

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

Chapter 0880-2
General Rules and Regulations Governing the Practice of Medicine

Chapter 0880-5
General Rules and Regulations Governing the Utilization of X-Ray Operators
in Physician's Offices

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 Specifically 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 Tennessee Code Annotated, Section 63-6-236 and Title 53, Chapter 10, Part 2.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 53-10-201, et seq., 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 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 (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 (2) (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 radiographic 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, except as provided in subparagraph (a), 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 Board's scope of practice for fully certified A.R.R.T. certificate holders.

- (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.

Legal Contact: Robert J. Kraemer, Jr., Associate General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120, (615) 741-1611.

Contact for disk acquisition and/or party who will approve final copy: 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.

Signature of the agency officer directly responsible for proposing and/or drafting these rules:



 David L. Cunningham, M.D., President
 Board of Medical Examiners

The roll call vote by the Board of Medical Examiners on these rulemaking hearing rules was as follows:

Board Members	Aye	No	Abstain	Absent
Subhi D. Ali, M.D.	<u>X</u>	_____	_____	_____
Sam T. Barnes, M.D.	<u>X</u>	_____	_____	_____
David L. Cunningham, M.D.	<u>X</u>	_____	_____	_____
Gary Keith Lovelady, M.D.	<u>X</u>	_____	_____	_____
Allen S. Edmonson, M.D.	<u>X</u>	_____	_____	_____
Barbara Engelhardt, M.D.	<u>X</u>	_____	_____	_____
Mitchell L. Mutter, M.D.	<u>X</u>	_____	_____	_____
Charles W. White, Sr., M.D.	<u>X</u>	_____	_____	_____
Michael D. Zanolli, M.D.	<u>X</u>	_____	_____	_____
Mark A. Brown	_____	_____	_____	<u>X</u>
Mary Johnson	_____	_____	_____	<u>X</u>
Nina Yeiser	<u>X</u>	_____	_____	_____

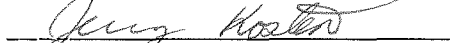
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Medical Examiners on the 19th day of July, 2005.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 17th day of May, 2005, and such notice of rulemaking hearing having been published in the June 15th, 2005 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 18th day of July, 2005.




Robbie H. Bell, Director
Division of Health Related Boards

Subscribed and sworn to before me this the 19th day of July, 2005.

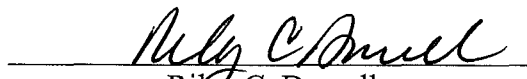

Notary Public

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

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 22 day of March, 2006, and will become effective on the 5 day of June, 2006.


Riley C. Darnell
Secretary of State

By: 