

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

Tenn. Code Ann. § 63-1-306 (2016)

**63-1-306. Medical director -- Operation certificate -- Disciplinary action. [Effective until July 1 2017. See version effective on July 1, 2017.]**

**(a) (1)** A pain management clinic, as defined in this part, must have a medical director who is a physician that practices in this state under an unrestricted and unencumbered license issued pursuant to § 63-6-201 or § 63-9-104.

**(2)** In addition to the requirements of subdivision (a)(1), each physician serving as a medical director at a pain management clinic shall be a pain management specialist as defined in this part.

**(3)** All advanced practice nurses licensed under chapter 7 of this title and physician assistants licensed under chapter 19 of this title, who practice in a certified pain clinic, shall be supervised by a pain medicine specialist as defined in this part.

**(b)** In the event that the medical director, for whatever reason, no longer meets the requirements of this part, the pain management clinic must notify the department, within ten (10) business days, of the identity of another physician who meets the requirements of this part and will act as medical director. A change of majority ownership of a certified pain management clinic requires the submission of a new application for a certificate. Failure to notify the department within ten (10) business days may be the basis for a summary suspension of the clinic's certification.

**(c) (1)** Every pain management clinic shall submit an application to the department on a form prescribed by the department for a certificate to operate the clinic. A certificate may be awarded to a certificate holder. The certificate holder shall be one (1) of the owners of the clinic.

**(2)** A completed form for a certificate prescribed by the department shall show proof that the clinic has a medical director who is a pain management specialist as defined in this part.

**(d)** Each clinic location shall be certified separately regardless of whether the clinic is operated under the same business name, ownership or management as another clinic.

**(e)** The department shall issue a certificate if the department finds that the pain management clinic meets the requirements of this part and that the fee required by the department has been paid.

**(f) (1)** If the department finds that a pain management clinic which was issued a certificate no longer meets any requirement of this part, including, but not limited to, any violation of any rule promulgated by the department pursuant to this part, the department may impose lawful disciplinary action against

the pain management clinic, including, but not limited to, the revocation or suspension of its certificate, and the imposition of a civil penalty of up to one thousand dollars (\$1,000) per day for each day of continued violation. The pain management clinic shall be entitled to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Further, the department has the discretion to lift the suspension of a certificate when the clinic demonstrates compliance to the department.

**(2)** Any board which assesses any discipline or penalty against a provider that it licenses for a violation of rules promulgated under this part shall inform the department of any penalty or discipline imposed on such a provider for a violation of rules promulgated under this part within thirty (30) days of imposing the discipline or penalty, and the department may consider such discipline or penalty as a basis for disciplinary action against the pain management clinic pursuant to this subsection (f).

**(g)** The clinic shall post the certificate in a conspicuous location so as to be clearly visible to patients.

**(h)** The department is authorized to charge a fee for the issuance of a certificate.

**(i)** The department and each board identified in § 63-1-303(b) shall post on its web site an announcement of the requirement that a pain management clinic obtain a certificate from the department, and each board identified in § 63-1-303(b) shall include information about such requirement in a routine communication sent by each board to its licensees.

**(j)** A pain management clinic operating on or before January 1, 2012, may continue to operate as long as an application for certification is timely filed on or before October 1, 2012. This provision shall apply retroactively to applications for certification filed since January 1, 2012.

**(k)** The department shall have the authority to adopt rules, including emergency rules if deemed necessary, to implement this part for which the department has responsibility.

**HISTORY:** Acts 2011, ch. 340, § 1; 2012, ch. 869, § 4; 2015, ch. 475, §§ 4, 5.