

**MINUTES**  
**Monthly Meeting**  
**MEDICAL LICENSURE COMMISSION OF ALABAMA**  
**Meeting Location: 848 Washington Avenue**  
**Montgomery, Alabama 36104**

**January 24, 2024**

**MEMBERS PRESENT IN PERSON**

Craig H. Christopher, M.D., Chairman  
Jorge Alsip, M.D., Vice-Chairman  
Kenneth W. Aldridge, M.D.  
Howard J. Falgout, M.D.  
L. Daniel Morris, Esq  
Paul M. Nagrodzki, M.D.  
Pamela Varner, M.D.

**MEMBERS NOT PRESENT**

Nina Nelson-Garrett, M.D.

**MLC STAFF**

Aaron Dettling, General Counsel, MLC  
Rebecca Robbins, Operations Director (Recording)  
Nicole Roque, Administrative Assistant (Recording)  
Heather Lindemann, Licensure Assistant

**BME STAFF**

Buddy Chavez, Investigator  
Anthony Crenshaw, Investigator  
Randy Dixon, Investigator  
Greg Hardy, Investigator  
Alicia Harrison, Associate General Counsel  
Chris Hart, Technology  
Effie Hawthorne, Associate General Counsel  
Wilson Hunter, General Counsel  
Roland Johnson, Physician Monitoring  
William Perkins, Executive Director  
Tiffany Seamon, Director of Credentialing  
Scott Sides, Investigator  
Christy Stewart, Paralegal

Call to Order: 9:00 a.m.

Prior notice having been given in accordance with the Alabama Open Meetings Act, and with a quorum of seven members present, Commission Chairman, Craig H. Christopher, M.D. convened the monthly meeting of the Alabama Medical Licensure Commission.

## **OLD BUSINESS**

### **Minutes December 20, 2023**

Commissioner Aldridge made a motion that the Minutes of December 20, 2023, be approved. A second was made by Commissioner Alsip. The motion was approved by unanimous vote.

## **NEW BUSINESS**

### **Full License Applicants**

<b><u>Name</u></b>	<b><u>Medical School</u></b>	<b><u>Endorsement</u></b>
1. Fareeha Kaiser Abdulwali	Alfaisal University College of Medicine	USMLE
2. Bradley James Abraham	Philadelphia College of Osteopathic Medicine - Georgia Campus	COMLEX/OH
3. Oluwole Muiyiwa Adegbala	University of Ibadan	USMLE/NJ
4. Abraham Arhin	Wayne State University School of Medicine	USMLE/MI
5. Pavel W Barahona Rubio	Universidad Autonoma De Guadalajara	USMLE
6. Jackilyn Nichole Barr	Arkansas College of Osteopathic Medicine	COMLEX/VA
7. Autumn Beavers	University of Alabama School of Medicine Birmingham	USMLE
8. Yihienew M Bezabih	Arsi University College of Health Sciences	USMLE
9. Omar Khadir Bilbeisi	Edward Via College of Osteopathic Medicine, Carolinas Campus	COMLEX
10. Louis Joseph Boohaker	University of Alabama School of Medicine Birmingham	USMLE
11. Daniel James Brake	University of Alabama School of Medicine Birmingham	USMLE
12. Courtney M Bryant-Perkins	Florida International Univ Herbert Wertheim College of Medicine	USMLE
13. Maria Caitlin Callahan	Emory University School of Medicine	USMLE
14. Victor Camba	Alabama College of Osteopathic Medicine	COMLEX
15. Maria A Caravedo Martinez	Universidad Peruana Cayetano Heredia	USMLE/TX
16. Joshua William Cash	Mercer Univ College of Health Professions Master of Medical Sci	USMLE/TN
17. Zubair Rafiq Chaudry	Ross University	USMLE
18. Abdul Mateen Chaudry	Khyber Medical College, University of Peshawar	USMLE
19. Hector D Chavarria Bernal	Dr. Jose M. Delgado University	USMLE/NY
20. Marian M Chen-Hah	University of Texas Medical School at San Antonio	FLEX/AR
21. Benjamin Edward Cooper	Louisiana State University Medical Center in Shreveport	USMLE
22. Aline Daou	American University of Beirut	USMLE/TX
23. Muzammil Lateef Dastagir	Institute of Medical Sciences, Banaras Hindu University	USMLE
24. Jean Bernadette DelaCruz	University of Medicine and Health Sciences	USMLE
25. Rita A Boatemaa Dupaix	University of Miami Miller School of Medicine	USMLE/FL



<b><u>Name</u></b>	<b><u>Medical School</u></b>	<b><u>Endorsement</u></b>
26. Shirley Lynn Eyman	Southern Illinois University School of Medicine	NBME/IL
27. Erin Leann Fairbrother	University of Mississippi School of Medicine	USMLE/PA
28. Eric Joseph Fong	Pacific Northwest Uni of Health Sciences College of Osteo Medicine	COMLEX/VA
29. Phillip Alan Friedlander	University of South Alabama College of Medicine	USMLE
30. Rahul Vinod Gandotra	Alabama College of Osteopathic Medicine	COMLEX
31. Jonathan Scott Goldberg	University of Texas - Houston Medical School	USMLE
32. Jessica Lynn Grady	University of Mississippi School of Medicine	USMLE
33. Matthew Scott Griffith	Drexel University College of Medicine	USMLE/GA
34. John Blake Guidry	Louisiana State University School of Medicine New Orleans	USMLE
35. Megan Gupta	International American Univ C of Med/American Univ of Antigua	USMLE
36. Abigail Laurel Halleron	University of Louisville School of Medicine	USMLE/MO
37. Charlotte Victoria Hobbs	University of Miami Miller School of Medicine	USMLE/NY
38. Ryan David Holland	American University of The Caribbean	USMLE/FL
39. Nancy Garrett Hoover	Tulane University School of Medicine	USMLE/IN
40. Ramy Taher Husainy	Kansas City University of Medicine & Biosciences	COMLEX/FL
41. Abdullahi Jama	Ohio State University College of Medicine & Public Health	USMLE/OH
42. Catherine A Jerez Bharwani	Central America Health Science University	USMLE/LA
43. Tyler William Johnson	Kansas City University of Medicine & Biosciences	COMLEX
44. Varsha Kulkarni	Sri Venkata Sai Medical College	USMLE
45. Abigail Luman	University of Utah School of Medicine	USMLE
46. Eric William Mak	University of Illinois College of Medicine Chicago	USMLE
47. Hannah Brooke Marshall	Edward Via College of Osteopathic Medicine - Auburn campus	COMLEX
48. Brian Matthew Martin	Lincoln Memorial Univ Debusk College of Osteopathic Medicine	COMLEX
49. Imani Dara Dayo McCarter	Edward Via College of Osteopathic Medicine - Auburn campus	COMLEX
50. Meghan Houston McNeely	Louisiana State University School of Medicine New Orleans	USMLE
51. Jared Wayne Meeker	Des Moines University of Osteopathic Medical Center	COMLEX/IN
52. Juan Carlos Muniz-Garcia	Universidad Central Del Caribe School of Medicine	USMLE/PR
53. Jeffrey Paul Naifeh	Arkansas College of Osteopathic Medicine	COMLEX
54. Anthony Abiodun Obisesan	American University of The Caribbean	USMLE
55. Vaibhavi B Parsaniya	University of Northern Philippines	USMLE/MO
56. Shaan Barindra Patel	Louisiana State University Medical Center in Shreveport	USMLE
57. Ashish Vijay Patel	University of Alabama School of Medicine Birmingham	USMLE/TX
58. Harvey Andrew Poret	Louisiana State University School of Medicine New Orleans	FLEX/LA
59. Glen Ellis Powell	University of Louisville School of Medicine	USMLE/NC
60. Rachel Brown Powers	Alabama College of Osteopathic Medicine	COMLEX
61. Melissa Jane Puntkattalee	Augusta University	USMLE/TX
62. Roberto Costa Ramalhete	First Faculty of Medicine, Charles University	USMLE/NY
63. Javier Alexander Sanchez	Nova Southeastern University College of Medicine	COMLEX/FL
64. Priyanka Satish	American University of The Caribbean	USMLE
65. John Powell Scarbrough	University of South Alabama College of Medicine	USMLE
66. Stefan Scheel Holtmann	Francisco Marroquin University	USMLE
67. Michael Schloss	Alabama College of Osteopathic Medicine	COMLEX
68. Natalie Scott Seman	Augusta University	USMLE
69. Noreen Shahid Siddiqi	Boston University School of Medicine	USMLE

*CDC*

<u>Name</u>	<u>Medical School</u>	<u>Endorsement</u>
70. Sravani Singu	University of Nebraska College of Medicine	USMLE
71. Thomas McKay Strobel	University of Queensland	USMLE
72. Emmanuel Vallarta Tangco	University of the Philippines	USMLE
73. Marvi Tariq	Aga Khan University	USMLE
74. Clifford Randolph Tillman	Vanderbilt University School of Medicine	NBME/TN
75. Kelsey Rose Titzman	New York College of Osteopathic Medicine	COMLEX
76. Herman Laroy Toliver	Augusta University	USMLE/LA
77. Richard Ashton Vautier	University of South Alabama College of Medicine	USMLE/FL
78. Adam David Wheeler	University of Missouri School of Medicine Columbia	USMLE/MO
79. Rex Bennett Williams	University of Mississippi School of Medicine	USMLE/FL
80. Robert Kyle Wiser	University of Tennessee Health Science Center College of Medicine	USMLE/FL
81. Gautam Yadla	Kempegowda Institute of Medical Sciences	USMLE/GA
82. Michal Kamionek	Medical University of Warsaw	USMLE/MA
83. Oseyime O Okoeguale	Vinnitsa National Pirogov Memorial Medical University	USMLE
84. Neel Bipin Patel	Northwestern University Medical School	USMLE/IL
85. *Eric Matthew Erickson	Rosalind Franklin University of Medicine and Science	USMLE/WI
86. *Irina Gonzalez-Sigler	University of Alabama School of Medicine Birmingham	USMLE
87. *Gavin Kindall	Ross University	USMLE/MI
88. *Charles Mansour	LSU School of Medicine New Orleans	USMLE
89. *Amanda Paramore	University of North Texas Health Science Center	COMLEX
90. *Charles R Sutherland	University of Alabama School of Medicine Birmingham	USMLE
91. *Kais Tounsi	University of Alabama School of Medicine Birmingham	USMLE
92. *Zachary Neil Wright	University of Alabama School of Medicine Birmingham	USMLE/CO
93. Maria DeJesus	University of Santo Tomas	FLEX/NY
94. Antonio Laudito	University of Turin – Torino School of Medicine	FLEX/NY
95. **Morgan Thorn	Alabama College of Osteopathic Medicine	COMLEX

*\*Approved pending acceptance and payment of NDC issued by the BME.*

*\*\* Approved with the expectation of continued compliance with APHP Assistance Agreement and with notification to the Board from APHP prior to completion and termination of agreement.*

A motion was made by Commissioner Aldridge with a second by Commissioner Alsip to approve applicant numbers one through ninety-five (1-95) for full licensure. The motion was approved by unanimous vote.

#### Limited License Applicants

<u>Name</u>	<u>Medical School</u>	<u>Endorsement</u>	<u>Location</u>	<u>Licens</u>
1. Tanja Dudenbostel	George August Univ of Gottingen	LL/AL	UAB IM	SP
2. Somer Nicole Durr	Univ of Mississippi School of Medicine	LL/AL	Brookwood Baptist IM	R
3. Donald K Groves	Univ of Miami Miller School of Medicine	LL/AL	UAB Surgery	F

	<u>Name</u>	<u>Medical School</u>	<u>Endorsement</u>	<u>Location</u>	<u>Licens</u>
4.	Rebecca John	Kannur Medical College	LL/AL	UAB Dept of Nephrology	R
5.	Ricardo Marin-Tamayo	Universidad Peruana Cayetano Heredia	LL/AL	UAB IM	R
6.	Danielle S Nelson	U of Med and Health Sciences, St. Kitts	LL/AL	USA Peds	R
7.	Ortal Resnick	Hadassah Medical School, Hebrew Univ	LL/AL	UAB Peds/Endocrinology	F

A motion was made by Commissioner Alsip with a second by Commissioner Morris to approve applicant numbers one through seven (1-7) for limited licensure. The motion was approved by unanimous vote.

#### Retired Senior Volunteer Applicants

	<u>Name</u>	<u>Location</u>
1.	Ishwarlal Bhuta	Medical Outreach Ministries, Montgomery, AL
2.	Mary Elizabeth Crook Emig	New Day Women's Center, Northport, AL

A motion was made by Commissioner Alsip with a second by Commissioner Morris to approve applicant numbers one and two (1&2) for retired senior volunteer licensure. The motion was approved by unanimous vote.

#### IMLCC Report

The Commission received as information a report of the licenses that were issued via the Interstate Medical Licensure Compact from December 1, 2023, through December 31, 2023. A copy of this report is attached as Exhibit "A".

### REPORTS

#### Physician Monitoring Report

The Commission received as information the physician monitoring report dated January 19, 2024. A copy of the report is attached as Exhibit "B".

#### Correspondence re: Termination of Collaborative Practice Agreements

The Commission received as information correspondence from Mr. William M. Perkins, ALBME Executive Director, regarding the termination of collaborative practice agreements with Thomas Paul Alderson, M.D., and Rodney L. Dennis, M.D.



## **APPLICANTS FOR REVIEW**

### **David Foster, III, M.D.**

A motion was made by Commissioner Alsip with a second by Commissioner Varner to approve Dr. Foster's application for full licensure. The motion was approved by unanimous vote.

### **Korie Griffith, M.D.**

A motion was made by Commissioner Alsip with a second by Commissioner Morris to defer any action on Dr. Griffith's application for licensure until the February 28, 2024 Commission meeting. The motion was approved by unanimous vote.

### **Tiffany Iraheta, D.O.**

A motion was made by Commissioner Alsip with a second by Commissioner Aldridge to approve Dr. Iraheta's application for full licensure. The motion was approved by unanimous vote.

### **John Richard, M.D.**

A motion was made by Commissioner Alsip with a second by Commissioner Aldridge to approve Dr. Richard's application for full licensure. The motion was approved by unanimous vote.

### **Kristin Dobay, M.D.**

A motion was made by Commissioner Aldridge with a second by Commissioner Morris to enter an order setting a hearing for April 24, 2024. The motion was approved by unanimous vote, with Commission Chairman Christopher abstaining from the vote and Commissioner Alsip acting as Chairman for this vote only. A copy of the Commission's order is attached hereto as Exhibit "C".

## **DISCUSSION ITEMS**

### **Rodney L. Dennis, M.D.**

The Commission received as information an update from Aaron Dettling, General Counsel, regarding the appeal filed by Rodney L. Dennis, M.D. in the Alabama Court of Civil Appeals.

### **Tarik Y. Farrag, M.D.**

The Commission received as information an update from Aaron Dettling, General Counsel, regarding the appeal filed by Tarik Y. Farrag, M.D. in the Alabama Court of Civil Appeals.



### FSMB Draft Guidelines for the Structure and Function of a State Medical and Osteopathic Board

The Commission received as information the Federation of State Medical Boards Draft Guidelines for the Structure and Function of a State Medical and Osteopathic Board. Commission members will submit proposed comments to Wilson Hunter, General Counsel of the Board and William Perkins, BME Executive Director. A joint statement will be submitted on behalf of the Alabama State Board of Medical Examiners and the Alabama Medical Licensure Commission.

### FSMB Draft of Reentry to Practice

The Commission received as information the Federation of State Medical Boards Draft of Reentry to Practice. Commissioner members will submit comments to the FSMB independently.

### Declaratory Ruling of the Alabama State Board of Medical Examiners

The Commission received as information the Declaratory Ruling of the Alabama State Board of Medical Examiners regarding training guidance for Certified Registered Nurse Anesthetists and Anesthesiologist Assistants.

### Administrative Rules Chapter 540-X-25, Physician Recommendation of the Use of Medical Cannabis

The Commission received as information the Administrative Rules Chapter 540-X-25, Physician Recommendation of the Use of Medical Cannabis. A copy of the rule is attached as Exhibit "D".

### Administrative Rules Chapter 540-X-25, Appendix A, Alabama Medical Cannabis Informed Consent Form

The Commission received as information the Administrative Rules Chapter 540-X-25, Appendix A, Alabama Medical Cannabis Informed Consent Form. A copy of the rule is attached as Exhibit "E".

### ADMINISTRATIVE FILINGS

#### Steven Wayne Powell, M.D.

A motion was made by Commissioner Nagrodzki with a second by Commissioner Morris to accept the Voluntary Surrender of Dr. Powell's Alabama medical license. The motion was approved



by unanimous vote. A copy of the Voluntary Surrender is attached hereto as Exhibit "F".

Cameron Townsend Corte, M.D.

The Commission received an Administrative Complaint and Petition for Summary Suspension filed by the Alabama State Board of Medical Examiners. A motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to enter an order summarily suspending Dr. Corte's license to practice medicine in Alabama and setting a hearing for May 29, 2024. The motion was approved by unanimous vote. A copy of the Commission's order is attached as Exhibit "G".

At 10:37 a.m., the Commission entered closed session pursuant to Alabama Code § 34-24-361.1 to hear and consider the following matters:

**CLOSED SESSION UNDER ALA. CODE 34-24-361.1**

Gregory Flippo, M.D.

The Commission received a Joint Settlement Agreement and Consent Order between Dr. Flippo and the Alabama State Board of Medical Examiners. A motion was made by Commissioner Alsip with a second by Commissioner Aldridge to accept the Joint Settlement Agreement and to enter a Consent Decree incorporating its terms. The motion was approved by unanimous vote. A copy of the Commission's order is attached hereto as Exhibit "H".

Richard Jones, M.D.

The Commission received a proposed Joint Settlement Agreement between Dr. Jones and the Alabama State Board of Medical Examiners. A motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to enter an order declining the approval of the proposed Joint Settlement Agreement and hold the previously scheduled hearing for February 28, 2024. Commissioner Aldridge recused from the vote. A copy of the Commission's order is attached hereto as Exhibit "I".

Lauren Duensing, M.D.

A motion was made by Commissioner Nagrodzki with a second by Commissioner Morris to authorize Commission Chairman Christopher and Commission Vice-Chairman Alsip to issue an

### IMLCC Licenses Issued December 1, 2023 - December 31, 2023 (57)

Name	License Type	License Number	Status	Issue Date	Expiration Date	State
Ross DeChant	MD	47824	Active	12/18/2023	12/31/2024	
Michael Dominic Gagliardi	MD	47807	Active	12/6/2023	12/31/2024	
Kartik Kailesh Patel	MD	47814	Active	12/7/2023	12/31/2024	
Kerri Renee Voigts	MD	47815	Active	12/8/2023	12/31/2024	
John Logan Felix	MD	47831	Active	12/18/2023	12/31/2024	
Kyla Michelle Krofta	MD	47835	Active	12/18/2023	12/31/2024	
Michael Nguyen Mai	MD	47837	Active	12/18/2023	12/31/2023	
Shelby Leannn Sheider	MD	47839	Active	12/18/2023	12/31/2024	
Stephen Lawrence Newman	MD	47846	Active	12/19/2023	12/31/2024	
Marie-Michele Constant	MD	47796	Active	12/6/2023	12/31/2024	
Peter Britt	MD	47804	Active	12/6/2023	12/31/2024	
Mojisola Demi Ariyo	MD	47806	Active	12/6/2023	12/31/2024	
Jeffery Allen Stone	DO	3495	Active	12/6/2023	12/31/2024	
Sasikanth Doddapaneni	MD	47817	Active	12/12/2023	12/31/2024	
Joel Thomas Hardin	MD	47818	Active	12/12/2023	12/31/2024	
Courtney Nicole Whittle	MD	47820	Active	12/12/2023	12/31/2024	
Brett Michael Rosenberg	MD	47825	Active	12/18/2023	12/31/2023	
Eseovhe Alalibo Egborge	MD	47830	Active	12/18/2023	12/31/2023	
Meera Pukkattu Ravindranathan	MD	47834	Active	12/18/2023	12/31/2024	
Maxine Owusu	MD	47838	Active	12/18/2023	12/31/2023	
Brian Adams	MD	47842	Active	12/19/2023	12/31/2024	
Avner Robert Griver	MD	47843	Active	12/19/2023	12/31/2023	
David Othman	MD	47799	Active	12/6/2023	12/31/2024	
Scott James Mendelson	MD	47803	Active	12/6/2023	12/31/2024	
Daniel John Ferraro	MD	47816	Active	12/8/2023	12/31/2024	
Monica Elizabeth Schmidt	DO	3501	Active	12/18/2023	12/31/2024	
Jeffrey Ting-Yuan Chu	MD	47828	Active	12/18/2023	12/31/2024	
Cheryl Smith	MD	47793	Active	12/5/2023	12/31/2023	
Jonathan Edward Reitzenstein	MD	47794	Active	12/5/2023	12/31/2023	

unrestricted license to Dr. Duensing, in the event that Dr. Duensing and the Alabama State Board of Medical Examiners agree upon a mutually acceptable voluntary agreement prior to the February 28, 2024 Commission meeting. The motion was approved by unanimous vote.

Ruby Washington-Moore, M.D.

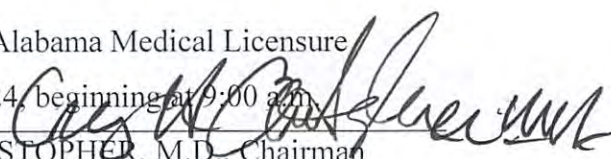
At the conclusion of the hearing, a motion was made by Commissioner Alsip with a second by Commissioner Morris to issue an order suspending Dr. Washington-Moore's Alabama medical license, requiring Dr. Washington-Moore to receive a CPEP evaluation in general OBGYN and to submit to a neurocognitive evaluation at the University of Alabama at Birmingham should she ever apply for reinstatement of her medical license. The motion included that no administrative costs will be assessed. The motion was approved by unanimous vote. A copy of the Commission's order is attached hereto as Exhibit "J".

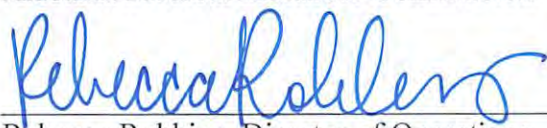
Aaron A.H. Ramirez, M.D.

The Commission received a Motion to Continue Hearing regarding the Administrative Complaint filed by the Alabama State Board of Medical Examiners. A motion was made by Commissioner Alsip with a second by Commissioner Varner to enter an order resetting the hearing for May 29, 2024. The motion was approved by unanimous vote. A copy of the Commission's order is attached hereto as Exhibit "K".

Meeting adjourned at 1:03 p.m.

**PUBLIC MEETING NOTICE:** The next meeting of the Alabama Medical Licensure Commission was announced for Wednesday, February 28, 2024, beginning at 9:00 am.

  
CRAIG H. CHRISTOPHER, M.D., Chairman  
Alabama Medical Licensure Commission

  
Rebecca Robbins, Director of Operations  
Recording Secretary  
Alabama Medical Licensure Commission

02/28/2024  
Date Signed

Sadia Najamuddin	DO	3491	Active	12/5/2023	12/31/2024	
Gem Hemala Jagmohan	DO	3494	Active	12/6/2023	12/31/2023	
Nabeel Mallick	MD	47805	Active	12/6/2023	12/31/2023	
Francisco Javier Fletes	MD	47844	Active	12/19/2023	12/31/2023	
Eric Shawn Dennis	MD	47800	Active	12/6/2023	12/31/2024	
Jeremy Raymond Semeiks	MD	47798	Active	12/6/2023	12/31/2024	
Michael Dean Wilson	MD	47795	Active	12/5/2023	12/31/2024	
Olga Vladislavovna Demidova	DO	3493	Active	12/6/2023	12/31/2024	
Robert Charles Solomon	MD	47808	Active	12/6/2023	12/31/2024	
Daniel James Burritt	MD	47813	Active	12/7/2023	12/31/2024	
Richard L Vincent	MD	47840	Active	12/18/2023	12/31/2023	
Jerome Francis Xavier Naradzay	MD	47841	Active	12/19/2023	12/31/2024	
Lisa Marie Baldwin	MD	47827	Active	12/18/2023	12/31/2024	
Michele Lisa Neil	DO	3504	Active	12/19/2023	12/31/2023	
Steven Edgar Hall	MD	47801	Active	12/6/2023	12/31/2024	
Anne Elizabeth Allen	MD	47826	Active	12/18/2023	12/31/2024	
Nefize Sertac Kip	MD	47833	Active	12/18/2023	12/31/2023	
Robert Edmond Malka	MD	47836	Active	12/18/2023	12/31/2024	
Kimberly Lynn Strickland	DO	3492	Active	12/5/2023	12/31/2024	
Marie Nicole Beauvoir	MD	47797	Active	12/6/2023	12/31/2023	
Jazmine Alexandra Irish	MD	47802	Active	12/6/2023	12/31/2024	
Sado S Albitar	MD	47809	Active	12/6/2023	12/31/2024	
Leila S L Williams	DO	3498	Active	12/7/2023	12/31/2024	
Saher Suleman	MD	47832	Active	12/18/2023	12/31/2024	
Tony Thanh Tran	DO	3503	Active	12/19/2023	12/31/2023	
Landon Westlund Trost	MD	47845	Active	12/19/2023	12/31/2024	
Divya Parihar	MD	47829	Active	12/18/2023	12/31/2024	
Olga Mejia Martinez	DO	3502	Active	12/18/2023	12/31/2024	

*\*Total licenses issued since April 2017 - 3,566*



EXHIBIT

B

STATE of ALABAMA  
MEDICAL LICENSURE COMMISSION

**To:** Medical Licensure Commission  
**From:** Nicole Hardy  
**Subject:** January Physician Monitoring Report  
**Date:** 1/19/2024

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**The physicians listed below are currently being monitored by the MLC.**

**Physician:** Thomas Paul Alderson, M.D.  
**Order Type:** BME/MLC  
**Due Date:** Quarterly  
**Order Date:** 11/08/2023  
**License Status:** Active-Restricted  
**Requirements:** Monitored by BME for MLC  
**Received:** Termination of Collaborative Practice Agreements letter sent to Dr. Alderson

**Physician:** Gary M. Bullock, D.O.  
**Order Type:** MLC  
**Due Date:** 6/27/2024  
**Order Date:** 8/25/2023  
**License Status:** Active-Probation  
**Requirements:** Administrative Cost (\$27,460.27)  
Administrative Fine (\$20,000)  
Administrative Cost and Fine to be paid in full by 6/27/2024.  
No Prescribing  
**Received:** PDMP Complaint  
\*No payment has been received.

**Physician:** Dylan E. Caggiano, D.O.  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 12/3/2021  
**License Status:** Active  
**Requirements:** APHP Report  
**Received:** Report from Rob Hunt with supporting documents

**Physician:** Ronald Edwin Calhoun, M.D.  
**Order Type:** BME/MLC  
**Due Date:** Quarterly  
**Order Date:** 3/25/2014  
**License Status:** Active  
**Requirements:** APHP Report  
**Received:** Report from Rob Hunt with supporting documents

**Physician:** Daniel Clanton Clower, M.D.  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 1/22/2015  
**License Status:** Active  
**Requirements:** Limited Prescribing  
Worksite report from Dr. Park T. Chittom  
**Received:** PDMP Complaint  
Report from Dr. Chittom

**Physician:** Rodney Lowell Dennis, M.D.  
**Order Type:** BME/MLC  
**Due Date:** Quarterly  
**Order Date:** 11/08/2023  
**License Status:** Active-Restricted  
**Requirements:** Monitored by BME for MLC  
**Received:** Termination of Collaborative Practice Agreements letter  
sent to Dr. Dennis

**Physician:** Lauren Elizabeth Duensing, M.D.  
**Order Type:** BME/MLC  
**Due Date:** Monthly  
**Order Date:** 10/31/2023  
**License Status:** Active-Restricted  
**Requirements:** APHP Report  
CPEP Education Plan  
**Received:** Report from Rob Hunt with supporting documents  
CPEP Education Plan

**Physician:** Sharon G. Griffitts, M.D.  
**Order Type:** MLC  
**Due Date:** 12/31/2023  
**Order Date:** 8/25/2023  
**License Status:** Active  
**Requirements:** Administrative Fine \$10,000 to be paid in full by 12/31/2023.  
**Received:** \*No payment has been received.

**Physician:** **Ran Halleluyan, M.D.**  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 9/28/2022  
**License Status:** Active-Restricted  
**Requirements:** Psychiatrist Report  
**Received:** Report from Dr. Harold Veits

**Physician:** **Jerry Hankins, M.D.**  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 9/2/2016  
**License Status:** Active  
**Requirements:** Limited Practice/Prescribing  
**Received:** PDMP Compliant

**Physician:** **Mark Koch, D.O.**  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 10/25/2022  
**License Status:** Active-Restricted  
**Requirements:** APHP Report  
CPEP Compliance Report  
**Received:** Report from Rob Hunt with supporting documents  
Compliance Email from CPEP

**Physician:** **Barry Neal Lumpkins, M.D.**  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** No order in place  
**License Status:** Active  
**Requirements:** Check PDMP Quarterly  
**Received:** PDMP Compliant

**Physician:** **Edith Helga Gubler McCreadie, M.D.**  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 9/10/2019  
**License Status:** Active-Probation  
**Requirements:** Limited Prescribing  
**Received:** PDMP Complaint

**Physician:** Shakir Raza Meghani, M.D.  
**Order Type:** BME/MLC  
**Due Date:** Monthly  
**Order Date:** 11/20/2023  
**License Status:** Active  
**Requirements:** Check PDMP Monthly  
**Received:** PDMP Complaint

**Physician:** Frances Delaine Salter, M.D.  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 10/4/2005  
**License Status:** Active  
**Requirements:** APHP Report  
**Received:** Report from Rob Hunt with supporting documents

**Physician:** Hobert James Sharpton, D.O.  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** No order in place  
**License Status:** Active  
**Requirements:** Check PDMP Quarterly  
**Received:** PDMP Compliant

**Physician:** Colin G. Stafford, M.D.  
**Order Type:** MLC  
**Due Date:** Quarterly  
**Order Date:** 2/24/2021  
**License Status:** Active  
**Requirements:** APHP Report  
**Received:** Report from Rob Hunt with supporting documents

**Physician:** Janie T. Bush Teschner, M.D.  
**Order Type:** BME/MLC  
**Due Date:** Other  
**Order Date:** 4/19/2023  
**License Status:** Active-Probation  
**Requirements:** APHP Report  
Practice Plan  
Limited Practice (Pending practice place approval)  
Therapist Report  
AA/NA Meetings  
CME  
**Received:** Report from Rob Hunt with supporting documents

<b>Physician:</b>	<b>Charles R. Thompson, M.D.</b>
<b>Order Type:</b>	MLC
<b>Due Date:</b>	Quarterly
<b>Order Date:</b>	10/27/2021
<b>License Status:</b>	Active
<b>Requirements:</b>	Check PDMP Quarterly
<b>Received:</b>	PDMP Compliant

**In re:****KRISTIN JOSEF DOBAY, M.D.,****Respondent.****BEFORE THE MEDICAL  
LICENSURE COMMISSION  
OF ALABAMA****ORDER SETTING HEARING**  
**For Contested Cases Regarding Initial Licensure**

The Medical Licensure Commission of Alabama has before it the application for a license to practice medicine and/or osteopathy submitted by Kristin Josef Dobay, M.D. ("Respondent"). The Commission has determined that this matter is due to be set down for hearing under the provisions of Ala. Code §§ 34-24-333(a) and 41-22-19(a). This Order shall serve as the Notice of Hearing prescribed in Ala. Admin. Code r. 545-X-3-.03(3), (4). The Commission's legal authority and jurisdiction to hold the hearing in this matter are granted by Article 8, Chapter 24, Title 34 of the Code of Alabama (1975), and the particular sections of the statutes and rules involved are as set forth in the Administrative Complaint and in this Order.

**1. Scope and Purpose of Hearing**

The hearing provided for herein shall be for the purposes of determining whether the Respondent "is of good moral character" and/or whether "there is other good and reasonable cause for refusing to issue" a license to Respondent to practice medicine and/or osteopathy in the State of Alabama within the meaning of Ala. Code

§ 34-24-333(a), and whether a license to practice medicine should therefore be denied, issued, or issued with restrictions and/or conditions of probation, based upon the totality of the relevant facts and circumstances. Promptly upon entry of this Order, the Commission's General Counsel shall file and serve a statement providing Respondent reasonable notice of the issues to be joined and determined in the hearing.

**2. Initial Hearing Date**

This matter is set for a hearing as prescribed in Ala. Code §§ 34-24-360, *et seq.*, and Ala. Admin. Code Chapter 545-X-3, to be held on Wednesday, April 24, 2024, at 10:00 a.m., at 848 Washington Avenue, Montgomery, Alabama, 36104. Unless otherwise specified by the Commission, the hearing will be held in person. All parties and counsel are expected to appear and to be prepared for the hearing at this date, time, and place.

**3. Prosecutorial Functions of the Commission**

In contested cases, the Alabama Administrative Procedure Act requires a division of responsibilities between the prosecutorial and adjudicatory functions of the agency. *See* Ala. Code § 41-22-18(a). Accordingly, Commission Chairman Craig H. Christopher, M.D., and Commission General Counsel Aaron L. Dettling are hereby designated as the prosecution team for purposes of this hearing. Dr. Christopher and Mr. Dettling shall be responsible for presenting facts and argument

relevant to the licensure of Respondent, and shall take no part in the deliberation, decision, or preparation of the findings in connection with this matter. The Commission Vice Chairman, Jorge A. Alsip, M.D., together with the Hearing Officer, shall preside at the hearing and shall be responsible for the preparation of the Commission's written findings.

**4. Appointment of Hearing Officer**

The Commission appoints the Honorable William R. Gordon, Circuit Judge (Ret.) as the Hearing Officer in this matter, pursuant to Ala. Admin. Code r. 545-X-3-.08. The Hearing Officer shall exercise general superintendence over all pre-hearing proceedings in this matter, and shall serve as the presiding officer at the hearing, having and executing all powers described in Ala. Admin. Code r. 545-X-3-.08(1)(a)-(g).

**5. Rescheduling/Motions for Continuance**

All parties and attorneys are expected to check their schedules immediately for conflicts. Continuances will be granted only upon written motion and only for good cause as determined by the Chairman (or, in his absence, the Vice-Chairman) of the Medical Licensure Commission. Continuances requested on grounds of engagement of legal counsel on the eve of the hearing will not be routinely granted.

**6. Case Management Orders**

The Hearing Officer is authorized, without further leave of the Commission, to enter such case management orders as he considers appropriate to the particular case. Among any other matters deemed appropriate by the Hearing Officer, the Hearing Officer may enter orders addressing the matters listed in Ala. Admin. Code r. 545-X-3-.03(5)(a)-(f) and/or 545-X-3-.08(1)(a)-(g). All parties will be expected to comply with such orders.

**7. Manner of Filing and Serving Pleadings**

All pleadings, motions, requests, and other papers in this matter may be filed and served by e-mail. All filings should be e-mailed to:

- The Hearing Officer, William Gordon (wrgordon@charter.net);
- The Director of Operations of the Medical Licensure Commission, Rebecca Robbins (rrobbins@almlc.gov);
- General Counsel of the Medical Licensure Commission, Aaron Dettling (adettling@almlc.gov); and
- Respondent/Licensee or his or her counsel, as appropriate.

The Director of Operations of the Medical Licensure Commission shall be the custodian of the official record of the proceedings in this matter.

**8. Discovery**

Consistent with the administrative quasi-judicial nature of these proceedings, limited discovery is permitted, under the supervision of the Hearing Officer. *See* Ala. Code § 41-22-12(c); Ala. Admin. Code r. 545-X-3-.04. All parties and attorneys shall confer in good faith with one another regarding discovery. If disputes regarding discovery are not resolved informally, a motion may be filed with the Hearing Officer, who is authorized to hold such hearings as appropriate and to make appropriate rulings regarding such disputes.

**9. Publicity and Confidentiality**

Under Alabama law, this Order is a public document. The hearing itself is closed and confidential. The Commission's written decision, if any, will also be public. *See* Ala. Code § 34-24-361.1; Ala. Admin. Code r. 545-X-3-.03(10)(h), (11).

**10. Judicial Notice**

The parties are advised that the Commission may take judicial notice of its prior proceedings, findings of fact, conclusions of law, decisions, orders, and judgments, if any, relating to the Respondent. *See* Ala. Code § 41-22-13(4); Ala. Admin. Code r. 545-X-3-.09(4).

**11. Subpoenas**

The Commission has the statutory authority to compel the attendance of witnesses, and the production of books and records, by the issuance of subpoenas.

*See* Ala. Code §§ 34-24-363; 41-22-12(c); Ala. Admin. Code r. 545-X-3-.05. The parties may request that the Hearing Officer issue subpoenas for witnesses and/or documents, and the Hearing Officer is authorized to approve and issue such subpoenas on behalf of the Commission. Service of such subpoenas shall be the responsibility of the party requesting such subpoenas.

**12. Hearing Exhibits**

- A. Parties and attorneys should, if possible, stipulate as to the admissibility of documents prior to the hearing.
- B. The use of electronic technology, USB drives, CD's, DVD's, etc. is acceptable and encouraged for voluminous records. If the Commission members will need their laptop to view documents, please notify the Hearing Officer prior to your hearing.
- C. If providing hard copies, voluminous records need not be copied for everyone but, if portions of records are to be referred to, those portions should be copied for everyone.
- D. If a document is to be referred to in a hearing, copies should be available for each Commission member, the Hearing Officer, the Commission's General Counsel, opposing attorney, and the court reporter (12 copies).
- E. Index exhibits/documents for easy reference.
- F. Distribute exhibit/document packages at the beginning of the hearing to minimize distractions during the hearing.

**13. Appeals**

Appeals from final decisions of the Medical Licensure Commission, where permitted, are governed by Ala. Code § 34-24-367.

**DONE on this the 9th day of February, 2024.**

**THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA**

**By:**

**E-SIGNED by Jorge Alsip, M.D.  
on 2024-02-09 16:14:54 CST**

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**Jorge A. Alsip, M.D.  
its Vice-Chairman**

**Distribution:**

- **Honorable William R. Gordon**
- **Rebecca Robbins**
- **Respondent/Respondent's Attorney**
- **Aaron L. Dettling**



EXHIBIT

D

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

WILLIAM M. PERKINS, EXECUTIVE DIRECTOR

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MONTGOMERY, ALABAMA 36101-0946  
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MEMORANDUM

**To:** Medical Licensure Commission  
**From:** Mandy Ellis  
**Date:** January 18, 2024  
**Re:** Administrative Rules Approved for Publication

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The Board of Medical Examiners, at its meeting January 18, 2024, approved the following rules to be published for public comment in the *Alabama Administratively Monthly*:

- Administrative Rules Chapter 540-X-25, *Physician Recommendation of the Use of Medical Cannabis*

At its December 2023 meeting, the Board discussed requests from several legislators and other interested parties that have been made to review the rules related to physician recommendations for the use of medical cannabis. In particular, the Board instructed staff to add provisions to the rules requiring the administration of a pregnancy test to a patient capable of conceiving, limiting the length of a certification for a patient capable of conceiving to 30 days, and to require administration of a drug screen to test for the illicit use of controlled substances prior to certifying any patient.

In anticipation of the imminent permitting of physicians under this rule, staff also took this opportunity to clean up the rules and address other developments that have occurred since their original approval in 2021.

With an expected publication date of January 31, 2024, the public comment period ends March 6, 2024. The anticipated effective date is June 14, 2024.

Attachments:

- Administrative Rules Chapter 540-X-25, *Physician Recommendation of the Use of Medical Cannabis*

RULES OF THE  
ALABAMA BOARD OF MEDICAL EXAMINERS

CHAPTER 540-X-25  
PHYSICIAN RECOMMENDATION OF THE USE OF MEDICAL CANNABIS

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540-X-25-.01 Preamble.

This Chapter implements the provisions of the Darren Wesley 'Ato' Hall Compassion Act (Act 2021-450; Ala. Code §§ 20-2A-1, et. seq.) relating to the physician recommendation of medical cannabis. This Chapter shall establish the eligibility requirements and process for a licensed physician to qualify as a registered certifying physician. This Chapter will also establish the requirements for a registered certifying physician to issue a physician certification for a patient to use medical cannabis. Nothing in this Chapter shall overrule, modify, or replace the Board's regulations on prescribing controlled substances and standards for pain management services, as these regulations also apply to a physician's recommendation of medical cannabis. In particular, physicians

should exercise diligence in utilizing the Board's Risk and Abuse Mitigation Strategies contained in Ala. Admin. Code r. 540-X-4-.09. Even though a physician's recommendation or certification of a patient's use of medical cannabis is not a prescription, given the same risks for abuse and diversion, the Board expects the same standard of care and discretion to be observed by physicians as would be for any other treatment utilizing controlled substances.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.02 Definitions.

The following definitions shall apply to the rules in this chapter:

(1) AMCC. The Alabama Medical Cannabis Commission created pursuant to Ala. Code § 20-2A-20.

(2) BOARD. The Alabama State Board of Medical Examiners.

(3) CANNABIS. All parts of any plant of the genus cannabis, excluding industrial hemp or hemp regulated under Ala. Code §§ 2-8-380, et. seq., whether growing or not, including the seeds, extractions of any kind from any part of the plant, and every compound, derivative, mixture, product, or preparation of the plant.

(4) CERTIFY. To confirm or diagnose through a medical examination in compliance with these rules that a patient has a qualifying medical condition that conventional medical treatment or therapy has failed to treat or for which medical cannabis is indicated by the current standard of care.

(5) **CHRONIC PAIN.** A state in which pain persists beyond the usual course of an acute disease or healing of an injury (e.g., more than three (3) months), and which may or may not be associated with an acute or chronic pathological process that causes continuous or intermittent pain over a period of months or years.

(6) **CULTIVATOR.** An entity licensed by the Department of Agriculture and Industries or the AMCC under Ala. Code § 20-2A-62\_authorized to grow cannabis pursuant to Ala. Code §§ 20-2A-1, et. seq.

(7) **DAILY DOSAGE.** The total amount of one or more cannabis derivatives, including, but not limited to, cannabidiol and tetrahydrocannabinol, which may be present in a medical cannabis product that may be ingested by a registered qualified patient during a 24-hour period, as determined by a registered certifying physician.

(8) **DISPENSARY.** An entity licensed by the AMCC under Ala. Code §§ 20-2A-64 authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to Ala. Code §§ 20-2A-1, et. seq.

(9) **DISPENSING SITE.** A site operated by a dispensary licensee or an integrated facility licensee.

(10) **ECONOMIC INTEREST.** The rights to either the capital or profit interests of an applicant or licensee or, if the applicant or licensee is a corporation, the rights to some portion of all classes of outstanding stock in the corporation.

(11) **INTEGRATED FACILITY.** An entity licensed under Section 20-2A-67 authorized to perform the functions of a cultivator, processor, secure transporter, and dispensary pursuant to Article 4.

(12) **INTRACTABLE PAIN.** Chronic pain for which, in the generally accepted course of medical practice, the cause cannot be removed or otherwise treated.

(13) **LICENSEE OF THE AMCC.** Any person, business, or other entity possessing, or seeking to obtain, a license issued by the Alabama Medical Cannabis Commission; including, but not limited to, a cultivator, dispensary, integrated facility, processor, or secure transporter.

(14) **MEDICAL CANNABIS.** A medical grade product that contains a derivative of cannabis for medical use by a registered qualified patient and is in a form set forth in Ala. Code § 20-2A-3(14)a. and shall not include any of the forms prohibited by Ala. Code § 20-2A-3(14)b.

(15) **MEDICAL CANNABIS CARD.** A valid card issued pursuant to Ala. Code § 20-2A-35.

(16) **MEDICAL USE or USE OF MEDICAL CANNABIS or USE MEDICAL CANNABIS.** The acquisition, possession, use, delivery, transfer, or administration of medical cannabis authorized by Ala. Code §§20-2A-1, et. seq. These terms do not include possession, use, or administration of cannabis that was not purchased or acquired from a licensed dispensary.

(17) **PATIENT REGISTRY.** The Alabama Medical Cannabis Patient Registry System that is an electronic integrated system that tracks physician certifications, patient registrations, medical cannabis cards, the daily dosage and type of medical cannabis recommended to qualified patients by registered certifying physicians, and the dates of sale, amounts, and types of medical cannabis that were purchased by registered qualified patients at licensed dispensaries.

(18) PATIENT CAPABLE OF CONCEPTION. A patient possessing female reproductive organs who is between eleven (11) and fifty (50) years of age, excluding any patient who the registered certifying physician has confirmed to have had a hysterectomy or tubal ligation.

(189) PHYSICIAN CERTIFICATION. A registered certifying physician's authorization for a registered qualified patient to use medical cannabis.

(49 20) PROCESSOR. An entity licensed by the AMCC under Ala. Code § 20-2A-63 authorized to purchase cannabis from a cultivator and extract derivatives from the cannabis to produce a medical cannabis product or products for sale and transfer in packaged and labeled form to a dispensing site pursuant to Ala. Code §§ 20-2A-1, et. seq.

(201) QUALIFYING MEDICAL CONDITION. Any of the following conditions or symptoms of conditions, but only after documentation indicates that conventional medical treatment or therapy has failed unless current medical treatment indicates that use of medical cannabis is the standard of care:

- (a) Autism Spectrum Disorder (ASD).
- (b) Cancer-related cachexia, nausea or vomiting, weight loss, or chronic pain.
- (c) Crohn's Disease.
- (d) Depression.
- (e) Epilepsy or a condition causing seizures.
- (f) HIV/AIDS-related nausea or weight loss.
- (g) Panic disorder.
- (h) Parkinson's disease.

(i) Persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to pregnancy, cannabis-induced cyclical vomiting syndrome, or cannabinoid hyperemesis syndrome.

(j) Post Traumatic Stress Disorder (PTSD).

(k) Sickle Cell Anemia.

(l) Spasticity associated with a motor neuron disease, including Amyotrophic Lateral Sclerosis (ALS).

(m) Spasticity associated with Multiple Sclerosis (MS) or a spinal cord injury.

(n) A terminal illness.

(o) Tourette's Syndrome.

(p) A condition causing chronic or intractable pain in which conventional therapeutic ~~intervention~~ and opiate therapy is contraindicated or has proved ineffective.

(242) RECOMMEND. To authorize the daily dose and type of medical cannabis to be used by a registered qualified patient to treat a qualifying medical condition.

(223) REGISTERED CAREGIVER. An individual who meets the requirements described in subsection (c) of Ala. Code § 20-2A-30 and is authorized to acquire and possess medical cannabis and to assist one or more registered qualified patients with the use of medical cannabis.

(234) REGISTERED CERTIFYING PHYSICIAN. A physician authorized by the Board to certify patients for the use of medical cannabis.

(245) REGISTERED QUALIFIED PATIENT. Either of the following:

(a) An adult who meets the requirements described in subsection (a) of Ala. Code § 20-2A-30 and is authorized to acquire, possess, and use medical cannabis pursuant to Ala. Code §§ 20-2A-1, et. seq.

(b) A minor who meets the requirements described in subsection (b) of Ala. Code § 20-2A-30 and is authorized to use medical cannabis pursuant to this chapter with the assistance of a registered caregiver.

(256) SECURE TRANSPORTER. An entity licensed by the AMCC under Ala. Code § 20-2A-65 authorized to transport cannabis or medical cannabis from one licensed facility or site to another licensed facility or site.

(27) TELEMEDICINE. A form of telehealth referring to the provision of medical services by a physician at a distant site to a patient at an originating site via asynchronous or synchronous communications, or other devices that may adequately facilitate and support the appropriate delivery of care. The term includes digital health, but does not include incidental communications between a patient and a physician.

(268) TERMINAL ILLNESS. An illness or physical condition which can reasonably be expected to result in death in six (6) months or less after the date of the certification.

(279) UNRESTRICTED. When referring to a license to practice medicine or osteopathy, an Alabama Controlled Substance Certificate (ACSC) registration, or a Drug Enforcement Administration (DEA) registration, shall mean a license, certificate, or registration which is unencumbered by any restriction or condition or which is otherwise not subject to current discipline, and which has not been revoked, suspended, placed on probation, or voluntarily surrendered within the past five (5) years.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.03 Registration of Physicians for Certifying the Use of Medical Cannabis.

Every physician licensed to practice in Alabama who certifies or recommends a patient for the use of medical cannabis within Alabama pursuant to Ala. Code §§ 20-2A-1, et. seq. or who proposes to certify or recommend a patient for the use of medical cannabis within Alabama must obtain annually an Alabama Medical Cannabis Certification Permit from the Board.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.04 Requirements for Initial Application for Alabama Medical Cannabis Certification Permit.

(1) To obtain an Alabama Medical Cannabis Certification Permit, a physician applicant shall submit the following to the Board:

- (a) A completed application on a form prescribed by the Board.
- (b) Proof of an active, unrestricted license to practice medicine or osteopathy in Alabama.
- (c) Proof of an active, unrestricted Alabama Controlled Substances Certificate (ACSC).
- (d) Proof of an active, unrestricted, Alabama-specific DEA registration.

(e) Proof of a current registration to query the Alabama Prescription Drug Monitoring Program (PDMP) that is established and maintained by the Alabama Department of Public Health.

(f) Proof of a current registration, or immediate intent to register, with the Alabama Medical Cannabis Patient Registry System that is established and maintained by the AMCC.

(g) Proof of completion of a four (4) hour course related to medical cannabis, and a passing grade on a subsequent examination, which has been approved by the Board and offered by a multi-specialty statewide professional organization of physicians in this state that is recognized to accredit intrastate organizations to provide AMA PRA Category 1 Credit™.

(h) The disclosure of any controlled substances certificate or registration denial, restriction, or discipline imposed on the physician applicant, or any disciplinary act against any medical or other professional license of the physician applicant.

(i) A list of all practice locations and/or addresses from which the physician applicant may certify or recommend a patient for the use of medical cannabis.

(j) An initial/reinstatement application fee of three hundred dollars (\$300), which shall be payable to the Board and non-refundable upon submission. An initial/reinstatement application fee is non-transferable.

(2) If a physician applicant does not complete the initial application process within ninety (90) days of his or her first submission to the Board, the application shall be closed, the application fees shall not be refunded or transferred, and the applicant shall be required to reapply for a permit.

(3) An application which is submitted to the Board may be withdrawn at any time prior to the granting or denial of registration; however, the application fees shall not be refunded or transferred.

(4) All initial applications for an Alabama Medical Cannabis Certification Permit are subject to approval by the voting members of the Board and ~~may~~ shall not be issued on a temporary or preliminary basis.

(5) No Alabama Medical Cannabis Certification Permit shall be issued until the AMCC has issued at least one license each for a cultivator, a processor, a secure transporter, and a dispensary or has issued at least one license for an integrated facility.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.05 Physician Eligibility for an Alabama Medical Cannabis Certification Permit.

No physician shall obtain an Alabama Medical Cannabis Certification Permit unless he or she:

- (1) Possesses an active, unrestricted license to practice medicine or osteopathy in Alabama;
- (2) Possesses an active, unrestricted ACSC registration;
- (3) Possesses an active, unrestricted, Alabama-specific DEA registration;
- (4) Has satisfied one of the following experience requirements:

(a) Has been engaged in the active practice of medicine or osteopathy for at least three (3) years, excluding any practice in an internship, residency, fellowship, or other supervised training program; or

(b) Has actively practiced medicine or osteopathy for at least one (1) year, excluding any practice in an internship, residency, fellowship, or other supervised training program, and is certified by a specialty board approved by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association Bureau of Osteopathic Specialists (AOABOS);

(5) Is registered to query the PDMP and has access to the PDMP in all locations where he or she certifies or recommends a patient for the use of medical cannabis;

(6) Is a registered user, or will become a registered user as soon as permitted, of the Alabama Medical Cannabis Patient Registry and has access to the registry in all locations where he or she certifies or recommends a patient for the use of medical cannabis;

(7) Has completed a four (4) hour course related to medical cannabis and has received a passing grade on a subsequent examination, which has been approved by the Board and offered by a multi-specialty statewide professional organization of physicians in this state that is recognized to accredit intrastate organizations to provide AMA PRA Category 1 Credit™; and

(8) Has paid all fees required by this Chapter.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.06 Grounds for Denial or Revocation of an Alabama Medical Cannabis Certification Permit.

(1) The Board may deny issuance or renewal of or revoke the Alabama Medical Cannabis Certification Permit of a physician who:

(a) Fails to meet or maintain any of the requirements set forth in Ala. Code §§ 20-2A-1, et seq., or Ala. Admin. Code R. 540-X-25-.01, et seq.;

(b) Furnishes false, misleading, untruthful, or fraudulent information in connection with an application;

(c) Discloses, or fails to disclose, any controlled substances certificate or registration denial, restriction, or discipline imposed on the applicant, or any disciplinary act against any medical license, any controlled substances certificate of registration, or any DEA registration of the physician;

(d) Has been convicted of, pled guilty to, or entered a plea of nolo contendere to a felony or a criminal offense related to the provision of medical services, fraud, or a drug offense, or is under any state or federal restriction, probation, discipline, investigation, or indictment related to a felony, the provision of medical services, fraud, or a drug offense;

(e) Holds a direct or indirect economic interest in a licensee of the AMCC;

(f) Is guilty of any of the acts or offenses listed in Ala. Code § 34-24-360; or

(g) Has violated any rules or regulations of the Board or the Medical Licensure Commission of Alabama.

(2) An applicant who is denied an Alabama Medical Cannabis Certification Permit under this section may petition the Board for reconsideration of the application.

Any petition must be filed within thirty (30) days of denial of the permit. Upon receipt of the petition, the Board shall issue the permit or set a hearing thereon. The hearing shall be considered a contested case and shall be governed by the rules on reinstatement hearings in accordance with Ala. Admin. Code R. 540-X-6-.02(1)(b)(3).

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

**540-X-25-.07 Renewal of an Alabama Medical Cannabis Certification Permit.**

(1) Renewal of an Alabama Medical Cannabis Certification Permit shall be annually on or before December 31 of each year.

(2) Annual permit renewal shall occur upon completion of a renewal application in a form prescribed by the Board and payment of a renewal fee.

(3) The fee for annual permit renewal shall be two hundred dollars (\$200).

(4) Any registered certifying physician who fails to renew an Alabama Medical Cannabis Certification Permit by December 31 of the year of its expiration shall be required to reinstate the certificate by reapplying for an initial Alabama Medical Cannabis Certification Permit under the provisions set forth in this Chapter.

(5) Before renewing an Alabama Medical Cannabis Certification Permit, a physician shall have a current and appropriate registration issued by the DEA and a valid ACSC registration issued by the Board.

(6) Before renewing an Alabama Medical Cannabis Certification Permit, a physician shall have a current registration to access and query in all locations where he or she certifies or recommends a patient for the use of medical cannabis:

(a) The Alabama Medical Cannabis Patient Registry system established and maintained by the AMCC; and

(b) The PDMP.

(7) Before renewing an Alabama Medical Cannabis Certification Permit, the physician shall have completed within the last 24 months a continuing medical education (CME) course related to medical cannabis of at least two (2) AMA PRA Category 1 Credits™ that is approved by the Board and is offered by a multi-specialty statewide professional organization of physicians in this state that is recognized to accredit intrastate organizations to provide AMA PRA Category 1 Credit™.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

**540-X-25-.08 Continuing Medical Education Requirements.**

(1) Prior to the initial issuance of, or reinstatement thereof, an Alabama Medical Cannabis Certification Permit, a physician shall have, within the two (2) years preceding their application, completed a four (4) hour course related to medical cannabis, and have received a passing grade on a subsequent examination, which has been approved by the Board and offered by a multi-specialty statewide professional organization of physicians in this state that is recognized to accredit intrastate organizations to provide AMA PRA Category 1 Credit™.

(2) In order to maintain or renew an Alabama Medical Cannabis Certification Permit, a registered certifying physician shall, every two (2) years, complete a two (2) hour refresher course related to medical cannabis which has been approved by the Board

and offered by a multi-specialty statewide professional organization of physicians in this state that is recognized to accredit intrastate organizations to provide AMA PRA Category 1 Credit™.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.09 Limitations Upon registered certifying physicians.

(1) Except for the limited purpose of performing a medical cannabis-related study, a registered certifying physician shall not accept, solicit, or offer any form of ~~renumeration~~ remuneration from or to a qualified patient, designated caregiver, or any licensee of the AMCC, including a principal officer, board member, agent, or employee of the licensee, to certify a patient, other than accepting payment from a patient for a fee, not to exceed that which is customarily charged in the locality for physician services, associated with the examination, medical consultation, or other treatment, including, but not limited to, any third party reimbursement for the same.

(2) A registered certifying physician shall not accept, solicit, or offer any form of ~~renumeration~~ remuneration from or to a dispensary for the purpose of referring a patient to a specific dispensary.

(3) A registered certifying physician shall not offer a discount ~~of~~ or any other item of value to a qualified patient who uses or agrees to designate a specific registered caregiver or use a specific dispensary to obtain medical cannabis.

(4) A registered certifying physician shall not hold a direct or indirect economic interest in a licensee of the AMCC.

(5) A registered certifying physician shall not serve on the Board of Directors or as an employee of a licensee of the AMCC.

(6) A registered certifying physician shall not refer qualified patients to a specific caregiver or a specific dispensary.

(7) A registered certifying physician shall not advertise in a dispensary.

(8) A registered certifying physician, or any practice, facility, business, or other entity with which they are affiliated, shall not advertise on a website, in brochures, or via any other media that generally describe the scope of practice of the physician as a "medical cannabis" or "medical marijuana" physician or doctor, or otherwise advertises his or her status as a registered certifying physician, other than stating the following: "Dr. \_\_\_\_\_ is qualified by the State of Alabama to certify patients for medical cannabis use under the Alabama Compassion Act."

(9) A registered certifying physician shall not be located in the same office space as a dispensary or a dispensing site.

(10) A registered certifying physician shall not certify or recommend, or recertify or re-recommend, a patient for the use of medical cannabis unless both the registered certifying physician and the patient are physically located in Alabama, and any examination, visit, or other consultation occurs while both parties are physically located in Alabama.

(11) At all times in the certification or recommendation of medical cannabis, a registered certifying physician shall only evaluate, diagnose, or certify those qualifying medical conditions for which he or she possesses the education, training, experience, and specialty training to evaluate, diagnose, or treat in his or her usual medical practice.

A physician who recommends medical cannabis to a patient for treatment of a qualifying medical condition that the physician is not trained to treat with conventional medical treatment shall be in violation of these rules.

(12) A registered certifying physician is strictly prohibited from certifying or recommending, or recertifying or re-recommending, the use of medical cannabis to any patient who is pregnant, breastfeeding, or attempting to conceive.

(13) A registered certifying physician is prohibited from certifying or recommending, or recertifying or re-recommending, the use of medical cannabis to any patient who has been diagnosed with a condition for which cannabis is contraindicated under the current standard of care or by evidence-based research.

(14) A registered certifying physician is prohibited from utilizing any form of telemedicine when certifying or recommending, or recertifying or re-recommending, a patient for the use of medical cannabis, or when conducting any examination associated therewith.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.10 Requirements for Physician Recommendation or Certification for the Use of Medical Cannabis.

(1) In order to recommend a patient for the use of medical cannabis, a registered certifying physician shall, within the scope of his or her usual medical practice or specialty, diagnose a patient with at least one qualifying medical condition or shall confirm, through personal, direct observation and assessment and primary source

verification, that the patient has been medically diagnosed, by a physician, with at least one qualifying medical condition.

(2) A registered certifying physician shall establish a bona fide physician-patient relationship with the patient for the provision of medical services in an in-person visit that complies with this Chapter and for which there is an expectation that the physician will provide care to the patient on an ongoing basis.

(a) Prior to certifying or recommending, or recertifying or re-recommending, a patient for the use of medical cannabis, the registered certifying physician shall have conducted a physical examination while physically present in the same room as the patient and obtained a full assessment of the patient's medical history. Any certification or recommendation, or recertification or re-recommendation, of a patient for the use of medical cannabis must also occur with the registered certifying physician and the qualified patient physically present in the same room.

(3) A registered certifying physician shall create and maintain a medical record that satisfies the provisions of Ala. Admin Code R. 545-X-4-.09 and shall also include, at a minimum, the following:

- (a) The patient's name and date or dates of office visits or treatments;
- (b) A description of the patient's qualifying medical condition;
- (c) Documented assessment of the patient's medical history, including relevant prescription history and any history of substance use disorder;
- (d) Documented review of any available relevant diagnostic test results;
- (e) Documented review of prior treatment and the patient's response to the treatment;

(f) Documented review of the patient's current medication to identify possible drug interactions, including all controlled substances;

(g) Documented review that conventional medical treatment or therapy has been attempted;

(h) ~~A registered certifying physician may obtain a drug screen on the patient. It is within the physician's discretion to decide the nature of the screen and which type of drug to be screened. Results of any such drug screen shall be maintained in the medical record along with documentation of any prescriptive measures taken due to an unsatisfactory screen;~~ Prior to initially certifying or recommending a patient for the use of medical cannabis, a registered certifying physician shall obtain a drug screen on the patient for the presence of controlled substances. A physician shall not certify or recommend the use of medical cannabis for any patient who has a positive drug screen for any illicit or controlled substances for which they are not prescribed, excluding cannabis. The registered certifying physician shall confirm any controlled substance prescriptions by querying the patient's PDMP profile and shall consider the polypharmacy and possible interactions of these substances with cannabis prior to certifying or recommending a patient for the use of medical cannabis. Results of the drug screen shall be maintained in the medical record.

(i) The registered certifying physician's performance of a physical examination relevant to the patient's current medical condition;

(j) Immediately prior to certifying or recommending, or recertifying or recommending, a patient for the use of medical cannabis, a registered certifying physician

shall obtain a negative pregnancy test result on any patient capable of conception. The results of the pregnancy test shall be maintained in the medical record;

(j)k) The physician's diagnosis of the patient's qualifying medical condition; and

(k)l) If the patient has been previously diagnosed with a qualifying medical condition by another qualified physician, the registered certifying physician may confirm the diagnosis provided that the registered certifying physician obtains a copy of the medical records or a detailed written summary indicating the diagnosis, and the registered certifying physician is satisfied that he or she can rely on those records to confirm diagnosis of a qualifying medical condition. The registered certifying physician shall maintain a copy of any record or report of any other physician on which the registered certifying physician relied for purposes of meeting the requirements under this paragraph. The registered certifying physician shall verify and document the diagnosing physician's continuing diagnosis of the patient's qualifying medical condition prior to each recertification.

(4) If the registered certifying physician diagnoses or confirms the diagnosis of a qualifying medical condition, the physician shall document in the medical record compliance with all of the following actions when certifying or recommending treatment with medical cannabis:

(a) Development of a treatment plan, including consideration of whether treatment with medical marijuana is complementary to standard medical treatment.

(b) The review of the patient's controlled drug prescription history in the PDMP. The review shall cover at least the twenty-four (24) months immediately preceding the date of the certification or recertification.

(c) Discussion with the patient regarding any indicators of possible abuse or diversion of controlled substances that are reflected on the PDMP report.

(d) The explanation of the risks and benefits of treatment with medical cannabis as it pertains to the patient's qualifying medical condition and medical history.

(e) The registered qualified patient's voluntary and informed written consent prior to completing a certification or recommendation for treatment with medical cannabis. If the patient is a minor, the physician shall obtain the voluntary and informed written consent of the patient's parent or legal guardian prior to completing a certification or recommendation for treatment with medical cannabis for the patient. The voluntary and informed written consent for all registered qualified patients and/or legal guardians and, if applicable, registered caregivers shall be memorialized on a form authorized by the Board, a copy of which shall also be provided to the patient or legal guardian and, if applicable, registered caregiver. The voluntary and informed written consent form shall, at a minimum, include:

1. The federal and state classification of cannabis as a Schedule I controlled substance.

2. The approval and oversight status of cannabis by the Food and Drug Administration.

3. The current state of research on the efficacy of cannabis to treat the qualifying medical condition or conditions.

4. The potential for addiction.

5. The potential effect that cannabis may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery,

operating a motor vehicle, or engaging in activities that require an individual to be alert or respond quickly.

6. The potential side effects of cannabis use.
7. The risks, benefits, and drug interactions of cannabis.
8. A statement that the use of medical cannabis could result in termination from employment without recourse and that costs may not be covered by insurance or government programs.

9. That the patient's de-identified health information contained in the patient's medical record, physician certification, and patient registry may be used for research purposes or used to monitor compliance with Ala. Code §§ 20-2A-1, et. seq.

10. A statement that a certification or recommendation by a registered qualifying physician does not constitute a prescription for medical cannabis.

11. Whether the patient requires the use of a registered caregiver to assist in the use or administration of medical cannabis. If the patient requires or utilizes a registered caregiver, the physician shall document the name of the registered caregiver designated by the patient or the patient's legal representative. The registered caregiver must also review and sign the voluntary and informed written consent form in the presence of the registered certifying physician.

(5) In certifying or recommending treatment with medical cannabis, a registered certifying physician or his or her delegate shall determine from the patient registry whether the patient has an active registration for the use of medical cannabis.

(a) If the patient is not registered or if the patient's registration will expire within thirty (30) days, the registered certifying physician shall submit the patient's application for registration or renewal to the patient registry.

(b) The electronic certification or recommendation for treatment with medical cannabis that is submitted to the patient registry shall include:

1. The registered qualified patient's full legal name, date of birth, and ~~home address~~ social security number;

2. The registered qualifying physician's name and Alabama Medical Cannabis Certification Permit number;

3. The full legal name, date of birth, and social security number of the patient's parent or legal guardian and/or registered caregiver, if applicable;

4. A description of the qualifying medical condition(s) and indication whether the qualifying condition is a terminal illness for which the registered qualified patient has a life expectancy of six (6) months or less;

5. The daily dosage of medical cannabis (as measured by potency of delta-9-tetrahydrocannabinol) that the registered certifying physician is recommending to the registered qualified patient. Any daily dosage recommended by a registered certifying physician shall not exceed the limitations set forth by the AMCC for each of the qualifying medical conditions;

6. The type or permissible form(s) of medical cannabis that the registered certifying physician recommends;

7. The permissible length of duration of the certification, which shall not exceed thirty (30) days for a patient capable of conception, or ninety (90) days for all other patients;

8. A statement from the registered certifying physician certifying that a bona fide physician-patient relationship exists between the registered certifying physician and registered qualified patient;

9. A statement from the registered certifying physician affirming that the registered qualified patient has been diagnosed with at least one qualifying medical condition by either the registered certifying physician or another qualified physician;

10. A statement from the registered certifying physician that, prior to certifying the use of medical cannabis, he or she has, or has confirmed through primary source verification of the patient's medical records that another qualified physician has, attempted conventional medical treatments or therapies for the patient's qualifying medical condition, and that said conventional treatments and/or therapies have failed to result in successful outcomes, or that current conventional medical treatment indicates that the use of medical cannabis is the standard of care for the patient's qualifying medical condition;

11. If the qualifying medical condition is based upon a terminal illness as defined in this Chapter, a statement from the registered qualifying physician that the patient is suffering from an illness or physical condition which the registered qualifying physician professionally and reasonably expects to result in the patient's death in six (6) months or less after the date of the certification; provided, a registered certifying physician

shall not recertify a patient as having a terminal illness if the patient has been certified as having a terminal illness for a period of twenty-four (24) months or more;

12. An affirmation from the registered certifying physician that he or she, or his or her delegate, has obtained from the PDMP a report of information related to the registered qualified patient that includes, at a minimum, the twenty-four (24) months immediately preceding the date of the certification or recertification; and

13. An affirmation from the registered certifying physician that he or she has informed the registered qualified patient of the risks and benefits of medical cannabis as it pertains to the patient's qualifying medical condition and medical history.

(c) Absent any extenuating circumstances, a registered certifying physician shall, within twenty-four (24) hours, input into the patient registry any certification, recertification, or any updates thereto. Any deactivation shall be entered into the patient registry immediately upon the registered certifying physician becoming aware of the reason for the deactivation.

(6) A registered certifying physician who certifies or recommends treatment with medical cannabis shall be available to provide follow-up care and treatment to the patient, including physical examinations relevant to the patient's condition to determine the efficacy of medical cannabis in treating the patient's qualifying medical condition.

(7) A registered certifying physician shall deactivate a current certification or decline to issue a new certification for medical cannabis under any of the following circumstances:

(a) The registered ~~certified~~ qualified patient no longer has the diagnosis of or symptoms of the qualifying medical condition.

(b) The registered certifying physician no longer possesses a valid Alabama Medical Cannabis Certification Permit.

(c) Based on the registered certifying physician's clinical judgment, the registered qualified patient or registered caregiver is abusing or diverting medical cannabis.

(d) The registered qualified patient is deceased.

(8) The records required for the certification or recommendation of medical cannabis may be kept with the patient's other medical records and shall be retained for at least seven (7) years in accordance with Ala. Admin. Code R. 540-X-9-.10.

~~(9) The registered certifying physician shall submit to the Board an annual report, in a manner prescribed by the Board, describing the physician's observations regarding the effectiveness of medical cannabis in treating patients. The report shall not contain patient identifying information.~~

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.

540-X-25-.11 Dosage Limitations of Medical Cannabis Recommendations.

(1) A registered certifying physician may not lawfully recommend the use of medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol to any minor for any qualifying medical condition.

(2) A registered certifying physician shall not recommend a dosage of tetrahydrocannabinol content which exceeds the maximum daily dosage of medical

cannabis for the applicable qualifying medical condition, as established by rule of the AMCC.

(3) Subject to the maximum daily dosages established by rule of the AMCC, a maximum daily dosage shall not exceed 50 mg of delta-9-tetrahydrocannabinol; provided, however, that the maximum daily dosage may be increased but still subject to the maximum daily dosages established by rule of the AMCC under either of the following circumstances:

(a) A registered certifying physician may increase a patient's daily dosage if, after 90 days of continuous care under the physician during which time the patient was using medical cannabis, the physician determines that a higher daily dosage is medically appropriate; provided that the maximum daily dosage under this paragraph may not exceed 75 mg of delta-9-tetrahydrocannabinol, and that the physician shall clearly articulate in the patient's medical record the justification for the higher daily dosage; or

(b) A registered certifying physician may increase a patient's daily dosage if the patient has been diagnosed with a terminal illness; provided that, if the recommended daily dosage exceeds 75 mg of delta-9-tetrahydrocannabinol, the physician shall notify the patient that the patient's driver's license will be suspended.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1; Act 2021-450 (Ala. Code §§ 20-2A-1, et. seq.)

**History:** Approved for publication: November 18, 2021. Certified Rule Filed March 21, 2022. Effective Date: May 15, 2022.



EXHIBIT  
E

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

WILLIAM M. PERKINS, EXECUTIVE DIRECTOR

P.O. BOX 946  
MONTGOMERY, ALABAMA 36101-0946  
848 WASHINGTON AVE.  
MONTGOMERY, ALABAMA 36104

TELEPHONE: (334) 242-4116  
E MAIL: [bme@albme.gov](mailto:bme@albme.gov)

MEMORANDUM

**To:** Medical Licensure Commission  
**From:** Mandy Ellis  
**Date:** January 18, 2024  
**Re:** Administrative Rules Approved for Publication

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The Board of Medical Examiners, at its meeting January 18, 2024, approved the following rule to be published for public comment in the *Alabama Administratively Monthly*:

- Administrative Rules Chapter 540-X-25 Appendix A, *Alabama Medical Cannabis Informed Consent Form*

Ala. Code § 20-2A-33(b)(5) to develop a form for registered certifying physicians to obtain the voluntary and informed consent of patients prior to certifying them for the use of medical cannabis. The statute lists specific requirements for information that must be included on the form. At the January meeting, the Board voted to amend the form adding blanks for the patient's caregiver/legal guardian and certifying physician to initial. The final form is to be available to all physicians on our website and completed forms must be maintained in the medical record of any patient for whom a physician recommends or certifies the use of medical cannabis.

With an expected publication date of January 31, 2024, the public comment period ends March 6, 2024. The anticipated effective date is June 14, 2024.

Attachments:

- Administrative Rules Chapter 540-X-25, Appendix A, *Alabama Medical Cannabis Informed Consent Form*



# **ALABAMA BOARD OF MEDICAL EXAMINERS**

P.O. Box 946 / Montgomery, AL 36101-0946 / (334) 242-4116

## **Alabama Medical Cannabis Informed Consent**

A certifying physician may not delegate the responsibility of obtaining written informed consent to another person. The certifying physician must explain the information in each section of this form to the patient, or the patient's parent or legal guardian, and, if applicable, the patient's registered caregiver. Prior to the certifying physician completing the certification or recommendation for medical cannabis, the qualified patient, or the patient's parent or legal guardian, and, if applicable, registered caregiver must initial each section and sign indicating that the certifying physician has explained the information on this form. The original form shall be retained in the patient's medical record, and a copy shall be provided to the patient, parent, or legal guardian, and, if applicable, registered caregiver.

Patient's Printed Name: \_\_\_\_\_

**Classification of medical cannabis:**

**Initials** \_\_\_\_\_

The federal and state government have classified cannabis as a Schedule I controlled substance. Schedule I substances are defined, in part, as having (1) a high potential for abuse; (2) no currently accepted medical use for treatment in the United States; and (3) a lack of accepted safety for use under medical supervision. Federal law prohibits the manufacture, distribution, and possession of cannabis even in states, such as Alabama, which have modified their state laws to treat cannabis as a medicine.

**The approval and oversight status of cannabis by the FDA:**

**Initials** \_\_\_\_\_

Cannabis has not been approved by the Food and Drug Administration for marketing as a drug; therefore, the "manufacture" of cannabis for medical use is not subject to any federal standards, quality control, or other federal oversight. Cannabis may contain unknown quantities of active ingredients, which may vary in potency, impurities, contaminants, and substances in addition to THC, which is the primary psychoactive chemical component of cannabis.

**The current state of research on the efficacy of cannabis to treat the qualifying conditions:**

**Initials** \_\_\_\_\_

There is insufficient evidence to support or refute the conclusion that cannabinoids are an effective treatment for any of the recognized qualifying medical conditions. While there is evidence that cannabinoids may provide relief for some of the symptoms associated with the qualifying medical conditions, the research is not conclusive. Research in this field remains ongoing, and the science is developing.

**The potential for addiction:**

**Initials** \_\_\_\_\_

Some studies suggest that the use of cannabis by individuals may lead to a tolerance to, dependence on, or addiction to cannabis. I understand that if I require increasingly higher doses to achieve the same benefit or if I think that I may be developing a dependency on cannabis, I should contact my certifying physician.

**The potential effect that cannabis may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or**

**engaging in activities that require an individual to be alert or respond quickly:**

**Initials** \_\_\_\_\_

The use of cannabis can affect coordination, motor skills, and cognition; i.e., the ability to think, judge, and reason. Driving under the influence of cannabis can significantly increase the risk of vehicular accident, which escalates if alcohol is also influencing the driver. While using medical cannabis I should not drive, operate heavy machinery, or engage in any activities that require me to be alert and/or respond quickly, and I should not participate in activities that may be dangerous to myself or others. I understand that if I drive while under the influence of cannabis, I can be arrested for “driving under the influence” (Ala. Code § 32-5A-191).

**The potential side effects of medical cannabis use:**

**Initials** \_\_\_\_\_

Potential side effects from the use of cannabis include, but are not limited to, the following: dizziness, anxiety, confusion, sedation, low blood pressure, impairment of short term memory, euphoria, difficulty in completing complex tasks, suppression of the body’s immune system, an effect on the production of sex hormones that may lead to adverse effects, inability to concentrate, impaired motor skills, paranoia, psychotic symptoms, general apathy, depression, and/or restlessness. Cannabis may exacerbate schizophrenia in persons predisposed to that disorder. In addition, the use of medical cannabis may cause me to talk or eat in excess, alter my perception of time and space, and impair my judgment. Many medical authorities claim that use of medical cannabis, especially by persons younger than 25, can result in long-term problems with attention, memory, learning, drug abuse, and schizophrenia.

**The risks, benefits, and drug interactions of cannabis:**

**Initials** \_\_\_\_\_

Signs of withdrawal can include feelings of depression, sadness, irritability, insomnia, restlessness, agitation, loss of appetite, trouble concentrating, sleep disturbances, and unusual tiredness.

Symptoms of cannabis overdose include, but are not limited to, nausea, vomiting, hacking cough, disturbances in heart rhythms, numbness in the hands, feet, arms or legs, anxiety attacks, and incapacitation. If I experience these symptoms, I agree to contact my certifying physician immediately or go to the nearest emergency room. Numerous drugs are known to interact with cannabis, and not all drug interactions are known. Some mixtures of medications can lead to serious and even fatal consequences.

I agree to follow the directions of my certifying physician regarding the use of prescription and non-prescription medication. I will advise all my other treating physician(s) of my use of medical cannabis.

Cannabis may increase the risk of bleeding, low blood pressure, elevated blood sugar, elevated liver enzymes, or impairment of other bodily systems when taken with herbs and supplements. I agree to contact my certifying physician immediately or go to the nearest emergency room if these symptoms occur.

I understand that medical cannabis may have serious risks and may cause low birthweight or other abnormalities in babies. I will advise my certifying physician if I become pregnant, try to get pregnant, or will be breastfeeding.

**Termination of employment and cost coverage:**

**Initials** \_\_\_\_\_

The use of medical cannabis could result in termination from employment without recourse, and costs may not be covered by insurance or government programs.

**Research & compliance:****Initials** \_\_\_\_\_

The patient's de-identified health information contained in the patient's medical record, physician certification, and patient registry may be used for research purposes or used to monitor compliance with Act 2021-450.

**Certifications and recommendations are not prescriptions:****Initials** \_\_\_\_\_

Certification or recommendation by a registered certifying physician does not constitute a prescription for medical cannabis.

**Registry identification card:****Initials** \_\_\_\_\_

When in the possession of medical cannabis, the patient or the patient's caregiver(s) must have his or her medical cannabis use registry identification card in his or her possession at all times.

**Acknowledgment:**

I have had the opportunity to discuss these matters with the physician and to ask questions regarding anything I may not understand or that I believe needed to be clarified. I acknowledge that my certifying physician has informed me of the nature of a recommended treatment, including but not limited to, any recommendation regarding medical cannabis.

My certifying physician also informed me of the risks, complications, and expected benefits of any recommended treatment, including its likelihood of success and failure. I acknowledge that my certifying physician has explained the information in this consent form about the medical use of cannabis.

Patient's Printed Name: \_\_\_\_\_ **Date** \_\_\_\_\_Patient's Signature: \_\_\_\_\_ **Date** \_\_\_\_\_Name of Patient's Registered Caregiver (if applicable) \_\_\_\_\_ **Date** \_\_\_\_\_Signature of Registered Caregiver (if applicable) \_\_\_\_\_ **Date** \_\_\_\_\_Name of Parent or Legal Guardian (if applicable): \_\_\_\_\_ **Date** \_\_\_\_\_Signature of Parent or Legal Guardian (if applicable): \_\_\_\_\_ **Date** \_\_\_\_\_Relationship to Patient: \_\_\_\_\_ **Date** \_\_\_\_\_Name of Certifying Physician: \_\_\_\_\_ **Date** \_\_\_\_\_Signature of Certifying Physician: \_\_\_\_\_ **Date** \_\_\_\_\_

Physician's AMCC Permit #: \_\_\_\_\_



EXHIBIT

F

STATE of ALABAMA  
MEDICAL LICENSURE COMMISSION

MEMORANDUM

**To:** Medical Licensure Commission  
**From:** Rebecca Robbins  
**Date:** January 18, 2024  
**Subject:** Voluntary Surrender – Steven Wayne Powell, M.D.

---

On April 24, 2023, Dr. Powell pled guilty to one count of health care fraud in violation of 18 U.S.C. §1347, in the United States District Court for the District of New Hampshire. Dr. Powell elected to execute a voluntary surrender of his medical license on December 5, 2023. The Alabama Board of Medical Examiners accepted the surrender at their January 18, 2023 business meeting.

STATE OF ALABAMA       )  
                                      )  
MONTGOMERY COUNTY    )

### **VOLUNTARY SURRENDER**

I, Steven Wayne Powell, M.D., do voluntarily surrender my license to practice medicine or osteopathy in the State of Alabama, identified by license number MD.39044, under the provisions of Ala. Code § 34-24-361(g). I acknowledge that this action is taken by me while under investigation by the Alabama State Board of Medical Examiners ("Board").

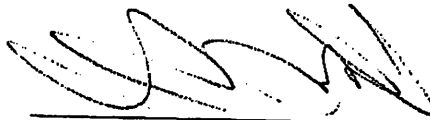
I acknowledge that I sign this document willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am of sound mind and under no constraint or undue influence. I understand that this surrender shall have the same effect as a revocation of my license, and I knowingly forfeit and relinquish all right, title, and privilege to practice medicine in the State of Alabama, unless and until such time as my license may be reinstated, in the discretion of the Board and Medical Licensure Commission.

I understand that I have a right to a hearing in this matter, and I hereby freely, knowingly, and voluntarily waive such right to a hearing. I also understand that both the Board and Medical Licensure Commission shall have access to any investigative file in this matter should I request reinstatement of my certificate of qualification and medical license, and that the Board has the right to contest my reinstatement. I understand that the Board may summarily deny any petition for reinstatement of my certificate of qualification for two (2) years from the effective date of this surrender. I further understand that upon applying for reinstatement, it shall be my burden to prove by sufficient evidence that I satisfy the criteria for reinstatement as provided for in the Board's rules, which include, but are not limited to, demonstrating to the satisfaction of the Board that I am able to practice medicine with reasonable skill

and safety to patients.

I understand that this surrender shall become effective upon acceptance by the Board. I further acknowledge that this voluntary surrender constitutes a public record of the Alabama State Board of Medical Examiners and will be reported by the Board to the National Practitioner Data Bank (NPDB) and to the Federation of State Medical Boards. This voluntary surrender may be released by the Alabama State Board of Medical Examiners to any person or entity requesting information concerning the licensure status in Alabama of the physician named herein.

EXECUTED this 5<sup>th</sup> day of December, 2023.

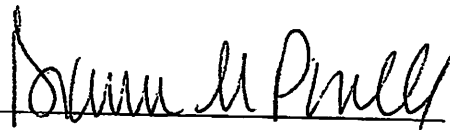


STEVEN WAYNE POWELL, M.D.

Witnessed by:

(Print) Diann M Powell

(Sign)



**EXHIBIT**

**G**

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**vs.**

**CAMERON TOWNSEND CORTE,  
M.D.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION  
OF ALABAMA**

**CASE NO. 2023-279**

**ORDER TEMPORARILY SUSPENDING LICENSE  
AND SETTING HEARING**

The Medical Licensure Commission has received the verified Administrative Complaint and Petition for Summary Suspension of License (“the Administrative Complaint”) filed by the Alabama State Board of Medical Examiners in this matter. The Commission has determined that this matter is due to be set down for hearing under the provisions of Ala. Code § 34-24-361(e). This Order shall serve as the Notice of Hearing prescribed in Ala. Admin. Code r. 545-X-3-.03(3), (4). The Commission’s legal authority and jurisdiction to hold the hearing in this matter are granted by Article 8, Chapter 24, Title 34 of the Code of Alabama (1975), and the particular sections of the statutes and rules involved are as set forth in the Administrative Complaint and in this Order.

**1. Temporary Suspension of License**

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the legal authority of Ala. Code §§ 34-24-361(f) and 41-22-19(d), it is the ORDER of the Commission that the license to practice medicine or osteopathy, license certificate number MD.38259 of CAMERON TOWNSEND CORTE, M.D. ("Respondent"), be, and the same is hereby, immediately SUSPENDED. Respondent is hereby ORDERED and DIRECTED to surrender the said license certificate to Greg Hardy, a duly authorized agent of the Medical Licensure Commission. Respondent is further ORDERED immediately to CEASE and DESIST from the practice of medicine in the State of Alabama.

This action is taken consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code § 34-24-361(f), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding and certification that the Board presently has in its possession evidence that the continuance in practice of Respondent may constitute an immediate danger to his patients and the public.

Respondent is reminded that the suspension of his or her license to practice medicine in Alabama triggers certain obligations with regard to patient notification

and patient records. *See* Ala. Admin. Code r. 540-X-9-.10(4)(c); 545-X-4-.08(4)(c).

Respondent shall comply with these requirements.

**2. Service of the Administrative Complaint**

A copy of the Administrative Complaint and a copy of this Order shall be served forthwith upon the Respondent, by personally delivering the same to Respondent if he or she can be found within the State of Alabama, or, by overnight courier, signature required, to Respondent's last known address if he or she cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by Greg Hardy, who is designated as the duly authorized agent of the Commission.

**3. Initial Hearing Date**

This matter is set for a hearing as prescribed in Ala. Code §§ 34-24-360, *et seq.*, and Ala. Admin. Code Chapter 545-X-3, to be held on Wednesday, May 29, 2024, at 10:00 a.m., at 848 Washington Avenue, Montgomery, Alabama, 36104. Unless otherwise specified by the Commission, the hearing will be held in person. All parties and counsel are expected to appear and to be prepared for the hearing at this date, time, and place.

**4. Appointment of Hearing Officer**

The Commission appoints the Honorable William R. Gordon, Circuit Judge (Ret.) as the Hearing Officer in this matter, pursuant to Ala. Admin. Code r. 545-X-3-.08. The Hearing Officer shall exercise general superintendence over all pre-hearing proceedings in this matter, and shall serve as the presiding officer at the hearing, having and executing all powers described in Ala. Admin. Code r. 545-X-3-.08(1)(a)-(g).

**5. Answer**

Respondent shall file an Answer, as prescribed in Ala. Admin. Code r. 545-X-3-.03(6), within 20 calendar days of the service of the Administrative Complaint. If Respondent does not file such an Answer, the Hearing Officer shall enter a general denial on Respondent's behalf.

**6. Rescheduling/Motions for Continuance**

All parties and attorneys are expected to check their schedules immediately for conflicts. Continuances will be granted only upon written motion and only for good cause as determined by the Chairman (or, in his absence, the Vice-Chairman) of the Medical Licensure Commission. Continuances requested on grounds of engagement of legal counsel on the eve of the hearing will not be routinely granted.

**7. Case Management Orders**

The Hearing Officer is authorized, without further leave of the Commission, to enter such case management orders as he considers appropriate to the particular case. Among any other matters deemed appropriate by the Hearing Officer, the Hearing Officer may enter orders addressing the matters listed in Ala. Admin. Code r. 545-X-3-.03(5)(a)-(f) and/or 545-X-3-.08(1)(a)-(g). All parties will be expected to comply with such orders.

**8. Manner of Filing and Serving Pleadings**

All pleadings, motions, requests, and other papers in this matter may be filed and served by e-mail. All filings should be e-mailed to:

- The Hearing Officer, William Gordon (wrgordon@charter.net);
- The Director of Operations of the Medical Licensure Commission, Rebecca Robbins (rrobbins@almlc.gov);
- General Counsel of the Medical Licensure Commission, Aaron Dettling (adettling@almlc.gov);
- General Counsel for the Alabama Board of Medical Examiners, Wilson Hunter (whunter@albme.gov); and
- Respondent/Licensee or his or her counsel, as appropriate.

The Director of Operations of the Medical Licensure Commission shall be the custodian of the official record of the proceedings in this matter.

**9. Discovery**

Consistent with the administrative quasi-judicial nature of these proceedings, limited discovery is permitted, under the supervision of the Hearing Officer. *See* Ala. Code § 41-22-12(c); Ala. Admin. Code r. 545-X-3-.04. All parties and attorneys shall confer in good faith with one another regarding discovery. If disputes regarding discovery are not resolved informally, a motion may be filed with the Hearing Officer, who is authorized to hold such hearings as appropriate and to make appropriate rulings regarding such disputes.

**10. Publicity and Confidentiality**

Under Alabama law, the Administrative Complaint and this Order are public documents. The hearing itself is closed and confidential. The Commission's written decision, if any, will also be public. *See* Ala. Code § 34-24-361.1; Ala. Admin. Code r. 545-X-3-.03(10)(h), (11).

**11. Stipulations**

The parties are encouraged to submit written stipulations of matters as to which there is no basis for good-faith dispute. Stipulations can help to simplify and shorten the hearing, facilitate the Commission's decisional process, and reduce the overall costs of these proceedings. Written stipulations will be most useful to the Commission if they are submitted in writing approximately 10 days preceding the

hearing. The Hearing Officer is authorized to assist the parties with the development and drafting of written stipulations.

**12. Judicial Notice**

The parties are advised that the Commission may take judicial notice of its prior proceedings, findings of fact, conclusions of law, decisions, orders, and judgments, if any, relating to the Respondent. *See* Ala. Code § 41-22-13(4); Ala. Admin. Code r. 545-X-3-.09(4).

**13. Settlement Discussions**

The Commission encourages informal resolution of disputes, where possible and consistent with public interest. If a settlement occurs, the parties should notify the Hearing Officer, the Commission's Director of Operations, and Commission's General Counsel. Settlements involving Commission action are subject to the Commission's review and approval. To ensure timely review, such settlements must be presented to the Commission no later than the Commission meeting preceding the hearing date. Hearings will not be continued based on settlements that are not presented in time for the Commission's consideration during a monthly meeting held prior to the hearing date. The Commission Vice-Chairman may assist the parties with the development and/or refinement of settlement proposals.

#### **14. Subpoenas**

The Commission has the statutory authority to compel the attendance of witnesses, and the production of books and records, by the issuance of subpoenas. See Ala. Code §§ 34-24-363; 41-22-12(c); Ala. Admin. Code r. 545-X-3-.05. The parties may request that the Hearing Officer issue subpoenas for witnesses and/or documents, and the Hearing Officer is authorized to approve and issue such subpoenas on behalf of the Commission. Service of such subpoenas shall be the responsibility of the party requesting such subpoenas.

#### **15. Hearing Exhibits**

- A. Parties and attorneys should, if possible, stipulate as to the admissibility of documents prior to the hearing.
- B. The use of electronic technology, USB drives, CD's, DVD's, etc. is acceptable and encouraged for voluminous records. If the Commission members will need their laptop to view documents, please notify the Hearing Officer prior to your hearing.
- C. If providing hard copies, voluminous records need not be copied for everyone but, if portions of records are to be referred to, those portions should be copied for everyone.
- D. If a document is to be referred to in a hearing, copies should be available for each Commission member, the Hearing Officer, the Commission's General Counsel, opposing attorney, and the court reporter (12 copies).
- E. Index exhibits/documents for easy reference.
- F. Distribute exhibit/document packages at the beginning of the hearing to minimize distractions during the hearing.

**16. Administrative Costs**

The Commission is authorized, pursuant to Ala. Code § 34-24-381(b) and Ala. Admin. Code r. 545-X-3-.08(9) and (10), to assess administrative costs against the Respondent if he or she is found guilty of any of the grounds for discipline set forth in Ala. Code § 34-24-360. The Board of Medical Examiners [ X ]has / [ ]has not given written notice of its intent to seek imposition of administrative costs in this matter.

**17. Appeals**

Appeals from final decisions of the Medical Licensure Commission, where permitted, are governed by Ala. Code § 34-24-367.

DONE on this the 30<sup>th</sup> day of January, 2024.

THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

By:

E-SIGNED by Craig Christopher, M.D.  
on 2024-01-30 19:00:55 CST

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Craig H. Christopher, M.D.  
its Chairman

**Distribution:**

- Honorable William R. Gordon (incl. Administrative Complaint)
- Rebecca Robbins
- Respondent/Respondent's Attorney
- E. Wilson Hunter
- Aaron L. Dettling

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**vs.**

**GREGORY MORGAN FLIPPO,  
M.D.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION OF  
ALABAMA**

**CASE NO. 2023-342**

**CONSENT DECREE**

This matter comes before the Medical Licensure Commission of Alabama (“the Commission”) on the Administrative Complaint (“the Administrative Complaint”) filed by the Alabama State Board of Medical Examiners (“the Board”) on January 12, 2024. The Board and the Respondent, Gregory Morgan Flippo, M.D. (“Respondent”), have entered into a Joint Settlement Agreement (“the Settlement Agreement”), and have asked the Commission to approve the Settlement Agreement and to embody it in this Consent Decree.

**General Provisions**

1. **Approval of the Settlement Agreement.** After review, the Commission finds that the Settlement Agreement represents a reasonable and appropriate disposition of the matters asserted in the Administrative Complaint. The Commission therefore approves the Settlement Agreement.

2. **Mutual Agreement and Waiver of Rights.** Respondent has consented and agreed to the entry of this Consent Decree, and has agreed to be bound by the findings of fact, conclusions of law, and terms and conditions stated herein. Respondent has validly waived his rights to an administrative hearing before the Commission, to be represented by an attorney at such hearing, and to further notice and formal adjudication by the Commission of the charges arising from the Administrative Complaint. Respondent has also validly waived any and all rights to judicial review of this Consent Decree pursuant to Ala. Code § 34-24-367, the Alabama Administrative Procedure Act, Ala. Code §§ 41-22-1, *et seq.*, by extraordinary writ, or otherwise.

3. **Public Documents.** The Administrative Complaint, the Settlement Agreement, and this Consent Decree shall constitute public records under the laws of the State of Alabama. The Administrative Complaint, the Settlement Agreement, and this Consent Decree may be published or disclosed by the Board and/or the Commission without further notice to Respondent.

4. **Additional Violations.** Any violation of the requirements of this Consent Decree, or any new violation of state or federal laws or regulations, may result in the Board filing a petition to discipline Respondent's medical license. Nothing in this Consent Decree precludes the Board from bringing new

administrative charges against Respondent based upon events and circumstances not raised in the Administrative Complaint.

5. **Retention of Jurisdiction.** The Commission retains jurisdiction for the purpose of entering such other and further orders and directives as may be required to implement the provisions of this Consent Decree.

6. **Judicial Notice.** Pursuant to Ala. Code § 41-22-13(4), Respondent is informed that the Board and/or the Commission may at any time take judicial notice of this Consent Decree, and/or any of the Findings of Fact herein, and may deem any of the findings or conclusions set forth in this Consent Decree to be conclusively established, all without further notice to Respondent.

### **Findings of Fact**

1. Respondent has been licensed to practice medicine in the State of Alabama since September 28, 1983, having been issued license no. MD.11160. Respondent was so licensed at all relevant times.

2. On or about December 13, 2021, Respondent submitted or caused to be submitted an Alabama medical license renewal application for calendar year 2022. On that application, Respondent certified that the annual minimum continuing medical education requirement of 25 AMA PRA Category 1™ credits had been met or would be met by December 31, 2021. Respondent further represented that, if audited, he would have supporting documents.

3. Respondent earned only 9.5 valid continuing medical education credits during 2021.

### **Conclusions of Law**

1. The Commission has jurisdiction over the subject matter of the Administrative Complaint, and over the parties, pursuant to Ala. Code § 34-24-310, *et seq.*

2. The Commission finds, as a matter of law, that the determined facts constitute violations of Ala. Code § 34-24-360(23) and Ala. Admin. Code r. 545-X-5-.02.

### **Order/Discipline**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED, ADJUDGED, AND DECREED:

1. That Respondent is assessed an administrative fine in the amount of two thousand five hundred dollars (\$2,500.00). In accordance with Ala. Admin. Code r. 545-X-3-.08(8)(d)(i), Respondent is ordered to pay the administrative fine within 30 days of this Order.<sup>1</sup>

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<sup>1</sup> "The refusal or failure by a physician to comply with an order entered by the Medical Licensure Commission" may be a separate instance of "unprofessional conduct." See Ala. Admin. Code r. 545-X-4-.06(6).

2. That Respondent is ordered to obtain 25 *additional* credits of AMA PRA Category 1™ or equivalent continuing medical education, in addition to the 25 credits already required for calendar year 2024, for a combined total of 50 credits, during calendar year 2024.

3. That no costs of this proceeding are assessed against Respondent at this time.

DONE on this the 8th day of February, 2024.

THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

By:

E-SIGNED by Craig Christopher, M.D.  
on 2024-02-08 09:44:50 CST

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Craig H. Christopher, M.D.  
its Chairman

**EXHIBIT**

**I**

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**vs.**

**RICHARD EDWIN JONES, III,  
M.D.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION  
OF ALABAMA**

**CASE NO. 2022-318**

**ORDER**

This matter is before the Medical Licensure Commission of Alabama on the Joint Settlement Agreement jointly submitted by the Board and Respondent. Upon review and consideration of the allegations of the Administrative Complaint, together with the provisions of the Joint Settlement Agreement, the Commission believes that a thorough development of the facts of this case is necessary. The Commission therefore declines to approve the parties' proposed settlement, and the hearing in this matter will proceed as currently scheduled on February 28, 2024.

**DONE on this the 7th day of February, 2024.**

**THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA**

**By:**

**E-SIGNED by Craig Christopher, M.D.  
on 2024-02-07 16:57:22 CST**

**Craig H. Christopher, M.D.  
its Chairman**

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,****Complainant,****v.****RUBY WASHINGTON-  
MOORE, M.D.,****Respondent.****BEFORE THE MEDICAL  
LICENSURE COMMISSION OF  
ALABAMA****CASE NO. 2023-236****FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter came before the Medical Licensure Commission of Alabama for a contested case hearing on January 24, 2024. After receiving and considering the relevant facts and argument, we find the disciplinary charges against the Respondent, Ruby Washington-Moore, M.D., to be substantiated by the evidence and impose licensure actions as set forth below.

**I. Introduction and Statement of the Case**

The respondent in this case is Ruby Washington-Moore, M.D. (hereinafter "Respondent"). Respondent was first licensed by the Commission on December 19, 2007, having been issued license no. MD.28483. The disciplinary charges in this case arise out of Respondent's alleged inability to practice medicine with

reasonable skill and safety to patients, the surrender of her medical license in Kentucky, and the suspension of her medical license in Virginia.

## **II. Procedural History**

On November 14, 2023, the Alabama Board of Medical Examiners filed an Administrative Complaint (the “Administrative Complaint”) seeking to discipline Respondent’s license to practice medicine in Alabama. (Board Ex. 1.) The Administrative Complaint includes four counts.

The first two counts allege that Respondent is unable to practice medicine with reasonable skill and safety to patients. In Count One, the Board alleges that that inability is “by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition” in violation of Ala. Code § 34-24-360(19)a, while Count Two attributes that inability to “a demonstrated lack of basic medical knowledge or clinical competency” in violation of Ala. Code § 34-24-360(20)a.

In Counts Three and Four, the Board asks the Commission to take disciplinary action on grounds of “disciplinary action taken by another state . . . based upon acts by the licensee similar to acts described in this section” as authorized in Ala. Code § 34-24-360(15). Count Three is based on Respondent’s

surrender of her Kentucky medical license in lieu of formal disciplinary proceedings, while Count Four rests on the suspension of her license in Virginia.

On January 24, 2024, we conducted a full evidentiary hearing on these charges as prescribed in Ala. Admin. Code r. 545-X-3. The case supporting the disciplinary charges was presented by the Alabama Board of Medical Examiners through its attorneys Wilson Hunter and Alicia Harrison. Respondent appeared without legal counsel. Pursuant to Ala. Admin. Code r. 545-X-3-.08(1), the Honorable William R. Gordon presided as Hearing Officer. Each side was offered the opportunity to present evidence and argument in support of its respective contentions, and to cross-examine the witnesses presented by the other side. After careful review, we have made our own independent judgments regarding the weight and credibility to be afforded to the evidence, and the fair and reasonable inferences to be drawn from it. Having done so, and as prescribed in Ala. Code § 41-22-16, we enter the following Findings of Fact and Conclusions of Law.

### **III. Findings of Fact**

We find the following facts to be established by the preponderance of the evidence presented at the hearing:

1. Respondent was first licensed to practice medicine in Alabama on December 19, 2007, having been issued license no. MD.28483. Respondent

became licensed to practice medicine in Virginia in 1995, and in Kentucky in 2020.

2. In 2022, Respondent was practicing general obstetrics and gynecology with London Women's Care, a physician group affiliated with CHI Saint Joseph-London Hospital in London, Kentucky.

3. In April 2022, six of Respondent's cases were referred to the CHI Saint Joseph-London Medical Staff for peer review regarding potential variances from the standard of care. Although Respondent stipulated with the Kentucky Board that she was "continually contacted and engaged in the review process," Respondent testified before the Commission that she was "never told" what the cases were, nor why they were selected for peer review, until after the fact.

4. In any case, on July 11, 2022, before the peer review process was completed, Respondent resigned from London Women's Care and resigned her hospital privileges at CHI Saint Joseph-London Hospital. Respondent's resignation of privileges during peer review triggered a National Practitioner Data Bank report, followed by an investigation by the Kentucky Board of Medical Licensure.

5. In January 2023, at the instance of the Kentucky Board of Medical Licensure, Respondent submitted to a clinical skills assessment at LifeGuard. The evaluation included neurocognitive screening, a standardized test of knowledge

in obstetrics and gynecology, oral case presentations, and an interview with the medical director.

6. Respondent's performance on the oral case presentation component of the evaluation was "unsatisfactory" and considered a "fail":

Dr. Washington-Moore had challenges hearing and responding to the questions. Overall, her presentation skills were not organized, and she often repeated her responses (even up to 4 times for the same answer). While there was a general understanding of the medical components of the cases, most lacked detail or sufficient depth to represent herself as a competent specialty practitioner for obstetrics and gynecology. Dr. Washington-Moore's performance was unsatisfactory. She did not meet the standards of medical knowledge, decision-making capability, and appropriate rationale for the clinical care of various patient clinical scenarios in obstetrics and gynecology. Her performance, overall, would earn a fail for these case-based evaluations on a pass/fail grading system.

(Board Ex. 13 at 5.)

7. LifeGuard summarized its overall findings as follows:

- Dr. Washington-Moore does have hearing loss which was obvious during her neurocognitive screening and her Oral Case Presentations. Once questioned about it, she did admit to using bilateral hearing aids.
- There are neurocognitive concerns. Her CNS Vital Signs computerized neurocognitive assessment results were mixed. Results ranged from high average to abnormal. She struggled most with processing speed and executive function as well as verbal memory ask. Hearing may have played a role.
- Dr. Washington-Moore's overall performance on her oral case presentations was unsatisfactory. She had a general understanding of

the medical components of the cases but lacked detail or sufficient depth for a competent obstetrics and gynecology practitioners.

- [Dr.] Washington-Moore's NBME scores were 77, which is 1 below the mean score of 78 and within the accepted standard deviation of 9.<sup>1</sup>

(Board Ex. 13 at 7.)

8. Based on its assessment and findings, LifeGuard recommended a Remediation Plan including the following components:

- A "comprehensive hearing assessment and evaluation," which should "specifically address any potential impact those deficits may have in a busy hospital/OR setting/delivery room";
- A "comprehensive OB/GYN board review course to ensure appropriate knowledge addressing the deficits noted by [Respondent's] oral case presentations";
- Following the previous two points, a "simulation session," which would focus not only on Respondent's abilities to appropriately communicate with team members in an OR suite/delivery room setting, but also include an evaluation of processing speed and executive functioning";
- Re-testing on oral case presentations; and
- A "Focused Peer Practice Evaluation (FPPE)" and proctoring for a certain number of cases "to ensure appropriateness of care, treatment, and communications."

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<sup>1</sup> Recommended minimum passing scores on the written examination range from 54 to 77; Respondent did, therefore, earn a "passing" score. (Board Ex. 13 at 3.) It should be noted, however, that the test administered, and the recommended minimum passing scores, are designed to assess minimally-acceptable competency for "first-time test takers from LCME-accredited medical schools at the end of a clerkship," not a physician with nearly 30 years of specialized experience. (*Id.*)

(Board Ex. 13 at 7, 8.)

9. Respondent testified that she used hearing aids but that she did not have them with her at the LifeGuard evaluation. Respondent speculated that Transportation Security Agency officers may have searched her bag and removed them as she was traveling to LifeGuard.

10. On June 29, 2023, Respondent entered into an “Agreed Order of Surrender” in which she surrendered her license to practice medicine in Kentucky in lieu of disciplinary action. (Board Ex. 4.) Under the provisions of that Order, Respondent may not apply for license reinstatement in Kentucky for at least two years, and, among other conditions, Respondent will be required to demonstrate that she has completed the remediation plan recommended by LifeGuard as a condition of license reinstatement. (*Id.* at 3.)

11. On July 10, 2023, the Virginia Department of Health Professions entered an order suspending Respondent’s license to practice medicine in Virginia, based solely upon Respondent’s surrender of her Kentucky license. (Board Ex. 3.) The Virginia Board of Medicine held a hearing to consider the reinstatement of Respondent’s license on February 16, 2024.

#### **IV. Conclusions of Law**

1. The Medical Licensure Commission of Alabama has jurisdiction over the subject matter of this contested case proceeding pursuant to Act No. 1981-218, Ala. Code §§ 34-24-310, *et seq.* Under certain conditions, the Commission “shall have the power and duty to suspend, revoke, or restrict any license to practice medicine or osteopathy in the State of Alabama or place on probation or fine any licensee.” Ala. Code § 34-24-360. In addition to all other authorized penalties and remedies, the Commission may impose a fine of up to \$10,000 per violation, and may require the payment of administrative expenses incurred in connection with the disciplinary proceeding. Ala. Code § 34-24-381(a), (b).

2. Respondent was properly notified of the time, date, and place of the administrative hearing and of the charges against her in compliance with Ala. Code §§ 34-24-361(e) and 41-22-12, and Ala. Admin. Code r. 545-X-3-.03(3), (4). At all relevant times, Respondent was a licensee of this Commission and was and is subject to the Commission’s jurisdiction.

3. The facts as found above—particularly, Finding of Fact No. 7—lead us to conclude that Respondent is unable to practice medicine with reasonable skill and safety to patients “by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any

mental or physical condition” as charged in Count One of the Administrative Complaint.

4. The facts as found above—particularly, Findings of Fact Nos. 6 and 7—lead us to conclude that Respondent is unable to practice medicine with reasonable skill and safety to patients “by reason of a demonstrated lack of basic medical knowledge or clinical competency” as charged in Count Two of the Administrative Complaint.

5. The facts as found above—particularly, Finding of Fact No. 10—lead us to conclude that Respondent is guilty of “disciplinary action taken by another state . . . based upon acts by the licensee similar to acts described in this section” as charged in Count Three of the Administrative Complaint.

6. Because formal proceedings are ongoing before the Virginia Board of Medicine, we decline to find Respondent guilty of “disciplinary action taken by another state . . . based upon acts by the licensee similar to acts described in this section” as charged in Count Four of the Administrative Complaint.

7. We reach these conclusions based all of the evidence presented, viewed through the lens of our professional experience and specialized knowledge of the practice of medicine. *See* Ala. Code § 41-22-13(5) (“The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of the evidence.”).

## **V. Decision**

Based on all of the foregoing, it is **ORDERED, ADJUDGED, AND DECREED:**

1. That the Respondent, Rubye Washington-Moore, M.D., is adjudged **GUILTY** of inability to practice medicine with reasonable skill and safety to patients "by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition" in violation of Ala. Code § 34-24-360(19)a, as charged in Count One of the Administrative Complaint.

2. That the Respondent, Rubye Washington-Moore, M.D., is adjudged **GUILTY** of inability to practice medicine with reasonable skill and safety to patients "by reason of a demonstrated lack of basic medical knowledge or clinical competency" in violation of Ala. Code § 34-24-360(20)a, as charged in Count Two of the Administrative Complaint.

3. That the Respondent, Rubye Washington-Moore, M.D., is adjudged **GUILTY** of "disciplinary action taken by another state . . . based upon acts by the licensee similar to acts described in this section" in violation of Ala. Code § 34-24-360(15), as charged in Count Three of the Administrative Complaint.

4. That the Respondent, Rubye Washington-Moore, M.D., is adjudged **NOT GUILTY** of “disciplinary action taken by another state” as charged in Count Four of the Administrative Complaint.

5. That, separately and severally for each of Counts One, Two, and Three, Respondent’s license to practice medicine in the State of Alabama is **SUSPENDED**, and that license reinstatement shall be conditioned, at a minimum, upon the following:<sup>2</sup>

- a. Respondent’s satisfactory completion of a comprehensive neurocognitive assessment to be performed at the University of Alabama at Birmingham; and
- b. Respondent’s satisfactory completion of a Clinical Competence Assessment to be performed by the Center for Personalized Education for Professionals (“CPEP”), focusing on general obstetrics and gynecology.

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<sup>2</sup> The license reinstatement process is outlined in Ala. Code § 34-24-337(e)-(j). The process requires review by the Board of Medical Examiners, and often an entirely new contested case proceeding. Reinstatement, if granted by the Commission, may also be accompanied by restrictions on scope of practice, terms of probation, or other conditions “as the Commission deems necessary to protect the public health and the patients of the applicant.” The minimum requirements outlined in this Order are therefore to be understood as irreducible minima, and not as establishing criteria which, if met, should result in a fixed expectation of license reinstatement.

c. The examiners performing the evaluations referred to above shall be provided copies of all relevant collateral information, including but not limited to copies of the LifeGuard Final Report (April 12, 2023) and of this Order, and the examiners shall document steps taken to identify, and mitigate the effects of, potential confounding factors.

6. That the Commission declines to impose any administrative fines in this matter.

7. That within 30 days of this order, the Board may file its bill of costs as prescribed in Ala. Admin. Code r. 545-X-3-.08(10)(b), and Respondent shall file any objections to the cost bill within 10 days thereafter, as prescribed in Ala. Admin. Code r. 545-X-3-.08(10)(c). The Commission reserves the issue of imposition of costs until after full consideration of the Board's cost bill and Respondent's objections, and this reservation does not affect the finality of this order. *See* Ala. Admin. Code r. 545-X-3-.08(10)(e).

**DONE on this the 20th day of February, 2024.**

**THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA**

**By:**

**E-SIGNED by Craig Christopher, M.D.  
on 2024-02-20 14:20:44 CST**

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**Craig H. Christopher, M.D.  
its Chairman**

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**v.**

**AARON A.H. RAMIREZ, M.D.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION OF  
ALABAMA**

**CASE NO. 2023-033**

**ORDER**

This matter is before the Medical Licensure Commission of Alabama on the “Motion to Continue” filed by Respondent on January 4, 2024. The Commission notes that Respondent, on April 10, 2023, filed a waiver of the 120-day limitation on the summary suspension of his license to practice medicine. Upon consideration, the Motion to Continue is granted, and the hearing in this matter, previously scheduled for January 24, 2024, is hereby continued and reset for Wednesday, May 29, 2024, at 10:00 a.m.

**DONE on this the 7th day of February, 2024.**

**THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA**

**By:**

**E-SIGNED by Craig Christopher, M.D.  
on 2024-02-07 16:55:40 CST**

**Craig H. Christopher, M.D.  
its Chairman**