

Notice of Rulemaking Hearing

Board of Osteopathic Examination

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, 63-1-145, 63-9-101, 63-9-104, 63-9-107, 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 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 2nd day of November, 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 Rules

Chapter 1050-02

General Rules and Regulations Governing the Practice of Osteopathy

Chapter 1050-03

General Rules and Regulations Governing the Utilization of
X-Ray Operators in Osteopathic Physicians' Offices

Amendments

Rule 1050-02-.04 Training, is amended by deleting subparagraph (1) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (b) shall read:

- (1) (b) A special training license may be issued for a one (1) year period only but may be renewed each year on its anniversary date so long as the applicant is still in training and upon submission of a written renewal request from the training program director and payment of the Special Training License Fee as provided in rule 1050-02-.02 (1) (h).

Authority: T.C.A. §§ 63-9-101, 63-9-104, and 63-9-107.

Rule 1050-02-.10 Licensure Discipline and Civil Penalties, is amended by deleting subparagraph (1) (g) and substituting instead the following language, so that as amended, the new subparagraph (1) (g) shall read:

- (1) (g) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
1. During any period of probation, suspension; or
 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or

3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 63-9-101 and 63-9-111.

1050-02-.13 Specifically 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 titles "Osteopathic Physician," "Osteopathic Physician and Surgeon," "Doctor of Osteopathic Medicine," "Doctor of Osteopathy," or "D.O." and to practice osteopathic medicine, as defined in T.C.A. §§ 63-9-106. 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 1050-02-.11 (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. § 63-9-111(b)(1), (b)(3), (b)(10) and (b)(19).

Authority: T.C.A. §§ 63-1-145, 63-9-101, and 63-9-111.

Rule 1050-03-.04 Qualifications for Limited Certification, is amended by deleting subparagraph (1) (c) in its entirety and substituting instead the following language, and is further amended by inserting the following language as new subparagraph (1) (d) and renumbering the current subparagraphs (1) (d) and (1) (e) as subparagraphs (1) (e) and (1) (f), and is further amended by inserting the following language as new paragraph (2) and renumbering the current paragraphs (2) through (5) as paragraphs (3) through (6), so that as amended, the new subparagraphs (1) (c) and (1) (d), and the new paragraph (2) shall read:

- (1) (c) Skull - AP/PA and Lateral Skull Only, and Sinuses (until June 1, 2008)
- (1) (d) Skull and Sinus (on and after June 1, 2008)
- (2) 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. §§ 63-9-101 and 63-9-112.

Rule 1050-03-.05 Obtaining and Upgrading Full and Limited Certification, is amended by deleting part (1) (b) 5. but not its subparts and substituting instead the following language, so that as amended, the new part (1) (b) 5. but not its subparts shall read:

- (1) (b) 5. Applicants applying pursuant to Rule 1050-3-.04 (4) need only submit the following:

Authority T.C.A. §§ 63-9-101 and 63-9-112.

Rule 1050-03-.07 Educational Course Approval and Curriculum for Limited Certification, is amended by deleting part (2) (b) 1., subparagraph (2) (c), subpart (2) (d) 2. (i), and part (2) (d) 3. in their entirety and substituting instead the following language, so that as amended, the new part (2) (b) 1., subparagraph (2) (c), subpart (2) (d) 2. (i), and part (2) (d) 3. shall read:

(2) (b) 1. Chest, extremities, skull, sinus, spine - 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:

- (i) Chest — ten (10) classroom clock hours;
- (ii) Extremities — until June 1, 2008 ten (10) classroom clock hours and thereafter forty (40) classroom clock hours;
- (iii) Skull and Sinuses — ten (10) classroom clock hours; and
- (iv) 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. registered radiographer) 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 — sixty (60) 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 — sixty (60) 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.

Authority: T.C.A. §§ 63-9-101 and 63-9-112.

Rule 1050-03-.12 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. §§ 63-9-101 and 63-9-112.

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of August, 2007. (FS 08-30-07; DBID 714-715)