

Notice of Rulemaking Hearing

Department of Health
Tennessee Medical Laboratory Board
Division of Health Related Boards

There will be a hearing before the Tennessee Medical Laboratory Board to consider the promulgation of amendments to rules pursuant to T.C.A. § 4-5-202, 4-5-204, and 68-29-105. 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 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 9:00 a.m. (CST) on the 9th day of October, 2008.

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, 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:

Ernest Sykes, Jr., Assistant General Counsel, Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243, (615) 741-1611.

Substance of Proposed Rules
Amendments

Chapter 1200-06-01
General Rules Governing Medical Laboratory Personnel

Chapter 1200-6-2
Training Programs for Medical Laboratory Personnel

Chapter 1200-6-3
General Rules Governing Medical Laboratories

Rule 1200-06-01-.12, Continuing Education, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (6)(e), so that as amended, the new paragraph (4) and the new subparagraph (6)(e) shall read:

- (4) Continuing Education Formats
 - (a) Continuing education courses may be presented in the traditional lecture and classroom formats or, with successful completion of a written post experience examination to evaluate material retention, in multi-media and/or electronic formats.
 - (b) Notwithstanding the provisions of subparagraph (4)(a), if a continuing education course includes a laboratory experience as a component of the course, the laboratory experience must occur at or be provided by a CLIA-approved site or an accredited college or university.
- (6) (e) Unless the licensee has actively practiced in another state while the licensee's Tennessee license has been retired, revoked or expired, then no more than one-half of the required continuing medical education for licensure reinstatement shall be taken via the Internet, in multi-media and/or electronic formats as provided in subparagraph (4) (a).

Authority: T.C.A. § 68-29-105.

Rule 1200-06-01-.22, Qualifications, Responsibilities and Duties of Testing Personnel, is amended by adding the following language as new subparts (1)(g)4. and (1)(g)5.:

- (1) (g) 4. Only the laboratory experience which occurs at a CLIA-approved site or at an accredited college or university.
- (1) (g) 5. Only the laboratory experience which has been properly documented to the Board's satisfaction.

Authority: T.C.A. §§ 68-29-105 and 68-29-118.

Rule 1200-06-02-.08, Advertising, is amended by inserting the following language as new paragraph (6) and renumbering the existing paragraph (6) as paragraph (7):

- (6) Use of Titles in Advertisements. Any medical laboratory training program licensed by the Board which includes in its advertisements the names of its laboratory personnel must, in every "advertisement" [as that term is defined in rule 1200-6-2-.08(2)(a)] it publishes, use an appropriate personnel title for each such licensee as authorized by rule 1200-06-01-.03(3) of this rule. Failure to do so may constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the medical laboratory training program to disciplinary action pursuant to T.C.A. § 68-29-126(9), 68-29-126(13), 68-29-127(9), 68-29-127(10), and/or 68-29-129(8).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 68-29-105, 68-29-126, 68-29-127, and 68-29-129.

Rule 1200-06-03-.20, Advertising, is amended by inserting the following language as new paragraph (6) and renumbering the existing paragraph (6) as paragraph (7):

- (6) Use of Titles in Advertisements. Any medical laboratory licensed by the Board which includes in its advertisements the names of its laboratory personnel must, in every "advertisement" [as that term is defined in rule 1200-6-2-.08(2)(a)] it publishes, use an appropriate personnel title for each such licensee as authorized by rule 1200-06-01-.03(3) of this rule. Failure to do so may constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the medical laboratory training program to disciplinary action pursuant to T.C.A. § 68-29-126(9), 68-29-126(13), 68-29-127(9), 68-29-127(10), and/or 68-29-129(8).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 68-29-105, 68-29-126, and 68-29-129.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of July, 2008. (FS 07-17-08; DBID 881-883)