

## Notice of Rulemaking Hearing

### Board of Osteopathic Examination

There will be a hearing before the Tennessee Board of Osteopathic Examination to consider the promulgation of a new rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-9-101 and Public Chapter 373 of the Public Acts of 2007. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 18th day of October, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 Fr. Lndng., Ste. 300, Heritage Place, MetroCenter, Nashville, TN 37243 (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

### Substance of Proposed Rule

#### Chapter 1050-02

#### General Rules and Regulations Governing the Practice of Osteopathy

#### New Rule

#### Table of Contents

#### 1050-02-.21 Office Based Surgery

1050-02-.21 Office Based Surgery. Osteopathic physicians who perform Level III surgical procedures in the office based setting, pursuant to Public Chapter 373 of the Public Acts of 2007, shall perform only the Level III surgical procedures contained on the Centers for Medicare & Medicaid Services (CMS) list of procedures published in Volume 71, Number 226 of the Federal Register dated November 24, 2006 as it may from time to time be amended that are authorized for reimbursement at the Ambulatory Surgical Center (ASC) level and only those cosmetic surgical procedures that, based upon reasonable medical judgment, would require Level III sedation which is defined as follows:

- (1) The use of a general anesthesia, deep sedation, or major conduction anesthesia and pre-operative sedation. This includes the use of:
  - (a) General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; and/or
  - (b) Major Conduction Anesthesia (epidural, spinal, caudal); and/or
  - (c) The use of nitrous oxide in conjunction with other types of sedatives.

Authority: T.C.A. § 63-9-101 and Public Chapter 373 of the Public Acts of 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of August, 2007. (FS 08-31-07; DBID 716)