

STATE OF TENNESSEE

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May 11, 2011

Opinion No. 11-43

Statute of Limitations Regarding Physician Discipline

QUESTION

Is there a statute of limitations or other time limit imposed by law concerning initiation of a disciplinary action by the Tennessee Board of Medical Examiners against a physician's license?

OPINION

Except for the statutory directive in Tenn. Code Ann. § 4-5-320(c) that concerns proceedings affecting licenses, which requires that proceedings for revocation or other action "shall be promptly instituted and determined" after a license has been summarily suspended under Tenn. Code Ann. § 4-5-320, we are not aware of any current statute of limitations or other time limit imposed by law concerning initiation of a disciplinary action by the Tennessee Board of Medical Examiners against a physician's license.

ANALYSIS

Tenn. Code Ann. § 4-5-320(c) provides, in pertinent part, that if an agency finds that "public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly initiated and determined."¹ However, other than this requirement, we are not aware of any current statute of limitations or other time limit imposed by law concerning initiation of a disciplinary action by the Tennessee Board of Medical Examiners against a physician's license.

¹ Generally, formal disciplinary charges against licensed physicians are filed by the Division of Health Related Boards of the Tennessee Department of Health. Tenn. Code Ann. § 63-1-101. All proceedings for disciplinary action against a licensee before the Board of Medical Examiners shall be conducted in accordance with the Uniform Administrative Procedures Act. Tenn. Code Ann. § 63-6-216.

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