

**POLICY STATEMENT
TENNESSEE BOARD OF OSTEOPATHIC EXAMINATION**

**UNLICENSED PRACTICE OF X-RAY OR PRACTICING BEYOND
THE SCOPE OF AN EXISTING LIMITED SCOPE LICENSE**

All persons operating x-ray equipment in physicians' offices in Tennessee must possess a certificate issued by the Board with the exception of the following who are exempted, pursuant to TENN. COMP. R. & REGS. 1050-03-.03 from certification:

- (1) Licensed osteopathic physicians;
- (2) Interns, residents and clinical fellows;
- (3) Students engaged in clinical practice while enrolled in a Board approved radiological education course required to receive radiological certification;
- (4) Graduates of a Board approved radiological education course who are awaiting examination but only for a period not to exceed six (6) months from the date that the course was completed. After sitting for the examination this exemption shall continue for a period not to exceed seventy five (75) days. At all times while awaiting examination or examination results and until certification is received, graduates shall practice only under supervision as set forth in rule 1050-03-.07(2)(c);
- (5) Individuals who
 - a. have worked under the supervision of a physician (D.O. or M.D.) for at least ten of the past fifteen (15) years prior to the effective date of this rule, practicing radiography of the chest, extremities, and/or spine, and can provide documentation of same; and
 - b. have documentation of satisfactory completion of a Board-approved training course excluding the course required supervised clinical hours and excluding the passing of required state examination.
 - c. will be issued a certificate from the Tennessee Board of Osteopathic Examination verifying their work and education experience. This provision is available to eligible applicants only until one year after the effective date of this rule.
- (6) Individuals who possess a current X-ray operator's certificate issued by the Tennessee Board of Medical Examiners.

When the Board of Osteopathic Examination becomes aware that a person who is not properly certified is operating x-ray equipment in a physician's office or that a certified x-ray operator is practicing outside the scope of his/her certification, the following action shall commence. The Board's administrative staff shall notify the practitioner and his/her supervising physician, by certified mail, return receipt requested, that if the practitioner submits, within thirty (30) days of the date of receipt of the notice, satisfactory documentation of any one or more of the following, the matter will be closed with no further action:

- (a) The practitioner is certified to operate x-ray equipment in a physician's office; or
- (b) The practitioner meets one of the above-listed exemptions at the time he/she operated the x-ray equipment; or
- (c) The practitioner did not operate x-ray equipment during the time the Board's documentation alleges; or
- (d) The practitioner has, since the time of the report to the Board, become enrolled in a Board approved x-ray technician certification training program; or
- (e) The practitioner has submitted either an application for certification or a written request for an upgrade of an existing certification along with all applicable fees.

If the practitioner and/or supervising physician fail to exercise one of the available options, the matter will be referred to the Office of General Counsel for full prosecution with the failure to take advantage of the penalty-free opportunity as set forth above taken into consideration by the Board in its disciplinary deliberations. Upon a proven violation, the minimum disciplinary action that shall be authorized by any panel of the Board for either or both the practitioner and/or the supervising physician is as follows:

- (a) A formal reprimand (reportable to the National Practitioner Databank (NPDB)); and
- (b) Assessment of a Type C civil penalty in the amount of one hundred dollars (\$100.00) for each day the uncertified practitioner operated x-ray equipment or was allowed by a supervising physician to operate x-ray equipment which shall include days prior to, during and after the thirty (30) day grace period; and
- (c) Assessment of the costs associated with the prosecution of the matter; and
- (d) Any and all other remedies the Board deems appropriate.

Adopted by the Board of Osteopathic Examination on this 4th day of November, 2015.



Donald H. Polk, D.O., President
Tennessee Board of Osteopathic Examination