

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 540

Department or Agency: Alabama Board of Medical Examiners

Rule No.: 540-X-18-.03.01

Rule Title: Application For A Qualified Alabama Controlled  
Substances Registration Certificate (QACSC)

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

Date

Tuesday, September 26, 2023

REC'D & FILED  
SEP 27, 2023  
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-18-.03.01 Application For A Qualified Alabama  
Controlled Substances Registration Certificate (QACSC)

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend the rule to elicit on initial and additional QACSC applications whether the applicant has had disciplinary action taken by or is pending with a licensing authority of any state, territory, or country. 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 Dec. 5, 2023. 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](http://www.albme.gov).

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, December 5, 2023

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)

**Application For A Qualified Alabama  
Controlled Substances Registration  
Certificate (QACSC).**

An applicant for a Qualified Alabama Controlled Substances Certificate shall disclose whether:

- (1) Applicant's privilege for prescribing controlled substances has ever been suspended, restricted, voluntarily surrendered while under investigation, revoked, or disciplined in any manner in any state or U.S. territory.
- (2) Applicant has ever been convicted of any state or federal crime relating to any controlled substance.
- (3) Any Federal Drug Enforcement Administration registration ever held by applicant has ever been suspended, restricted, revoked or voluntarily surrendered while under investigation.
- (4) Applicant's privileges at any hospitals have ever been suspended, restricted, revoked, or disciplined in any manner for any reason related to the prescribing or administering of controlled substances.
- (5) Applicant is currently engaged in the excessive use of alcohol, controlled substances, or the use of illegal drugs, or receiving any therapy or treatment for alcohol or drug use, sexual boundary issues or mental health issues.
  - (a) If applicant is an anonymous participant in the Alabama Board of Nursing's Voluntary Disciplinary Alternative Program and is in compliance with their assistance agreement, they may answer "No" to this question. Such answer for this purpose will not be deemed upon certification as providing false information to the Alabama Board of Medical Examiners.
  - (b) The term "currently" as it is used in paragraph (5) above does not mean on the day of, or even in the weeks or months preceding the completion of the application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one's functioning as a Certified Registered Nurse Practitioner or Certified Nurse Midwife within the last two years.
  - (c) Applicant shall initial certifying an understanding of a statement of the duty as a registrant to address any such condition, which states as follows: IMPORTANT: The Board recognizes that registrants encounter health

conditions, including those involving mental health and substance use disorders, just as their patients and other health care providers do. The Board expects its registrants to address their health concerns and ensure patient safety. Options include anonymously self-referring to the Alabama Board of Nursing's Voluntary Disciplinary Alternative Program (334-293-5200), an advocacy organization dedicated to improving the health and wellness of nursing professionals in a confidential manner. The failure to adequately address a health condition, where the registrant is unable to practice medicine with reasonable skill and safety to patients, can result in the Board taking action against the QACSC.

(6) Any disciplinary action has been taken or is pending against applicant with the Alabama Board of Nursing or any other licensing authority of any state, territory, or country.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Code of Ala. 1975, §§ 20-2-60, et seq.  
~~Act 2009-489.~~

**History: New Rule:** Publication December 30, 2022; effective February 13, 2023.