

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-2-.03
Rule Title: Definitions Generally Applicable
 New X 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 July 20, 2023

REC'D & FILED

JUL 20 2023
(DATE FILED)
(STAMP)
LEGISLATIVE SVC 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-2-.03, Definitions Generally Applicable

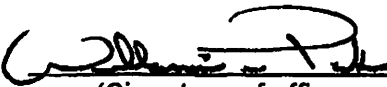
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Add a definition for "Expedited License" to satisfy federal requirements concerning criminal background checks; add a definition for "Legend Drug" in compliance with the Physician Workforce Act of 2023.

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 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 including September 4, 2023. Persons wishing to obtain copies of the text of this rule or submit data, views, comments, or arguments orally should contact Carla 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.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 4, 2023

CONTACT PERSON AT AGENCY: Carla H. Kruger


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

540-X-2-.03 Definitions Generally Applicable.

(1) Unless otherwise indicated from the context, the following definitions shall apply to the Rules of the Alabama Board of Medical Examiners:

(a) **PHYSICIAN.** Either a doctor of medicine or a doctor of osteopathy.

(b) **LICENSED TO PRACTICE MEDICINE.** Both the practice of medicine by a doctor of medicine or the practice of osteopathy by a doctor of osteopathy.

(c) **DOCTOR.** Both doctors of medicine and doctors of osteopathy.

(d) **EXPEDITED LICENSE.** Any license, certificate of qualification, or certification of eligibility for any license or certificate of qualification, that is intended by statute or administrative regulation to be issued in an accelerated manner.

(e) **LEGEND DRUG.** Any drug, medicine, chemical, or poison, bearing on the label the words, "Caution: Federal Law prohibits dispensing without a prescription" or similar words indicating that the drug, medicine, chemical, or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance, or compound that is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

Author: Alabama Board of Medical Examiners

Statutory Authority: Ala. Code § 34-24-53, 34-24-53.1

History: Adopted as new rule June 6, 2002. Effective Date: September 26, 2002.