

CHAPTER NO. 956

HOUSE BILL NO. 3123

By Representative Caldwell

Substituted for: Senate Bill No. 3128

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6 and Title 63, Chapter 1, to enact the Health Professional Licensure Agency Act of 2000.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Sections 63-6-224 and 63-9-112 are amended by deleting both sections in their entirety and substituting instead the following language at each location:

(a) The board shall have, in regards to operators of x-ray equipment and/or machines in physician offices, the authority, by rules and regulations, to:

(1) Establish and issue limited x-ray certifications to qualified individuals in the areas of densitometry, chest, extremities, skull and/or sinus and lumbar spine;

(2) Establish and issue full x-ray certifications to individuals who hold current and unrestricted national certification from the American Registry of Radiologic Technologists;

(3) Establish the minimum educational courses, curriculum, hours, and standards which are prerequisite to issuance of the limited certificates;

(4) Select the examination(s) to be utilized as the board's limited certification examination(s) and the prerequisites, if any, for admission to the examination(s). The board is authorized to enter into a contract or agreement with the chosen examination service(s) or select an intermediary between the board and the examination service(s) to process applicants for the examination(s);

(5) Establish any other criteria for issuance of limited certificates which are reasonably related to the safe and competent performance of x-ray procedures;

(6) Establish a mechanism for the board accreditation of educational courses which are operating for purposes of qualifying individuals for limited certification and which meet the requirements established pursuant to the rules promulgated under the authority of subdivision (a)(3), and establish the causes and standards which are grounds for withdrawal of the course accreditation and the mechanism for that withdrawal;

(7) Establish the fees to be paid for application and certification, renewal, and late renewal of certificates and the fees required to be paid for application, renewal, and late renewal of educational course accreditation; and

(8) Establish the required number of hours, types of courses, methods of proving compliance for biennial continuing education for all certificate holders.

(b) The certificates and accreditations issued pursuant to this section must be renewed and may be retired, and reactivated pursuant to board established procedures. A person holding a certificate issued pursuant to this section may be disciplined for the same causes and under the same procedures as contained in Tennessee Code Annotated, § 63-6-214 for the medical board, and § 63-9-111 for the Osteopathic Examination Board.

(c) The standards established by the board pursuant to subsection (a) shall be at least as stringent as any mandatory federal standards.

(d) No person shall perform x-ray procedures in a physician's office without being licensed as a physician or certified by the board pursuant to this section. Persons who have enrolled in a board recognized radiologic training program are exempt from the certification requirements of this section only as to x-ray procedures performed within or under the auspices of the program in which they are enrolled. After completion of the course but while awaiting the first opportunity to sit for the certification examination, but for no more than six (6) months, and for a period of time within which to receive the examination scores, but no more than seventy-five (75) days thereafter, such persons are exempt from the certification requirements of this section.

(e) No x-ray procedures may be performed by any person holding a certificate issued pursuant to this section without:

(1) An order from a physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9; and

(2) A physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title exercising full supervision, responsibility and control over the services being provided. The Board is authorized to establish, by rules and regulations, the levels of supervision required of physicians utilizing persons certified pursuant to this section.

(f) A physician's office for purposes of this section shall mean anywhere the practice of medicine as defined in section 63-6-204, or the practice of osteopathy as defined in section 63-9-106, which includes the performance of x-ray procedures contemplated by this section, is being conducted, except where that practice is conducted in or under the auspices of a facility or entity licensed by the Department of Health's division of health care facilities. The operation of a business in which x-ray procedures contemplated by this section are performed that is not owned by a physician, group of physicians, medical professional corporation, limited liability medical professional company or an entity or facility licensed by the Department of Health's division of health care facilities is prohibited.

SECTION 2. (a) Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting item (21) in its entirety.

(b) Tennessee Code Annotated, Section 4-29-224(a), is amended by adding a new item thereto, as follows:

() Board of medical examiners, created by § 63-6-101;

SECTION 3. (a) Tennessee Code Annotated, Section 4-29-220(a), is amended by deleting item (22) in its entirety.

(b) Chapter 564 of the Public Acts of 2000 is amended by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-224(a), is amended by adding a new item thereto, as follows:

() Board of osteopathic examination, created by § 63-9-101;

(c) Chapter 564 of the Public Acts of 2000 is amended by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

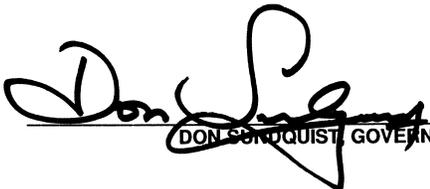
SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 7, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2000


DON SUNDQUIST, GOVERNOR