

Notice of Rulemaking Hearing

Board of Medical Examiners
Committee on Physician Assistants

There will be a hearing before the Tennessee Board of Medical Examiners' Committee on Physician Assistants to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-6-101, 63-19-104, 63-19-105, 63-19-111, 63-19-114, 63-19-201 and 63-19-210. 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 Poplar 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 20th day of February, 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, 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:

Mona N. Jean-Baptiste, Assistant General Counsel, Office of General Counsel, Department of Health, 220 Athens Way, Suite 210, Plaza I, MetroCenter, Nashville, TN 37243, (615) 741-1611.

Substance of Proposed Rules

Amendments

Chapter 0880-03
General Rules Governing the Practice of a Physician Assistant

Chapter 0880-10
General Rules Governing the Practice of an Orthopedic Physician Assistant

Rule 0880-03-.03 Necessity of License, is amended by inserting the following language as new paragraph (3) and renumbering the current paragraph (3) as paragraph (4):

(3) Use of Titles- Any person who holds a valid license or temporary license from the Committee shall have the right to use the title "physician assistant" or the abbreviations "PA" or "PA-C" and to practice as a physician assistant, as defined in T.C.A. §63-19-102. Any person licensed by the Committee 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 0880-03-.20 (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 assistant to disciplinary action pursuant to Rule 0880-03-.15 (1) (a), (1) (c), (1) (h), (1) (p) and (1) (v).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-6-101, 63-19-104 and 63-19-114.

Rule 0880-03-.07 Application Review, Approval and Denial, is amended by deleting paragraph (3) in its entirety and renumbering the current paragraphs (4) through (8) as paragraphs (3) through (7), and is further amended by deleting the newly renumbered paragraph (6) and substituting instead the following language, so that as amended, the newly renumbered paragraph (6) shall read:

- (6) If the Committee finds it has erred in the issuance of a license, the Committee will give written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements for licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to Rule 0880-03-.07(4)(b).

Authority: T.C.A. §§ 63-6-101, 63-19-104, 63-19-105, 63-19-111, and 63-19-114.

Rule 0880-03-.14 Temporary License, is amended by deleting paragraph (3) in its entirety and renumbering paragraph (4) as the new paragraph (3).

Authority: T.C.A. §§ 63-6-101 and 63-19-104.

Rule 0880-3-.15 Disciplinary Grounds, Actions, and Civil Penalties, is amended by deleting subparagraph (2) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (f) shall read:

- (2) (f) Conditions - Any action deemed appropriate by the Board and Committee 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. §§ 63-6-101, 63-19-111, and 63-19-104.

Rule 0880-10-.03 Necessity of License, is amended by inserting the following language as new paragraph (3) and renumbering the current paragraph (3) as paragraph (4):

- (3) Use of Titles - Any person who holds a valid license or temporary license from the Committee shall have the right to use the title "orthopedic physician assistant" or the abbreviations "OPA-C" or "OPA" and to practice as an orthopedic physician assistant, as defined in T.C.A. § 63-19-102. Any person licensed by the Committee 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 0880-10-.20 (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 orthopedic physician assistant to disciplinary action pursuant to Rule 0880-03-.15 (1) (a), (1) (c), (1) (h), (1) (p), and (1) (v).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-6-101, 63-19-201, and 63-19-210.

Rule 0880-10-.15 Disciplinary Grounds, Actions, and Civil Penalties, is amended by deleting subparagraph (2) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (f) shall read:

- (2) (f) Conditions - Any action deemed appropriate by the Board and Committee 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. §§ 63-6-101, 63-19-111, and 63-19-201.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of December, 2007. (FS 12-31-07; DBID 795-796)