

Tennessee Medical Laboratory Board



Newsletter



Summer 2011

A regulatory agency of the State of Tennessee

Vol. 2, No. 1

Bureau of Health Licensure and Regulation • Health Related Boards • 227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243
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BOARD MEETINGS FOR 2011

The 2011 Board Meetings will be held at 227 French Landing, Heritage Place, Metro Center, 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 1:00P.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 9:00A.M. CST/CDT on the following dates in 2011:

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



BOARD MEMBER ACTIVITY

A Farewell and Thanks to Former Board Members

Edward McDonald, MD	Nashville	Pathologist, Non-Educator
Darius Wilson, MAT Ed.D	Memphis	Educator

Welcome These Board Appointees

Kathleen Kenwright	Cordova	Educator
Jerry L. Miller, MD	Kingsport	Non-Pathologist Physician
Thomas F. O'Brien, MD	Memphis	Pathologist, Non-Educator



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

<http://health.state.tn.us/boards/calendar.htm>

This form is also 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

- Log on to <http://tn.gov/health>
- In the title bar: Click on For Health Care Professionals
- Under Health Related Boards: Click on Medical Laboratory

There are many resources on our web site 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 web site. This is a valuable resource. Please use it. You will find it to be very friendly.



Training Permit Temporary License

There is a difference

There appears to be some confusion as to these two documents issued by the Tennessee Medical Laboratory Board. These documents are issued for two different, distinct circumstances and the rules of use must be understood by those that hold and practice under their license.

A Training Permit is issued from applications completed by students in approved training programs prior to their clinical practicum. These applications are submitted to the administrative office, on behalf of the students, by the Program Director. Once received and approved, the Training Permit is issued for the period of time the student will be training at the bench in approved clinical rotation sites for their program. The permit for the student must be kept on file at the clinical rotation site while that student trains in the facility. When and if the student moves to a different rotational site, the Training Permit must follow the student to their next training site.

The Training Permit is only good during the period requested for Clinical Practicum and may not be used after that expiration date.

Trainees may use this permit to work and receive remuneration in those specialties for which they have completed their classroom lectures and clinical practicum provided they are under direct supervision of licensed medical laboratory personnel at the medical technologist level or higher. Trainees can perform testing but may not report test results unless the report is signed by their direct supervisor at the medical technologist level or higher. This provision to work and receive remuneration, under the parameters stated may only be exercised at the facility in which the specific training was obtained.

A Temporary License may be issued only as a bridge between the time of application for full licensure and the reporting to the Board of a successful challenge of the certification examination.

Upon graduation, trainees may seek licensure in the State of Tennessee. Individually, prospective licensees must complete the application process which consists of having several documents submitted, including proof of certification, to the Administrative Office.

The proof information needed for licensure is readily obtainable, however the Board is aware that certification exams are only given periodically and that the applicant must apply for and sit to challenge an upcoming certification examination.

To not hinder the applicant from seeking gainful employment, a Temporary License may be issued by the Administrative

Office consultant provided all other qualifying documents are present in the applicant's file. The applicant must provide the consultant a copy of their eligibility letter from the certification agency and must affix the scheduled exam date on the letter. A Temporary License will not be issued under any other circumstance.

A Temporary License allows the applicant to practice in the category for which the license is issued. The applicant must practice under the supervision of a licensed laboratory professional appointed by the laboratory supervisor as a preceptor to the Temporary License. The preceptor must hold a license equal to or higher than the temporary licensee's level of licensure.

The Temporary License will remain valid until the results of the certification exam are made available to the Board. If the applicant fails the exam or fails to take the scheduled examination, the Temporary License is immediately null and void on the day of the exam. Under these circumstances, the Temporary License **must** be returned to the Tennessee Medical Laboratory Board Administrative Office.

The Temporary License does have an expiration date, however this date **does not** supersede the provision of immediate expiration on the event of failure to successfully challenge or sit for the scheduled examination. The expiration date is set for administrative purposes and is not intended for and will not be allowed to be used as permission to set for multiple examinations.

The holder of the Temporary License and the facility where the licensee is employed are equally responsible for the proper utilization of this license and its provisions must not be interpreted with any less scrutiny than a full license to practice laboratory medicine. Any active practice past the expiration date of the license or contrary to the stated provisions, is a violation of Chapter 1200-06-01 of the Tennessee Medical Laboratory Rules and Regulations and will be considered as such.

Any questions concerning the proper utilization of a Training Permit or a Temporary License should be directed to the Tennessee Medical Laboratory Board Administrative Office.

THE TENNESSEE MEDICAL LABORATORY BOARD

Statutes, Policies, Rules and Regulations

It is important and necessary to know and understand the Statutes, Policies, Rules and Regulations under which one operates and works. If you do not have or know where to obtain this information, they may be accessed using the following link:

<http://health.state.tn.us/boards/MedLab/legislative.htm>

THE SUBMISSION OF POINT OF CARE EXEMPTION REQUESTS

http://health.state.tn.us/boards/MedLab/PDFs/MedLab_POCT_Guidelines.pdf

On a regular basis, the Administrative Office for the Tennessee Medical Laboratory Board receives exemption requests for point of care testing. The information in this article is a summation of requirements for those submissions. Please follow the link provided to see complete information regarding your submission.

Point of Care exemption requests (for POC testing procedures not previously waived) must be approved by the Medical Laboratory Board during their quarterly meetings. These submissions must follow the guidelines established for these requests.

The Board Presentation Packet must be composed using the following elements and in the order presented:

1. Title Page (Please include name and address of facility);
2. Statement of medical need for performance outside a laboratory setting;
3. A signature sheet that includes the following information:
 - a) The legible signature of the current medical laboratory director and;
 - b) The legible signature(s) of all personnel who share the authority and responsibility for implementing and maintaining the alternate site procedure(s).
4. A complete procedure written in substantial compliance with NCCLS protocol;
5. Analyte & Methodology with a correlation summary for;
 - a) Any new methodology, and;
 - b) Any change in current methodology.
6. Quality Assurance Protocol(s);
7. Maintenance of records of testing procedures;
8. Protocols for performance & improvement (competency);

Board Notification Process

The Board Presentation Packet must be e-mailed to the Board Administrative Office in the form of an Adobe PDF File. The PDF file must be e-mailed to: Lynda.England@tn.gov

In addition, a printed document of the exemption request with original signatures plus four (4) additional printed copies must be submitted to:

TENNESSEE MEDICAL LABORATORY BOARD
ATTN: LYNDA S. ENGLAND
227 FRENCH LANDING, SUITE 300
HERITAGE PLACE, METROCENTER
NASHVILLE, TN 37247

(PDF FILES AND PRINTED COPIES MUST BE IN THE SAME ORDER AS PREVIOUSLY NOTED)

Please note the following important information:

1. All exemption requests (PDF and printed copies must be physically in the Board's Administrative Office no later than the end of the business day (M-F, 4:30PM CST/CDT) **thirty** (30) days **prior** to the scheduled Board meeting. All quarterly Board meeting dates are posted on the Health Department and Medical Laboratory Board's web site.
2. **Incomplete** packets may delay the review by the Board and may result in the request being deferred to the next scheduled Board meeting.
3. A facility that has received approval from the Board for instrument/method to be used by identified personnel and/or department(s) for point of care testing of an analyte do not have to appear before the Board again to add analytes to the approved instrument/method and may add them by submitting written notification to the Board's Administrative Office. It is only when the facility wants to change or add personnel or department(s) to the previously approved instrument/method that another hearing before the Board is required.
4. Any questions, please call the Administrative Office.

RULES REFERENCE: *Rules for Medical Laboratories 1200-06-03-.16*

RETIREMENT AND YOUR LICENSE

Sooner or later it is expected that most everyone will retire from their position practicing laboratory medicine. It is important to remember these important facts regarding your license when contemplating this change in status:

1. Retiring from full or part time employment **DOES NOT** retire your license.
2. If you retire from full or part time employment and you **DO NOT** retire your license, you are considered by the Tennessee Medical Laboratory Board to be a licensed, practicing Medical Laboratory Professional until renewal and so long as you keep renewing your license.
3. As an active licensee, regardless of your employment status, you are subject to the rules and regulations of your license which includes paying renewal fees and completing all continuing education requirements. To officially retire your license upon retirement from full or part time employment, it is required that you make formal application. The [Affidavit of Retirement from Practice in Tennessee](#) (PH-3460) may be downloaded from our web site, or if this is not possible, you may call the administrative office for a retirement form and instructions. There is no charge for retiring your license.
4. Please note: Upon retirement of your license, it must remain in retirement for greater than two (2) years,

otherwise your status would be in a failure to renew should you choose to reinstate. Penalties would apply.

**WHEN THE TIMING IS RIGHT,
HAVE A HAPPY,
CAREFREE
RETIREMENT
AND AVOID SURPRISES WITH YOUR LICENSE**



**TMLB POSITION STATEMENT REGARDING THE
LICENSING OF TECHNOLOGISTS PERFORMING
FISH (Fluorescence in Situ Hybridization)
Adopted October 14, 2010**

This is a **high complexity** test and will be performed in CLIA approved laboratories. The following preparatory/pre-analytic steps of the FISH procedure should not require a licensed technologist to perform. However, the preparatory/pre-analytic work must be performed under the supervision of a licensed technologist.

1. Specimen preparation: this involves a direct harvest of specimen in order to isolate white blood cells and apply to a slide or paraffin imbedded tissue.
2. Pretreatment of specimen: this involves washing the specimen (on slide) in a specific series of solutions.
3. Preparation of FISH probes: involves mixing minute amounts of sensitive reagents.
4. Hybridization: simple process of using co-denaturation involving applying probe, coverslip, and placing on a programmable instrument.
5. Post treatment: involves washing slides in a series of solutions, applying counterstain and coverslip.

The following analytic steps **DO** require a licensed and trained technologist to perform:

1. Analysis: involves analyzing probed cells, classifying normal and abnormal targets. This requires a licensed technologist, preferably a CG(ASCP)^{CM} - Cytogenetics (American Society for Clinical Pathology) certificate maintenance – and/or a licensed MD or PhD or DO, preferably American College of Medical Genetics Boarded.

Interpretation: involves determining whether a specimen is normal or abnormal. This requires a licensed MD or PhD or DO, preferably American College of Medical Genetics Boarded.

**TMLB POSITION STATEMENT TENNESSEE
CHRONIC KIDNEY DISEASE SCREENING ACT
OF 2005**

**Adopted on January 26, 2007
Amended on April 14, 2011**

The Tennessee Chronic Kidney Disease Screening Act of 2005 (Tennessee Code Annotated §§ 68-5-81, *et seq.*) encourages health care providers to test at-risk patients for chronic kidney disease. Laboratories are ordered to report the glomerular filtration rate on any serum creatinine test ordered by a health care provider. Laboratories licensed by the Tennessee Medical Laboratory Board shall report on all test results in accordance with Tennessee Code Annotated §§ 68-29-101, *et seq.* and Rule 1200-06-03 of the Tennessee Department of Health, Medical Laboratory Board.

**LETTER TO ALL LICENSED LABORATORY
FACILITIES REGARDING PATIENT TEST
MANAGEMENT/LABORATORY REPORTS
From: Lynda S. England, BS MT
April 15, 2011**

During its quarterly meeting held on April 14, 2011, the Tennessee Medical Laboratory Board discussed the release of medical laboratory results. The discussion centered on the subject of medical laboratories providing results of the testing procedures performed in that lab directly to any health care provider's patient.

Tennessee Code Annotated Section 68-29-121(b) provides "[t]he results of a test shall be reported to the physician, optometrist, dentist, chiropractic physician, designated entity or other health care professional who requested it." The statute indicates the only persons to whom a laboratory may lawfully send the results of any test it performs, except other laboratories as authorized by Tennessee Code Annotated Section 68-29-129(5).

Laboratories may not give test results directly to a health care provider's patient. Specifically, Tennessee Code Annotated 68-29-129(5) prohibits "[p]erforming a test and rendering a report on a test to a person not authorized by law to receive such services." Further, Tennessee Code Annotated Section 68-29-129(5) prohibits accepting "specimens for tests from, and mak[ing] reports to, persons who are not legally qualified or authorized to submit specimens to medical laboratories and to receive such reports." A violation of either of these statutes is grounds for disciplinary action before the Board.

Please note that the above-referenced statutes do not prohibit a referring physician, optometrist, dentist, chiropractic physician, or other health care professional from requesting that a physician, for example a pathologist, give test results to that health care provider's patient. However, the medical laboratory shall not be used as the agent/intermediary of the health care provider or the physician in violation of Tennessee Code Annotated Section 68-29-121(b).

PUBLIC NOTICE INFORMATION

Public Chapter 230

Provides that each health-related board shall establish a procedure to expedite the issuance of a license, certificate, or permit for an applicant who is certified or licensed in another state to perform the same profession that is the subject of the application; whose spouse is a member of the armed forces; whose spouse is the subject of a military transfer to Tennessee; and who has left employment to accompany the person's spouse to Tennessee. The procedure shall include issuing the applicant a license, certificate, or permit if the licensure requirements in the other state are substantially equivalent to Tennessee's requirements or developing a method to authorize the applicant to practice in Tennessee with a temporary permit in accordance with current law (T.C.A. §63-1-142). **Effective May 20, 2011.**

Public Chapter 435

Provides that any governmental entity or private business or establishment that provides or offers a place of assembly or entertainment, transportation, lodging, dining, educational, medical or leisure activities or services, or any business or any establishment licensed by the State or any political subdivision thereof, or that is engaged in commerce in this State is strongly encouraged to post a sign indicating that certain information regarding the Tennessee human trafficking resource center hotline is in a location within the establishment that is visible to employees and the general public. The Department of Labor and Workforce Development shall provide the sign authorized by this section on its internet website for entities or establishments to print as needed. **Effective October 1, 2011.**

Public Chapter 431

Continues the Medical Laboratory Board until June 30, 2011. **Effective June 6, 2011.**

REVISITING ON-LINE EDUCATION

As recently as in the winter 2009 Edition of this newsletter, an article appeared concerning on-line education. The article addressed concerns and questions that have been asked of the Medical Laboratory Board. Although the questions have been answered, it appears that a recap of this topic is in order.

The following bulleted points reflect the rules and the position of the Medical Laboratory Board:

- On-line education is generally acceptable for continuing education, so long as all other criteria are met;

- On-line education to meet entry level core science coursework, which is also coursework needed to upgrade from MLT to MT, (Chemistry, Biology and Math [Rule 1200-06-01-.22(1)(g)]) is not acceptable and will not be considered fulfillment of this rule when making application for licensure in the State of Tennessee;
- The completion of an on-line degree is acceptable, so long as the entry level core science coursework, listed in the bullet above are not on-line courses;
- In regard to the reinstatement of retired, revoked or expired licenses, 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 reinstatement or reactivation shall be taken via the Internet, in multi-media and/or electronic formats as provided in subparagraph (4)(a) which states, Continuing education courses may be presented in the traditional lecture and classroom formats or, with successful completion of a written post experience examination to evaluate material retention, in multi-media and/or electronic formats. Rule 1200-06-01-.12(6)(e) and 1200-06-01-.12(4)(a).



SCHEDULED BOARD MEETINGS FOR 2012

The 2012 Board Meetings will be held at 227 French Landing, Heritage Place, Metro Center, 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 1:00P.M. CST/CDT on the following dates in 2012:

January 18, 2012
April 18, 2012
July 18, 2012
October 17, 2012

Tennessee Medical Laboratory Board Meetings

Full Board meetings will convene at 9:00A.M. CST/CDT on the following dates in 2012:

January 19, 2012
April 19, 2012
July 19, 2012
October 18, 2012

Tennessee Medical Laboratory Board Members

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

Norman Crowe
Knoxville, TN
Independent Laboratory Manager
Chairman

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

Jerry Lee Miller, M.D.
Kingsport, TN
Non-Pathologist
Physician

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

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

Cheryl Arnott, CT
Nolensville, TN
S.A.-Cytotechnologist

Thomas F. O'Brien, Jr., M.D.
Memphis, TN 38104
Pathologist Non-Educator

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

Kathleen Kenwright, MT
Cordova, TN
Medical Technologist-Educator

Gloria Jenkins
Brentwood, TN
Citizen Representative

Board Staff

Lynda England, BS MT (ASCP)
Director

Jerry A. Gowen, BS MT (ASCP)
Medical Technologist Consultant 1

Roberta Tolliver
Licensing Tech

K. Denise Burton
Administrative Assistant 1

Surveyors

West Tennessee Regional Office

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