

Tennessee Medical Laboratory Board



Newsletter



Spring 2006

A regulatory agency of the State of Tennessee

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Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010 • <http://tennessee.gov/health>
(615)532-3202 or 1-800-778-4123 Office Hours: Monday-Friday 8 a.m. to 4:30 p.m. Central Time (except State & Federal Holidays) Fax (615)741-7698

NEW BOARD MEMBERS



Four new board members were appointed by Governor Bredesen. They include John C. Neff, M.D., a pathologist-educator member. Mr. Norman Crowe is representing management in laboratories categorized as independent. Gloria Jenkins is representing the citizens of Tennessee. Trudy Papuchis, M.D., is representing the hospital laboratory manager/administrative director category. The Department would like to express appreciation to Dr. Handorf, Ms. Terry, Ms. Pryor, Ms. Hargrove and Ms. Stinnett for their years of dedicated service to this Board.



CONTINUING EDUCATION

The Board's Administrative Office has received many telephone calls regarding continuing education requirements (CEs). There seems to be some confusion about when the cycle begins and ends, which providers are approved, and how many hours are required.

During the 2004-2005 legislative session, the Tennessee Code Annotated (T.C.A.) was amended to include continuing education requirements for medical laboratory professionals, T.C.A. §§ 68-29-105.

The Board promulgated guidelines to be found in Rules for Medical Laboratory Professionals 1200-6-1, pertaining to the renewal and reactivation of all licenses issued by the Department relating to laboratory personnel that work in an anatomic or clinical laboratory setting.

Beginning January 1, 2006:

Basic Requirements:

- Each licensed medical laboratory professional must successfully complete twenty-four (24) hours of approved continuing education pertaining to laboratory technology or laboratory management for the two (2) calendar year (January 1-December 31) period that precedes the licensure renewal year.

- **New licensees** are exempt from CE requirements during their initial two (2) calendar year cycle. The licensee has twenty-four (24) months to successfully complete the two (2) calendar year requirement.

- CEs required to **upgrade to a supervisory level** shall not count towards completion of these reoccurring continuing education requirements.

- Every CE cycle will run from January 1 of one calendar year to December 31 of the following calendar year.

Example:

- January 1, 2006-December 31, 2007
- January 1, 2007-December 31, 2008

Licensees can complete all of their required CE hours in either year during the cycle, or they can complete part of the required hours in one year of the cycle and the remainder of the required hours during the second year of the cycle.

However:

- The hours obtained in one (1) cycle do NOT carry over into the next cycle.

Example: An individual completes 35 hours during a cycle; only 24 are needed. The remaining nine (9) hours are not applicable to the next CE cycle.

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ACCESS THE BOARD'S WEB SITE:

- ▶ Log on to <http://tennessee.gov/health>
- ▶ Click on Licensing in the title bar
- ▶ Click on Health Professional Boards
- ▶ Select "Medical Laboratory Board"

The rules, statutes, applications, policy statements, and a list of approved educational schools/programs are all available online. Licensure renewal and licensure verification may also be utilized by this web site.



WE ARE MOVING



The Bureau of Health Licensure and Regulation, which includes the Medical Laboratory Board, is moving to offices located in the Metro Center area of Nashville. The tentative move date is Spring 2006.

DISCIPLINARY ACTIONS

The following disciplinary actions were taken by the board during 2005:

Susan S. Berry, MT, Memphis, TN MT2110
Violation: Practicing as supervisor without license
Action: Reprimand

Ronald J. Lessard, MT, Memphis, TN MT8338
Violation: Practicing as supervisor without license
Action: Reprimand

Theresa J. Smith, MT, Bartlett, TN MT2793
Violation: Practicing as supervisor without license
Action: Reprimand

Bobbie J. Westbrooks, MT, Memphis, TN MT4347
Violation: Practicing as supervisor without license
Action: Reprimand

RULE CHANGES 2004-2005:

There have been numerous changes to Rules 1200-6-1-Medical Laboratory Personnel and Rules 1200-6-3 Medical Laboratory Facilities.

The following rule changes have occurred since the last newsletter in the spring of 2004:

- Rules 1200-6-1-.20 and 1200-6-3.01 concerning dentists licensed and certified in oral pathology by the Tennessee Board of Dentistry in addition to holding certification by the American Board of Oral and Maxillofacial Pathology, to serve as a medical laboratory director limited to the specialty of oral pathology. Effective: August 16, 2004
- Rules 1200-6-1-.24 (1) regarding the qualifications of the cytotechnologist. Effective: September 21, 2004
- Rules 1200-6-3-.02(3) (a) regarding a change in the renewal date of licensed laboratory facilities (training programs not included) on the anniversary date of the original license issued by the Board. Effective: September 21, 2004
- Rules 1200-6-1-.15(3) & 1200-6-3-.05(3) regarding the issuance of Order Modifications. Effective: September 21, 2004
- Rules 1200-6-1 & 1200-6-3 regarding an appearance before the board at the end of the licensee's disciplinary period. Effective: September 21, 2004
- Rules 1200-6-1-.14 regarding the trainee permit of any student during rotation kept on site at the facility where training is obtained. Effective: December 25, 2004
- Rules 1200-6-1-.20 regarding the review of all proficiency testing reports by the laboratory director and staff. Effective: December 25, 2004
- Rules 1200-6-3.09 (25)(a) Quality Control regarding automated hematology test systems to allow, excluding coagulation, the laboratory must include two (2) levels of controls for each twenty-four (24) hours of operation. Effective: March 30, 2005

- Rules 1200-6-3-.05 concerning licensure discipline, the assessment of civil penalties for laboratory noncompliance, assessment of costs and subpoenas. Effective: July 30, 2005
- Rule 1200-6-3-.15 Rules concerning platelet pre-counts and educational screenings limited to blood groups (ABO) and blood type (Rh). Effective July 30, 2005.

All rules pertaining to the practice of laboratory medicine in Tennessee are available on the Department's web site.

PUBLIC ACTS 2005

CHAPTER NO. 479

The Tennessee Code Annotated, 68-29-117, the Tennessee Medical Laboratory Act, was amended during the 2005 legislative session.

The amendments are as follows:

- T.C.A. 68-29-117(d)(1)...The board may issue to an applicant a temporary license as a medical technician, medical technologist, special analyst, or medical laboratory director who has successfully completed the academic course work, clinical training, and all board designated requirements for the license sought, and who is scheduled to take the next available board approved examination.
- T.C.A. 68-29-117(d) (6)...The recipient of a temporary license issued under the provisions of this subsection shall work only under the direct supervision of a licensed medical laboratory personnel appointed by the laboratory supervisor as preceptor to the temporary licensee. This preceptor will hold a license equal to or higher than the temporary licensee's level of licensure.

CHANGE OF ADDRESS

Must be reported (in writing or by web site) to the Board's office within 30 days of the change!

- Your name and license number and profession;
- Your old address and phone number;
- Your new address, phone number, e-mail address, and/or your fax number; and
- Your signature.

Fax Number 1-615-741-6962 or visit the Department's web site

Renew faster by renewing online: <http://tennessee.gov/health>

PEER ASSISTANCE SERVICES

The Tennessee Medical Laboratory Board provides an access to those individuals whose practice is impaired or potentially could be impaired due to the use of alcohol or drugs, or a psychological or physiological condition. Licensed medical laboratory personnel and licensure applicants are eligible to utilize this advocacy agency.

Tennessee Professional Assistance Program

545 Mainstream Drive, Suite 414
Nashville, TN 37228-1201
Phone 1-615-726-4003 or 1-888-776-0786
Fax 1-615-726-4003

Website: www.tnppap.com

BOARD MEETING SCHEDULE 2006

April 12	Personnel & Education Committee
April 13	Full Board
July 12	Personnel & Education Committee
July 13	Full Board
October 11	Personnel & Education Committee
October 12	Full Board

Personnel & Education Committee meets at 1 p.m., Central Time.
Full Board meets at 9 a.m. Central Time. All meetings are held in the Cumberland Room.



CONTINUING EDUCATION

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- **Continuing** education cycles are NOT the same as renewal cycles. Licenses expire at the end of the licensee's birthday month. By contrast the CE cycle will **always** run from January 1 of one year to December 31 of the next year for the two years prior to your renewal year.
- When licensees sign their renewal application during the "renewal process," they are attesting that they have completed all requirements for renewal including completion of all CE requirements.
- Attesting to attendance and completion of the required CE hours which is not true, will subject the licensee to disciplinary action.
Rule 1200-6-1-.12 (7) (a)

Reactivation of a License/CE Requirements

- **Retired License**-An individual whose license has been retired for two (2) years or less will be required to fulfill all continuing education requirements.
- **Revoked License**-An individual whose license has been revoked for failure to comply with continuing education requirements may be reactivated without complying with these requirements. Requirements will accumulate at the same rate as that for those licenses which are active.
- **Expired License**-An individual whose license has expired may have the license reactivated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement **MUST** equal the hours required had the license remained in an active status, and must have begun and successfully completed before the date of reinstatement.
The continuing education hours obtained as a prerequisite for reactivating or reinstating a license may not be counted toward completion of any two (2) calendar year requirements.

- **Documentation of CEs**-Each licensee must retain proof of attendance and completion of all CE requirements for a period of three (3) years from the end of the two (2) calendar year period in which the CE was required. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.

The Board will not maintain continuing education files for individual licensees.

- If requested from the Board's Administrative Office, the individual must, within thirty (30) days, provide evidence of CE activities by submission of one (1) or more of the following:

1-Certificates verifying the licensee's attendance at continuing education programs. The certificate must include: program providers identity, date, clock hours awarded (CE units must be converted to clock hours), program title, licensee's name and license number.

2-An original letter on official stationery from the CE provider indicating date, clock hours (CE units must be converted to clock hours), program title, licensee's name and license number.

3-Certificates or letters verifying successful completion of a written post experience examination to evaluate material retention upon completion of a multi-media and/or electronic course. The certificates or letters must include the clock hours awarded (CE units must be converted to clock hours), program title, licensee's name and license number.

4-Copies of published articles. If a licensee submits documentation for training that is not clearly identifiable as appropriate continuing education, the Board will request a written description of the training and its applicability. If the Board determines the training can not be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted toward completion of any other CE requirement.

CE Formats

- Continuing education courses may be presented in the traditional lecture and classroom formats.
- Continuing education courses may be presented with successful completion of a written post experience examination to evaluate material retention in a multi-media and/or an electronic format.

Denial of CE Credit

- No continuing education credit will be given for the following: membership in, holding office in, or participation on boards or committees, business meetings of professional organizations or banquet speeches.
- No continuing education credit will be given for regular work activities, administrative staff meetings, case staffing or reporting except for the preparation and teaching of CE materials.

Violations

Any licensee who falsely certifies attendance and completion of the required CE hours may be subject to disciplinary action. Prior to disciplinary action, notification from the administrative office will be sent to the last known address of the licensee and the licensee has thirty (30) days to show compliance with all requirements for the retention of the license. Failure to respond to the CE deficiency letter may result in disciplinary action.

CEs obtained as a result of compliance with a Board Order in any disciplinary action shall not be credited toward any CE requirement.

CE Courses

The following organizations and entities are authorized to present, sponsor, or approve continuing education courses:

- American Board of Bioanalysis
- American Board of Clinical Chemistry
- American Board of Histocompatibility and Immunogenetics
- American Board of Medical Laboratory Immunology
- American Board of Medical Microbiology
- American Board of Oral and Maxillofacial Pathology
- American Board of Pathology

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- American Medical Association
- American Medical Technologists (AMT)
- American Osteopathic Board of Pathology
- American Red Cross
- American Society for Clinical Laboratory Science
- American Society for Clinical Pathology (ASCP)
- American Society of Cytopathology
- American Society for Cytotechnology
- American Society for Microbiology
- Center for Phlebotomy Education
- Center for Disease Control
- Centers for Medicare and Medicaid Services
- Clinical Laboratory Management Association and/or its Tennessee Chapter
- College of American Pathologists
- International Academy of Cytology
- National Credentialing Agency for Medical Laboratory Professionals (NCA)
- National Laboratory Training Network (NLTN)
- Southern Association of Cytotechnologists
- Tennessee Association of Blood Banks
- Tennessee Department of Health
- Tennessee Hospital Association
- Tennessee Medical Association
- Tennessee Society of Pathologists
- Tennessee State Society of American Medical Technologists
- Accredited colleges and universities
- Hospitals licensed by the Tennessee Department of Health Division of Health Care Facilities.
- Laboratories, blood donor centers, plasmapheresis centers, ambulatory surgical treatment centers, and collection stations licensed by the Board whose continuing education courses have been approved by the medical laboratory director or his/her designee
- Organizations and entities approved by other state laboratory personnel licensing agencies.
- Organizations and entities approved as P.A.C.E. ® (Professional Acknowledgement for Continuing Education) course providers.

HOW TO RENEW ONLINE:

Step 1: Login - Select our board and your profession and enter your license number.

Step 2: Update your Information - Change your home and/or office address, add your e-mail address, and/or your fax number.

Step 3: Enter your renewal information - Answer all necessary questions, as if you were completing your hard-copy form.

Step 4: Payment - Enter your credit card information through the secure site and choose "submit". Only choose submit button once.

Step 5: Transaction Receipt-Print a copy of the information containing the verification number of the renewal transaction for your records.

If you have met all of the criteria necessary, your renewal certificate will be mailed to you in approximately one week. Information will be available on the Department's web site the next business day.

HOMELAND SECURITY

Health Related Boards (HRB) is assisting the Tennessee Office of Homeland Security and the Department of Health in preparing the State for emergency and/or crisis situations. Whether the crisis is the result of an act of bioterrorism or the rapid spread of a communicable disease such as SARS, it is imperative that our health care community have a mechanism in place to organize and address the situation in a reasonable and timely manner.

It is the task of HRB to obtain and record email addresses and/or fax numbers for individual health care professionals. This data will then be used in a crisis or emergency situation to immediately alert health care providers throughout the State of Tennessee of the situation and plan of action. The information gathered will not be shared outside state government.

Please contact your HRB profession office today and provide this vital information for the health, safety and welfare of the citizens of the State of Tennessee. You may utilize the online Change of Address option at the board web site at <http://tennessee.gov/health>, fax the information to 1-615-741-7698 to the attention of the Tennessee Medical Laboratory Board or email to Roberta.Tolliver@state.tn.us. Please include your name as it appears on the license, and your license number.

HURRICANE KATRINA

During the recent natural disaster known as hurricane Katrina, the Department of Health was instrumental in providing assistance to those health care professionals involved in this crisis.

The Department, by Executive Order of Governor Phil Bredeben, Tennessee issued temporary licenses for persons displaced by this catastrophic event. This Executive Order expired on December 25, 2005.

Health Related Boards provides a volunteer registration pathway through the Tennessee Emergency Medical Association (TEMA) allowing Tennessee licensed health professionals to volunteer their services in Mississippi, Louisiana and Alabama.

BOARD CONSULTANT GUIDELINES

The Tennessee Department of Health is charged with the responsibility of regulating health care professionals to protect the health, safety and welfare of the citizens of this State.

Regulation is accomplished through twenty-plus health related boards which set qualifications for the licensure and continued competency of each regulated health professional. Each board sets standards for professional practice and is responsible for the discipline of those health professionals found guilty of violations of laws and regulations.

These measures are accomplished by three state agencies working in tandem. The agencies are:

The **Division of Health Related Boards** provides administrative and investigative services for the boards.

The **Office of Investigations** is responsible for investigating complaints against any licensee. Investigations are usually precipitated when a complaint is received from the public.

The **Office of General Counsel's** function is to provide legal advice to the department and the boards, which are administered by the Division of Health Related Boards (HRB). The Office of General Counsel also represents the department in administrative and disciplinary hearings. The Office of General Counsel does not provide legal advice to licensees or applicants for licensure.

General Statement of Functions:

Following a general protocol, board consultants may be called upon to participate in the following:

- Review and evaluation of complaints filed with the Office of Investigations for alleged violations of the Practice Act and/or rules.
- Complaint File Review-In conjunction with the Department's Office of General Counsel, a consultant will provide and apply expertise as a practitioner of the profession, while the litigation attorney will provide the legal expertise. Together the consultant and the state's attorney will make the decisions concerning the disposition of pending complaint files.
- Review of applications and supporting documents and make initial determination as to the eligibility/ineligibility for licensure where the board's statutes and rules grant authority.
- Review of continuing education documentation for compliance with the board's statutes and rules.
- Undertaking of any other matter authorized by the board and serve on ad hoc committees.

All work is strictly confidential and shall not be disclosed to anyone except the board's authorized administrative staff, Internal Audit and Investigations and the Office of General Counsel.

Minimum Qualifications for a Medical Laboratory Board Consultant

1. Holds a current license issued by the Board of Medical Examiners as a physician in the specialty of Clinical Pathology, Anatomic Pathology or both or
2. Holds a current license issued by the Medical Laboratory Board in the category of Medical Laboratory Director and
3. Has never had his/her license restricted, sanctioned, revoked or otherwise disciplined in this state or any state, jurisdiction or territory and
4. Has a general knowledge or applied practice as detailed in the Tennessee Code Annotated, Rules of the Tennessee Medical Laboratory Board and
5. Is not currently under disciplinary review, which could possibly lead to legal or ethical disciplinary sanction, restriction, or similar action or condition by the Division of Health Related Boards or other licensure/certification board or professional association in any other state or locality and
6. Is an actual and bona fide resident and a legally practicing physician or medical laboratory professional licensed in the category of Medical Laboratory Director, Medical Laboratory Technologist or Special Analyst in this State for a period of five (5) years or more preceding such appointment to this position, and
7. Is not regularly employed by nor is a member of the governing body of any medical laboratory training program, college or university.

How the process will work:

1. A list will be compiled consisting of licensees who meet the criteria and indicate a willingness to be a board consultant. It is the state's intent that these actions will preserve the integrity of the process by avoiding the appearance of impropriety and/or conflicts of interest.

If a consultant has a personal/professional relationship with the applicant or licensee, the consultant shall recuse himself/herself. The Division will then assign another consultant.

2. When there is a need for a board consultant by either of the above entities, a telephone contact will be made to schedule a date, time and location for the task to be accomplished. Most tasks will require the individual to travel to Nashville. The division offices are open between the hours of 8 a.m.-4:30 p.m. Central Time, Monday-Friday.

3. Once a consultant is placed on the contact list, rejecting a consultation opportunity on three (3) consecutive requests by the department or failure to appear at a scheduled time shall be just cause for removal from the contact list.

General Compensation Rates and Procedure for Compensation-Monthly Basis

In order to be paid for travel to include mileage, lodging and meals, the individual must complete and submit a travel claim for reimbursement of travel expense no later than five (5) days after the end of the month which travel occurred. All written signatures on the travel claim must be original.

Telecommunications costs while on travel status-local phone calls, fax charges and long distance calls for state business will be reimbursed. Individuals must provide a statement furnishing the date, name and location called for long distance calls and fax charges.

If you meet the qualifications listed above and are interested in assisting with this crucial part of licensure and regulation, please submit a current resume which clearly reflects your employment history.

This cover letter should include your license number with expiration date. The cover letter should also state that you meet the minimum qualifications indicated above, and unequivocally state that you understand the stipulations in the above paragraphs. You must provide us with a telephone number where you can be reached during our business hours.

Please send your resume and cover letter to:

Tennessee Department of Health
Division of Health Related Boards
Medical Laboratory Board
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville TN 37247-1010

BOARD POLICY STATEMENTS

All policy statements issued by the Board will be found under the index located on the Board's web page.

THINGS TO COME:

- April 23, 2006 – April 29, 2006
National Medical Laboratory Week
- Effective June 1, 2006
New Applicant Requirement:
Criminal Background Check – please go to Health Related Boards website for additional information:
<http://www2.state.tn.us/health/Boards/index.htm>



Tennessee Medical Laboratory Board
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

**Tennessee Medical Laboratory
Board Members as of February 15, 2006**

Linda Lahr, MT
Chair, Full Board
Elizabethton

Martha Duncan, MT
Chair, Personnel & Education Committee
Nashville

Dennis C. Carter, M.D.
Murfreesboro

Trudy Papuchis, M.D.
Hospital/Laboratory
Manager/Administrative Director

Jere Ferguson, M.D.
Vice-Chair, Full Board
Bristol

Alison McDonald-Spakes, C.T.
Nashville

Delores Voigt, V.P.
Memphis

Edward McDonald, M.D.
Nashville

Thomasa E. Cooper, M.T.
Memphis

Norman Crowe
Knoxville

Yvonne Davis, M.T.
Memphis

John C. Neff, M.D.
Knoxville

Robbie H. Bell
Ex Officio
Director of Health Related Boards

Gloria L. Jenkins
Citizen Representative

Board Staff

Lynda England, BS MT (ASCP)
Director

Cheryl Thacker, BS MT MS
Med Tech Consultant I

Denise Burton
AA 1

Roberta Tolliver
Licensing Tech

