

TENNESSEE MEDICAL LABORATORY BOARD LAPSED LICENSE POLICY

The Tennessee Medical Laboratory Board recognizes that an individual may inadvertently allow his /her certification to expire. Per statute T.C.A. 68-29-119 stating in part, *“If a licensee fails or neglects to register such license by the prescribed time, the licensee shall be automatically revoked...”* . It is a violation of the law and of the Board’s rules to practice on an expired licensed if licensure is required. The Board has adopted the following policy relating to Chapter 1200-06-01-.09(1)and (2) Rules for Medical Laboratory Personnel, for expired certifications and reinstatement of administratively revoked certifications.

Any individual working in the capacity of a licensed Medical Laboratory Professional on a lapsed license or beyond the period of a valid temporary permit, shall be considered an incident of unprofessional conduct and the license will be disciplined.

The disciplinary policy of the Board shall be:

1. Immediately upon recognition that his/her license has expired, the individual must cease practicing and contact the Board's administrative office to request a reinstatement application.
2. Upon receipt of the reinstatement application, the individual is to complete the application in its entirety, providing a detailed work history since the license expiration date. The application is to be signed, notarized, and returned to the Board's administrative office along with any additional information and all fees specified in the instructions. The individual must submit proof of documentation of continuing education requirements taken within the previous twenty-four (24) months.
3. Upon receipt of a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant’s payment of all fees, the Board’s administrator may reinstate a license which has been in an expired status for less than ninety (90) calendar days. Although the Board and administrative staff recognize the applicant’s urgent interest in having his or her license reinstated, preferential treatment will not be given to these applicants. All applications are reviewed in the order in which they are received.
4. If the work history reflects that the individual has practiced in excess of ninety (90) calendar days, but less than six (6) months on an expired license, the Board will present to the licensee an Agreed Citation which specifies payment of a fine in the amount of \$100 per month for every month in which the individual has worked at least one day beyond the ninety (90) calendar day grace period.
 - A. The licensee shall be notified that all Agreed Citations prepared in accordance with this policy shall be reportable on the Department of Health’s website, its disciplinary action report issued in the month the action is taken, and to all appropriate federal

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databanks including the National Practitioner Data Bank.

B. This remedy is only available to those medical laboratory personnel who have practiced on a lapsed license for less than six (6) months from the date the license went into expired status.

5. If the licensee refuses to execute the Agreed Citation and/or remit the civil penalty described therein within sixty (60) days of the date the Agreed Citation is sent to the licensee, or if the licensee practiced on a lapsed license for six (6) months or longer, the licensee shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:

A. Formal and reportable Reprimand on the license;

B. Assessment of civil penalties in an amount to not exceed \$500 per month for every month in which the individual has worked at least one day beyond the ninety (90) calendar day grace period;

C. Assessment of costs associated with investigating and prosecuting the matter; and

D. Any and all other remedies the Board deems appropriate.

This information reflects the Board's policy, and the consultant(s) and staff are authorized to interpret and act on this policy.

This policy was adopted January 16, 2003, revised October 9, 2008, and January 27, 2023.