

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 amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-207, and 63-6-224. 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 16th day of July, 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 French Landing, Suite 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 Rules

Chapter 0880-02

General Rules and Regulations Governing the Practice of Medicine

Amendments

Rule 0880-2-.08 Examination, is amended by deleting subparagraph (2) (a) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) (a) shall read:

(2) (a) The Board adopts the NBME's and the USMLE's determination of the passing scores for each Part or Step of their examinations.

1. Passing Score for Subsequent Attempts for Failure of any Part or Step

(i) When an applicant fails to attain the passing score on any Part or Step of either the NBME or the USMLE and subsequently retakes that Part or Step, the passing score for each retake will be the NBME's and the USMLE's recommended minimum passing two-digit score plus one (1) additional point for each time that the Part or Step is retaken due to failure of the Part or Step.

(ii) It is the intent of this rule to:

(I) Not reward persons who have become familiar with a Step or Part of a licensure examination due to multiple retakes necessitated by previous failures; and

(II) Increase the passing two-digit score cumulatively according to the number of times the applicant has had to retake the Part or Step because of a previous failure of that Part or Step. (Example - If an applicant has

failed Step 2 of the USMLE on the three (3) previous attempts, the applicant as he or she attempts Step 2 for the fourth time will, in order to pass the Step, need to obtain the USMLE's recommended minimum passing two-digit score for Step 2 plus one additional point for each of the previous three (3) failures.)

- (iii) This cumulatively increasing passing score requirement of this rule shall not apply in clearly exigent circumstances when its application would work a manifest injustice or when the applicant, subsequent to the failure of any Part or Step of either examination, has obtained specialty board certification.

Authority T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-207.

Chapter 0880-05
General Rules and Regulations Governing the Utilization of X-Ray Operators
in Physician's Offices

Rule 0880-5-.04 Qualifications for Limited Certification, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) Certification areas:
 - (a) Limited certification is available until June 1, 2008 from the Board in the following specific specialty areas:
 - 1. Chest
 - 2. Extremities
 - 3. Skull - AP/PA and Lateral Skull Only, and Sinuses
 - 4. Lumbar Spine - AP and Lateral Lumbar Spine Only
 - (b) After June 1, 2008 limited certification is available from the Board in only the following specific specialty areas:
 - 1. Chest
 - 2. Extremities
 - 3. Skull and Sinus
 - 4. Spine
 - (c) Persons who hold a limited certification in "Lumbar Spine - AP and Lateral Lumbar Spine Only" pursuant to part (1) (a) 4. may have their certification changed to reflect the expanded specialty area "Spine" listed in part (1) (b) 4. by submitting to the Board's administrative office on or before June 1, 2012 documentation of having completed a course(s) that includes instruction in all of the following subject areas.

1. Cervical – includes AP/PA, lateral, obliques, and open mouth odontoid.
 2. Thoracic – includes AP/PA, lateral, and Swimmers.
 3. Lumbar – includes AP/PA, lateral, spot lateral of L5-S1, and obliques.
- (d) On June 1, 2012 those who have not submitted the necessary documentation to obtain the expanded designation as required by subparagraph (1) (c) shall not be authorized to participate in the expanded areas in the “spine” certification and their certification will entitle them to only take AP and Lateral Lumbar Spine radiographs.
- (e) On June 1, 2008, the certificates that are designated “Skull - AP/PA and Lateral Skull Only, and Sinuses” shall automatically be converted to the designation “Skull and Sinus” without any further action by the holder of such limited certification.

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

Rule 0880-5-.05 Educational Course, Approval and Curriculum for Limited Certification, is amended by deleting subparagraphs (2) (b) and (2) (c), part (2) (d) 1., subpart (2) (d) 2. (i), part (2) (d) 3. and part (2) (d) 4. in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (b) and (2) (c), part (2) (d) 1., subpart (2) (d) 2. (i), part (2) (d) 3. and part (2) (d) 4. shall read:

- (2) (b) Specialty Areas - Defined as the study of radiography of a particular anatomical part including human structure and function, radiographic positioning and procedures, and evaluation of radiographs. Each separate specialty area course shall minimally consist of the following amount of classroom clock hours:
1. Chest – ten (10) classroom clock hours;
 2. Extremities – until June 1, 2008 ten (10) classroom clock hours and thereafter forty (40) classroom clock hours;
 3. Skull and Sinuses – ten (10) classroom clock hours; and
 4. Spine – until June 1, 2008 ten (10) classroom clock hours and thereafter thirty (30) classroom clock hours.
- (2) (c) Clinical Training - Defined as “hands-on” observation and participation in the production of diagnostic radiographs. Clinical training must be supervised by either a residency-trained radiologist, or by a licensed physician in conjunction and consultation with a fully-licensed and registered operator (A.R.R.T. technologist) with at least three (3) years experience when appropriate. This training shall minimally consist of the following amount of clinical clock hours for each specialty area in which certification is sought:
1. Chest – until June 1, 2008 sixty (60) clinical clock hours and thereafter thirty (30) clinical clock hours;
 2. Extremities – until June 1, 2008 sixty (60) clinical clock hours and thereafter eighty (80) clinical clock hours;
 3. Skull and Sinuses – until June 1, 2008 sixty (60) clinical clock hours and thereafter thirty (30) clinical clock hours; and

- 4. Spine — until June 1, 2008 sixty (60) clinical clock hours and thereafter eighty (80) clinical clock hours.
- (2) (d) 2. (i) Upper Extremity — includes all routine views of the fingers up through the pectoral girdle.
- (2) (d) 3. Skull and Sinuses
 - (i) Skull — includes AP/PA, Townes and Lateral.
 - (ii) Sinuses — includes upright PA/Caldwell, Lateral, and Waters.
- (2) (d) 4. Spine - Prior to June 1, 2008 shall be limited to only the AP/PA and Lateral Lumbar Spine but thereafter for those who have complied with rule 0880-5-.04 (1) (c) shall include the following:
 - (i) Cervical — includes AP/PA, lateral, obliques, and open mouth odontoid.
 - (ii) Thoracic — includes AP/PA, lateral, and Swimmers.
 - (iii) Lumbar — includes AP/PA, lateral, spot lateral of L5-S1, and obliques.

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

Rule 0880-5-.07 Obtaining and Upgrading Full and Limited Certification, is amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

- (2) Upon approval for issuance of certification, the Board shall issue a certificate which contains either the specific radiological limitations as reflected by the application materials received or “full certification” as that term is defined in Rule 0880-5-.01 (2).

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

Rule 0880-5-.09, Continuing Education, is amended by inserting the following language as new subparagraph (1) (b) and renumbering the existing subparagraph (1) (b) as (1) (c):

- (1) (b) Two (2) of the required twenty (20) biennial continuing education hours must be pertaining to appropriate statutes, rules and regulations, and other subjects that would be directly related to compliance with, and/or penalties for non-compliance of the statutes, rules and regulations. This course must include content pertaining to the A.R.R.T.’s Standards of Ethics if the certificate holder is fully certified.

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

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of May, 2007. (FS 05-23-07, DBID’s 640, 641)