (e), (1) (f), (1) (i) and (1) (j) for each applicant.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-9-104, and 63-9-111.

Rule 1050-2-.05 Application Review, Approval, Denial, Interviews and Conditioned, Restricted and Locum Tenens Licensure, is amended by adding the following language as new subparagraph (10) (d) and renumbering the remaining subparagraphs accordingly, and is further amended by deleting part (11) (a) 2. in its entirety and substituting instead the following language, so that as amended, the new subparagraph (10) (d) and the new part (11) (a) 2. shall read:

(10) (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.

(11) (a) 2. All documentation required by rule 1050-2-.03 subparagraphs (1) (b), (1) (f), (1) (i), (1) (j) and (2) (a).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, and 63-9-111.

Rule 1050-2-.17 Telemedicine Licensure, is amended by deleting part (2) (a) 2. in its entirety and substituting instead the following language, so that as amended, the new part (2) (a) 2. shall read:

(2) (a) 2. All documentation required by rule 1050-2-.03 subparagraphs (1) (b), (1) (f), (1) (g), (1) (i), (1) (j) and (2) (a).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, and 63-9-111.

Rule 1050-3-.04 Qualifications for Full and Limited Certification, is amended by adding the following language as new subparagraph (2) (g) and renumbering 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 certification application materials, the result of a criminal background check; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-9-111, and 63-9-112.

Rule 1050-3-.05 Obtaining and Upgrading Full and Limited Certification, is amended by adding the following language as new part (1) (b) 4. and renumbering the remaining part accordingly, and is further amended by adding the following language as new part (1) (c) 4., and is further amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new parts (1) (b) 4. and (1) (c) 4., and the new paragraph (4) shall read:

- (1) (b) 4. An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (1) (c) 4. An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (4) Application review and decisions shall be governed by paragraphs (1) through (6) and paragraph (9) of Rule 1050-2-.05.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-9-111, and 63-9-112.

Rule 1050-3-.10 Supervision, is amended by deleting the language of that rule in its entirety and substituting instead the following new language, so that as amended the rule shall read as follows:

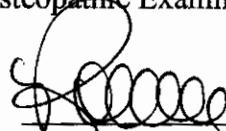
- (1) Before being authorized to perform any x-ray procedure or operate any x-ray equipment in a physician's office, the physician shall place a copy of the person's renewal certificate in the person's personnel file to prove the person being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.
- (2) The employing physician(s), or a physician designated by the employing physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person

certified under this chapter of rules employed in the physician(s)' practice. That supervision, control and responsibility, except when it involves contrast imaging or involves sedation, does not require the physical presence of the physician(s) at all times at the site where the services are being provided. However, it does require that the physician(s) have his/her primary medical practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable time depending upon the type of x-ray being performed and the severity of the medical complications that may arise from that type of x-ray.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, and 63-9-112.

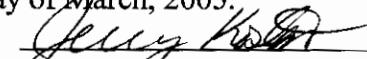
Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North,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

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



Robbie H. Bell, Director  
Health Related Boards

Subscribed and sworn to before me this the 23rd day of March, 2005.

  
Notary Public

My commission expires on the 25<sup>th</sup> day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the 24 day of March, 2005.



Riley C. Darnell  
Secretary of State

By: 

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