

Title 63 Professions Of The Healing Arts
Chapter 1 Division of Health Related Boards
Part 3 Pain Management Clinics

Tenn. Code Ann. § 63-1-301 (2016)

Second of 2 versions of this section

63-1-301. Part definitions. [Effective on July 1, 2017. See version effective until July 1, 2017.]

For purposes of this part, unless the context requires otherwise:

(1) "Advanced practice registered nurse" means any person licensed under chapter 7 of this title, who meets the requirements of § 63-7-126;

(2) [Deleted by 2016 amendment.]

(3) "Chronic non-malignant pain treatment" means prescribing or dispensing opioids, benzodiazepines, barbiturates or carisoprodol for ninety (90) days or more in a twelve-month period for pain unrelated to cancer or palliative care;

(4) "Department" means the department of health;

(5) "Medical director" means an individual who:

(A) Is licensed as a physician under chapter 6 or 9 of this title, and who practices in this state with an unrestricted, unencumbered license;

(B) Provides oversight relative to the operations of a pain management clinic; and

(C) Is a pain management specialist on or after July 1, 2016;

(6) "Medical doctor" means any person licensed under chapter 6 of this title;

(7) "Osteopathic physician" means any person licensed under chapter 9 of this title;

(8) (A) "'Pain management clinic' or 'clinic'" means a privately-owned clinic, facility or office in which any health care provider licensed under this title provides chronic non-malignant pain treatment to a majority of its patients for ninety (90) days or more in a twelve-month period. For purposes of determining if a clinic, facility, or office qualifies as a pain management clinic under this subdivision (8)(A), the entire clinic, facility, or office caseload of patients who received medical care services from all medical doctors, osteopathic physicians, advanced practice registered nurses and physician assistants who serve in the clinic, facility or office shall be counted;

(B) "Pain management clinic" also means a privately-owned clinic, facility or office which advertises in any medium for pain management services of any type.

(C) A pain management clinic does not include any clinic, facility, or office which provides interventional pain management as defined in § 63-6-244 and whose clinic, facility or office does not provide chronic non-malignant pain treatment to a majority of the patients of a clinic, facility or office for ninety (90) days or more in a twelve-month period;

(D) "Pain management clinic" does not mean a clinic, facility or office that is wholly owned and operated by a physician multispecialty practice in which one or more board-eligible or board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association perform the pain management services for chronic pain patients; and

(9) "Pain management specialist" means a physician licensed under chapter 6 or 9 of this title who:

(A) (i) Has a subspecialty certification in pain medicine as accredited by the Accreditation Council for Graduate Medical Education (ACGME) through either the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA), or is eligible to sit for the board examination offered by ABMS or AOA;

(ii) Holds an unencumbered Tennessee license; and

(iii) Maintains the minimum number of continuing medical education (CME) hours in pain management to satisfy retention of ABMS or AOA certification. Any exceptions to this requirement shall be approved by the respective regulatory board;

(B) (i) Attains American Board of Pain Medicine (ABPM) diplomate status;

(ii) Holds an unencumbered Tennessee license; and

(iii) Maintains the minimum number of CME hours in pain management to satisfy retention of ABPM diplomate status. Any exceptions to this requirement shall be approved by the respective regulatory board;

(C) Is board certified by the American Board of Interventional Pain Physicians (ABIPP) by passing exam 1 on or before June 30, 2016, and holds an unencumbered Tennessee license and maintains the minimum number of CME hours in pain management to satisfy retention of ABIPP diplomate status; provided, that on and after July 1, 2016, a new applicant shall only qualify as a pain management specialist under this subdivision (9)(C) if the applicant is board certified by ABIPP by passing parts 1 and 2 of its examination, and holds an unencumbered Tennessee license and maintains the minimum

number of CME hours in pain management to satisfy retention of ABIPP diplomate status; or

(D) Has an active pain management practice in a clinic accredited in outpatient interdisciplinary pain rehabilitation by the commission on accreditation of rehabilitation facilities or any successor organization and holds an unencumbered Tennessee license.

(10) "Physician assistant" means any person licensed under chapter 19 of this title.

HISTORY: Acts 2011, ch. 340, § 1; 2012, ch. 869, § 1; 2013, ch. 336, § 2; 2013, ch. 430, § 7; 2014, ch. 700, § 1; 2015, ch. 475, §§ 1-3; 2016, ch. 829, § 1; 2016, ch. 980, §§ 5-7; 2016, ch. 1033, §§ 6, 7.