

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-1-.03
Rule Title Meetings of the Board

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

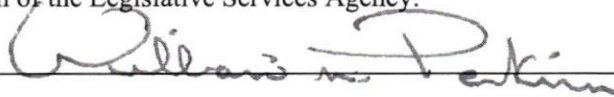
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date: September 20, 2021

REC'D & FILED
SEP 20 2021
LEGISLATIVE SVCS AGENCY

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-1-.03, Meetings of the Board

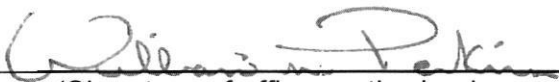
INTENDED ACTION: Amend the Rule

SUBSTANCE OF PROPOSED ACTION: Provide for "regularly scheduled meetings of the Board" rather than "usually the third Wednesday of each month" and clarify, pursuant to Ala. Act No. 2021-100, that meetings in which in any part relate to the good name or character of an individual are closed sessions, and reports or recordings thereof are privileged and confidential.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla H. Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and November 4, 2021. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Carla H. Kruger by telephone (334-242-4116) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments. Copies can also be obtained at the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger


(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

540-X-1-.03 Meetings Of The Board.

(1) The Board shall ~~meet each month, usually the third Wednesday of each month~~ hold regularly scheduled meetings.

(2) Special meetings may be called at the request of the chairman.

(3) At least six members of the Board shall constitute a quorum and as such shall be competent to act.

(4) The executive director or his designee shall keep a record of all meetings.

The place of each meeting of the Board, names of the members present, all official acts of the Board, and the votes shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next regular meeting, which upon approval will be signed and each page initialed by the chairman. The minutes, not including any section relating to the good name or character of an individual, shall be open to public inspection.

(5) All meetings of the Board, not including any part relating to the good name or character of an individual, shall be open and public. All reports of investigations; documents subpoenaed by the Board; reports of any investigative committee appointed by the Board; memoranda of the Board's counsel relating to investigations; statements of persons interviewed by the Board or any committee of the Board; all information, interviews, reports, statements or memoranda of any kind furnished to the Board or any committee of the Board; and any findings, conclusions or recommendations resulting from proceedings of the Board or any committee of the Board, unless presented as evidence at a public hearing, shall be privileged and confidential, shall be used only in the exercise of the proper functions of the Board, and shall not be public records nor be

available for court subpoena or for discovery proceedings. Meetings of the Board in which any of the aforementioned items are received, reviewed, deliberated, voted on, or acted on by the Board shall be closed sessions, and any report or recording of the meeting shall be privileged and confidential.

(6) Meetings of the Board are governed by Sturgis Standard Code of Parliamentary Procedure and/or any amendments adopted by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Act 2021-100; Code of Ala. §§ 34-24-53, 34-24-58, 6-5-533; Ala. Act 2021-100.

History: Filed November 9, 1982. Re-adopted: Filed February 8, 1983.

Amended: Filed August 22, 2002. Effective Date: September 26, 2002.

Amended/Approved: February 20, 2019. Effective Date: May 31, 2019.