

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 540
Department or Agency: Alabama Board of Medical Examiners
Rule No.: 540-X-14-.02
Rule Title: Basic Requirement
Intended Action: Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making 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

William M. Perkins
William M Perkins

REC'D & FILED

Date

Thursday, June 20, 2024 JUN 20, 2024

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-14-.02 Basic Requirement

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend rule to require that all newly licensed and actively licensed physicians complete a two credit course in the area of professional boundaries within 12 months of issuance of a new license and by Dec. 31, 2025 for active licensees.

This amendment meets the "protection of public health" exemption from the moratorium on rule amendments contained in Governor Ivey's Executive Order No. 735, Reducing "Red Tape" on Citizens and Businesses.

TIME, PLACE AND 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 Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or email (bme@albme.gov), until and including Aug. 2, 2024. Persons wishing to submit data, views, or comments in person should contact Carla Kruger by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 2, 2024

CONTACT PERSON AT AGENCY:

Carla Kruger

*William M. Perkins*

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William M Perkins

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

**540-X-14-.02**

**Basic Requirement.**

(1) Every physician licensed to practice medicine in Alabama who resides or practices in the state must earn in each calendar year, on or before December 31, not less than twenty five (25) AMA PRA Category 1 Credits™ or the equivalent as defined in this rule of continuing medical education.

~~(b) For the purpose of compliance with the continuing medical education (CME) basic requirement stated in paragraph (a) for only the 2010 calendar year, credits earned in the 2009 calendar year which are not used~~ (a) Effective January 1, 2025, each new applicant issued a license to practice medicine or osteopathy shall complete a Board-designated two credit course in the area of professional boundaries within twelve (12) months of the license issue date. The sole exemption from this requirement is for physicians licensed pursuant to Ala. Code § 34-24-75 ("limited licensee") who are enrolled in a residency training program or a clinical fellowship.

~~(b) Effective January 1, 2025, all actively licensed physicians shall complete a Board-designated two credit course in the area of professional boundaries by December 31, 2025. The sole exemption from this requirement is for physicians licensed pursuant to Ala. Code § 34-24-75 ("limited licensee") who are enrolled in a residency training program or a clinical fellowship to meet the 2009 calendar year CME requirement may be carried forward and used to meet the 2010 calendar year requirement. Carrying forward credits shall not be allowed thereafter.~~

(2) For the purposes of this chapter, AMA PRA Category 1 Credit™ continuing medical education shall mean those programs of continuing medical education designated as AMA PRA Category 1 Credit™ which are sponsored or conducted by those organizations or entities accredited by the Council on Medical Education of the Medical Association of the State of Alabama or by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor or conduct Category 1 continuing medical education programs.

(3) The following continuing medical education courses shall be deemed, for the purposes of this Chapter, to be the equivalent of AMA PRA Category 1 Credit™ continuing medical education:

(a) Programs of continuing medical education designated as Category 1-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category 1-A continuing medical education for osteopathic physicians.

(b) Programs of continuing medical education designated to confer "Prescribed credits" which are sponsored or conducted by organizations or entities accredited by the American

Academy of Family Physicians to sponsor or conduct "Prescribed credit" continuing medical education activities.

(c) Programs of continuing medical education designated to confer "ACOG Cognate Credits" which are sponsored or conducted by organizations or entities which are accredited by the American College of Obstetrics and Gynecology to sponsor or conduct approved ACOG Cognate Credit activities on obstetrical and gynecologic related subjects.

(d) Programs of continuing medical education designated as such by the Alabama Board of Medical Examiners.

(e) Effective January 1, 2014, nationally recognized advanced life support/resuscitation certification courses, not otherwise accredited for AMA PRA Category 1 Credit™, for a maximum of two (2) Category 1 credits for each course. Basic life support courses are excluded and are not deemed to be the equivalent of Category 1 continuing medical education.

(4) Effective January 1, 2003, the Board may require all physicians and osteopaths to successfully complete a prescribed course of continuing medical education on a subject or subjects designated by the Board. The Board may prescribe by regulation a fixed period of time or deadline for completion of the prescribed continuing medical education course or courses. The Board may make provision for a physician or osteopath to be excused from this requirement for reasons satisfactory to the Board. The Medical Licensure Commission of Alabama may, subject to notice and hearing, within its discretion, indefinitely suspend the license to practice medicine of a physician or osteopath who fails to successfully complete the course or courses of continuing medical education required by this subsection or impose administrative fines or other penalties as authorized by Section 34-24-381.

(a) Prescribed programs of continuing medical education required by the Board under the provisions of this paragraph shall count toward the basic requirement for continuing medical education as set forth in paragraph (1) above in the calendar year in which the program or course of continuing medical education was completed. Programs of continuing medical education developed by the Board under the provisions of this section and made available to physicians and osteopaths shall be deemed to be the equivalent of AMA PRA Category 1 Credit™ continuing medical education for the purposes of this rule. The Board may fix a reasonable charge to the licensee for any program of continuing medical education developed by the Board.

(b) Physicians holding an active license to practice medicine in this state will be notified by the Board of Medical Examiners of any prescribed course of continuing medical education by written notice which may accompany the

licensee's annual license renewal application. The notice will designate the subject matter, course content and credit hours of the prescribed continuing medical education course and will provide licensees with information concerning the source or sources of such programs of continuing medical education. The notice will contain a deadline by which time the licensee must have completed the prescribed course of continuing medical education, provided, however, that the deadline will not be less than 12 months following the date that the notice was mailed to the licensees.

(c) The Board may excuse a licensee from the requirement to complete a prescribed course of continuing medical education and may grant extensions for the completion deadline of prescribed courses of continuing medical education for reasons related to ill health, disability, financial hardship or other reasons deemed sufficient by the Board. Applications for excusal or extension of deadline should be addressed to Executive Director, State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Code of Ala. 1975, §34-24-53; Act 89-244.

**History:** Filed November 2, 1990; effective October 1, 1991.

**Amended:** Filed December 16, 1999; effective January 20, 2000.

**Amended:** Filed August 22, 2002; effective September 26, 2002.

**Repealed and New Rule:** Filed April 23, 2004; effective May 28, 2004. **Amended:** Filed August 27, 2004; effective October 1,

2004. **Amended:** Filed November 18, 2009; effective December 23,

2009. **Amended:** Filed August 24, 2012; effective September 28,

2012. **Amended:** Filed December 12, 2013; effective January 16,

2014. **Amended:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .