

Tennessee Medical Laboratory Board



Newsletter



Fall 2010

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Board Meetings for 2011

The 2011 Board Meetings will be held at 227 French Landing, Heritage Place, MetroCenter, Nashville, TN, 37243, in the Iris Conference Room on the ground floor.

Personnel and Education Committee Meetings

Personnel and Education Committee meetings will convene at 1:00 P.M., CST/CDT on the following dates in 2011:

January 12, 2011
April 13, 2011
July 13, 2011
October 12, 2011

Tennessee Medical Laboratory Board Meetings

Full Board meetings will convene at 9:00 a.m., CST/CDT on the following dates in 2011:

January 13, 2011
April 14, 2011
July 14, 2011
October 13, 2011

Application Notes

When making licensure application with the Tennessee Medical Laboratory Board, it is very important that the information be factually correct.

Increasingly, the administrative office reviews applications where the applicant lists employment history for which they are not licensed. Please ensure that the position description listed on the application meets the rules and regulations.

When answering the question about being convicted of a felony or misdemeanor other than a minor traffic offense, be sure to answer yes if this has ever happened, even if expunged. The expunged records process may not always be completed and the court related activities will appear when the criminal background check is completed. Never let it appear that a false or misleading statement has been made.

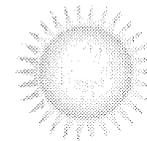
BOARD MEMBER ACTIVITY

A Farewell and Thanks to Former Board Members

NAME	CITY	REPRESENTING
Delores Voigt	Memphis	Hosp. Administrator
Steven Dickerson, MD	Nashville	Non-Path. Physician

Welcome These Board Appointees

Regina L. Bartlett, RN	Hendersonville	Hosp. Administrator
Royce E. Joyner, MD	Memphis	Pathologist (Educator)
Trudy A. Papuchis, M.D	Mt. Juliet	Lab Mgr/Adm. Dir.



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate notice of such meeting. Open meeting notices can also be accessed at

www.tennesseeanytime.org/pmn/index.html

This information also is available on the bulletin board in the reception area of the Health Related Boards located at 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243. A copy may also be requested by calling the Board office.

ACCESSING THE BOARD'S WEB SITE

<http://health.state.tn.us/Boards/MedLab/index.htm>

There are many resources on our website including, but not limited to, the rules, statutes, applications, policy statements and a list of approved educational schools/programs and licensed facilities. License renewal and licensure verification may also be utilized on this website. This is a valuable resource. Please use it.

RULE CHANGES

SEPTEMBER 2009 – JULY 2010

The following rule changes have occurred since September, 2009.

- Rule 1200-06-01-.12(4)(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.
- Rule 1200-06-01-.12(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 shall be taken via the Internet, in multi-media and/or electronic formats as provided in subparagraph (4) (a).
- Rule 1200-06-01-.22(1)(h)(4-5) 4. Only the laboratory experience which occurs at a CLIA-approved site or at an accredited college or university. 5. Only the laboratory experience which has been properly documented to the Board's satisfaction.
- Rule 1200-06-02-.08(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 1200-06-02-.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(11), 68-29-126(13), 68-29-127(9), 68-29-127(9), 68-29-127(10), and/or 68-29-129(8).
- Rule 1200-06-03-.20(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 1200-06-03-.20(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 to disciplinary action pursuant to T.C.A. §68-29-126(9), 68-29-126(11), 68-29-126(13), 68-29-127(8), 68-29-127(9), 68-29-127(10) and/or 68-29-129(8).

DISCIPLINARY ACTION REPORT

The action taken against Medical Laboratory Professionals is reportable on the monthly Disciplinary Action Report on the Department of Health website at <http://health.state.tn.us/boards/disciplinary.htm>. The minutes of the Medical Laboratory Board meeting will be included in the Laboratory Board Newsletter.

July 2010

Licensee:	Ronald Lessard, License No. 8338 Memphis, TN
Violation:	Failure to comply with a previous consent order to complete TnPAP program
Action:	Suspension

January 2010

Licensee:	Gina B. Stevens, License No. 21083 Knoxville, TN
Violation:	Providing professional services while under the influence of alcohol, narcotic, or other controlled dangerous substance.
Action:	License placed on probation to run concurrently with TnPAP contract.



NEW TRAINING PROGRAMS APPROVED BY THE TENNESSEE MEDICAL LABORATORY BOARD (TMLB)

Two new training programs were approved by the TMLB during its quarterly meetings in April and July, 2010. MedVance Institute, Nashville, TN, made application and was granted approval for their Medical Laboratory Technician training program.

With the addition of this second campus for MedVance, there are now six (6) approved training programs statewide for the training of medical laboratory technicians.

The Tennessee Department of Health Laboratory Services made application and was granted approval for their Medical Technologist-Microbiologist training program. This program trains students who hold a BS degree. Training in this specialty program will be for one and a half (1.5) years.

NEW POLICY NOTIFICATION

This policy statement was adopted by the Tennessee Medical Laboratory Board on April 15, 2010.

TENNESSEE MEDICAL LABORATORY BOARD POLICY STATEMENT REGARDING LICENSEES

WHO FAIL TO OBTAIN CONTINUING EDUCATION

The Tennessee Medical Laboratory Board realizes that an individual may unintentionally fail to obtain Continuing Education (CE) in a timely manner. However, statute prohibits an individual from working as a Medical Laboratory Professional unless he/she has obtained the appropriate number of CE hours. Acknowledgment is given to the fact that this problem exists; however, the Board cannot overlook an individual who has failed to obtain the appropriate number of CE hours. With this in mind, the Board has adopted the following procedures for discipline.

1. When it is discovered by the Board or its staff that a licensee has failed to obtain CE hours in a timely manner, the licensee shall have ninety (90) days from the date that appears on the deficiency letter from the Board Director in which to obtain the CE hours that are still deficient and to submit proof of completion of those hours to the Board's staff.
2. If the licensee fails to obtain the exact number of CE hours that are still deficient within the ninety (90) days, the matter will be forwarded to the Tennessee Department of Health, Office of General Counsel, at which time the licensee will be assessed a civil penalty of Twenty Dollars (\$20.00) for each CE hour that is still deficient; be required to obtain the CE hours that are still deficient; and, in addition, be required to obtain ten (10) punitive CE hours. The licensee will also be audited for the next CE cycle.
3. The civil penalty assessment and an agreement to obtain the required number of CE hours will be contained in the form of an Agreed Citation, which is an offer of settlement to pay the civil penalty assessment within thirty (30) days (from the date that appears on the second deficiency letter from the Board Director) and to obtain the CE hours that are still deficient, plus the punitive CE hours, within ninety (90) days (from the date that appears on the second deficiency letter from the Board Director). The licensee will have the option to accept the Agreed Citation, and thereby waive the right to appear before the Board; or the licensee shall have the right to appear before the Board; or the licensee shall have the right to a contested case hearing before the Board.

4. Should the licensee fail to pay the civil penalty and obtain the required number of CE hours through the

Agreed Citation, the Tennessee Department of Health, Office of General Counsel will file a formal disciplinary action against the license, up to, and including revocation.

JCAHO REGARDING ACADEMIC DOCUMENTATION

Questions have been raised about academic documentation during Joint Commission on Accreditation of Healthcare Organizations (JCAHO) surveys. According to the JCAHO:

“When there is a state personnel licensure requirement, evidence of the individual’s state license is acceptable to demonstrate their academic achievement. No further academic documentation (diplomas, degrees, transcripts) is required. This applies to physicians (MD, DO, DPM, DDS), midlevel practitioners and testing personnel. Note that a state license must be primary source verified per Joint Commission standard HR.01.02.05. Also, evidence of laboratory credentials formally granted by the federal government under the Department of Health Education and Welfare (HEW) are also acceptable and no further academic documentation is required.”

The following links may help alleviate some of the questions and concerns regarding academic documentation:

http://www.jointcommission.org/AccreditationPrograms/Hospitals/Standards/09_FAQs/HR/Evidence+of+Qualifications.htm

http://www.jointcommission.org/AccreditationPrograms/Hospitals/Standards/09_FAQs/HR/Primary+Source+Verification.htm

The public may access Tennessee medical laboratory personnel license verification at:

<http://health.state.tn.us/licensure/default.aspx>

REMINDER ABOUT NATUROPATHY

Last year, the General Assembly amended Tenn. Code Ann. Sect. 63-6-205 relative to the practice of naturopathy. Now, the definition of naturopathy **excludes** the sale of herbs or natural health information exchanges so long as the sale or provision of information exchanges is not conducted for the purpose of prevention, diagnosis or treatment of any physical ailment or physical injury to or deformity of another. The seller must obtain a signed acknowledgement from the buyer that the seller is neither a licensed practitioner of the healing arts in Tennessee, nor meets the recognized qualification criteria which would allow the provision of any form of diagnosis, treatment recommendation, or medical care in Tennessee.

LEGISLATIVE UPDATE

Public Chapter 1084

This Public Chapter amends Tenn. Code Ann. Sect. 63-1-149. and requires that on and after October 1, 2010, before employing or contracting with any person who would be providing direct patient care, for whom a background check has not been completed, a health care professional licensed under any chapter of title 63 or title 68, chapters 24 and 140, shall initiate and perform a "registry check" which for the purposes of this section is defined as:

- (1) A state-by-state look in any state in which the person has lived in the previous seven (7) years of the national sex offender public registry website coordinated by the United States department of justice, including but not limited to the sexual offender registry maintained by the Tennessee bureau of investigation pursuant to title 40, chapter 39, part 2; and
- (2) Any adult abuse registry maintained for any state in which the person has lived in the previous seven (7) years; and
- (3) The department of health's elder abuse registry established pursuant to title 68, chapter 11, part 10.

Additionally, should an applicant be listed on any of the registries listed above in subdivisions (a)(1)-(3), the health care professional shall not employ or contract with the person if the person would be providing direct patient care.

A health care professional who complies with the requirements to perform registry checks under subsection (a), or relies on a documented representation provided by an entity with which the health care professional contracts that the person who will work in the office is not on any of these registries, shall not be subject to civil or criminal liability solely based upon the information provided through a registry check under this section. This immunity shall extend to a claim related to the professional's refusal to employ or contract with a person based on information obtained from a registry check.

This section is not intended to apply to contracted, external staff who provide such services as cleaning services, maintenance of office or medical equipment or other services where direct patient contact is not intended.

This section shall not apply to health care professionals licensed under title 63, chapter 12.

The department of health shall post no later than October 1, 2010 in a conspicuous location on its website as well as the website of each applicable licensing board a link to all potential databases the health care professional would be required to check pursuant to subsection (a) above. In addition, each applicable licensing board shall notify all of its

licensees at least annually through board newsletters of their obligations under this statute.

The full text of Public Chapter 1084 may be read or downloaded from the following site:

<http://state.tn.us/sos/acts/106/pub/pc1084.pdf>

REMINDER ABOUT PRACTITIONER PROFILES

The Health Care Consumer Right-to-Know Act of 1998, T.C.A. § 63-51-101 et seq, requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (3) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (4) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been take by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or non renewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the department to the public. (5) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the Department will compile a practitioner profile which is required to be made available to the public via the World Wide Web and toll-free telephone line after May 1, 1999. **Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law.** A copy of your initial or updated profile will be furnished to you for your review prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments. **Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.**

A blank copy of the profile may be obtained at:

<http://health.state.tn.us/Downloads/g6019027.pdf>

Tennessee Medical Laboratory Board Members

Edward McDonald, MD
Nashville, TN
Pathologist, Non-Educator
Vice-Chairman

Norman Crowe
Knoxville, TN
Independent Laboratory Manager
Chairman

Annie Washington, MT
Memphis, TN
Medical Technologist Generalist
Chairman, Personnel and Education
Committee

Pamela Bullock, M.D.
Knoxville, TN
Pathologist, Non-Educator

Royce E. Joyner, MD
Memphis, TN
Pathologist-Educator

Trudy Papachus, MD
Mt. Juliet, TN
Pathologist
Hospital /Laboratory Manager
Administrator Director

Cheryl Arnott
Nolensville, TN
S.A.-Cytotechnologist

Gloria Jenkins
Brentwood, TN
Citizen Representative

Diane Robbins, MT
Livingston, TN
Medical Technologist

Christopher H. Seay, MT
Memphis, TN
Medical Technologist/Laboratory
Supervisor

Regina L. Bartlett, RN
Hendersonville, TN
Hospital Administrator

Darius Y. Wilson, MAT, Ed.D.
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Educator

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Roberta Tolliver
Licensing Tech

K. Denise Burton
Administrative Assistant 1

Surveyors

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Mary Hamblen, MT
Medical Technologist Consultant 2

Karon Hathcoat, MT
Medical Technologist Consultant 1

Middle Tennessee Regional Office

Onezean Otey, II, MPH, BSMT(ASCP)
Medical Technologist Consultant 2

Karen Hargrove, MT
Medical Technologist Consultant 1

East Tennessee Regional Office

Julia Daniels, MT
Medical Technologist Consultant 2

Taylor Carpenter, MT
Medical Technologist Consultant 1