

**CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 25th day of August, 2021.

AGENCY NAME: Medical Licensure Commission of Alabama

RULE NO. AND TITLE: 545-X-2-.10ER Emergency License

EFFECTIVE DATE OF RULE: August 25, 2021

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY:

To clarify that expedited licensees are allowed to practice medicine under the emergency license in inpatient units, emergency departments, or other acute care unites at general acute care hospitals, critical access hospitals, and specialized hospitals in order to help the said health care facilities cope with the recent surge in COVID-19 cases.

STATUTORY AUTHORITY: Ala. Code §§ 34-24-311, 333, 334 (1975)

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

REC'D & FILED

AUG 25 2021

LEGISLATIVE SVC AGENCY

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

FILING DATE:

545-X-2-.10 ER. Emergency Expedited Temporary License.

(1) Preamble. On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant the implementation of extraordinary measures and relief during the existing state health emergency to guard public health and protect human life. The Governor extended the state of emergency several times and terminated the state of emergency on July 6, 2021. Since the termination of the state of emergency, Alabama has experienced a rapid rise in the number of COVID-19 cases in the state of Alabama, including variants of the disease. In response to that rapid rise in cases and the resulting difficulties attended by such rise in the ability of Alabama's healthcare facilities to adequately treat patients suffering from the disease, the Governor, on August 13, 2021, again declared a state public health emergency. The Medical Licensure Commission hereby finds that the state public health emergency caused by SARS-CoV-2 and its variants has placed a strain on Alabama's healthcare system and has markedly increased the need for qualified physicians to provide medical services in Alabama; that such need warrants the emergency adoption of this rule to provide for the issuance of an emergency license to physicians licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of medical licenses to qualified physicians who desire to provide health care to citizens of Alabama suffering from and affected by the 2019 novel coronavirus known as COVID-19 and its variants. The Medical Licensure Commission hereby finds that physicians who obtain an

emergency certificate of qualification by endorsement from the State Board of Medical Examiners are eligible for an emergency medical license.

(2) Upon the receipt of an emergency certificate of qualification and all applicable forms from the State Board of Medical Examiners, the Executive Secretary of the Medical Licensure Commission, or his or her designee, shall issue an expedited emergency license to the applying physician.

(3) An emergency license issued under this rule shall expire one hundred twenty (120) days after the initial effective date of this rule, when the Governor of Alabama proclaims the termination of the state's public health emergency, or when the current state of emergency expires, whichever is sooner. The effective duration of this rule and any licenses issued hereunder may be extended by specific order of the Governor. An emergency license shall not be renewed.

(4) Applicants for an emergency license shall not be required to pay a fee.

(5) A physician who is issued an emergency license under this rule shall be restricted to providing medical care to patients in inpatient units, emergency departments, or other acute care units at the general acute care hospital, critical access hospital, or specialized hospital identified in his or her application or as may be designated to the Board of Medical Examiners from time to time.

Author: Medical Licensure Commission of Alabama

Statutory Authority: Code of Alabama 1975, ' 34-24-311, § 34-24-333, § 34-24-334.

History: Filed: August 25, 2021 Effective: August 25, 2021

Statement of Reason:

On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant the implementation of extraordinary measures and relief during the existing state health emergency to guard public health and protect human life. The Governor extended the state of emergency several times and terminated the state of emergency on July 6, 2021. Since the termination of the state of emergency, Alabama has experienced a rapid rise in the number of COVID-19 cases in the state of Alabama, including variants of the disease. In response to that rapid rise in cases and the resulting difficulties attended by such rise in the ability of Alabama's healthcare facilities to adequately treat patients suffering from the disease, the Governor, on August 13, 2021, again declared a state public health emergency. The Medical Licensure Commission hereby finds that the state public health emergency caused by SARS-CoV-2 and its variants has placed a strain on Alabama's healthcare system and has markedly increased the need for qualified physicians to provide medical services in Alabama; that such need warrants the emergency adoption of this rule to provide for the issuance of an emergency license to physicians licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of medical licenses by endorsement to qualified physicians who are licensed in other states and who desire to provide health care to citizens of Alabama suffering from and affected by the 2019 novel coronavirus known as COVID-19 and its variants.

On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant the implementation of extraordinary measures and relief during the existing state health emergency to guard public health and protect human life. The Governor has continued to extend the state public health emergency and on November 8, 2020, she extended the state of emergency through March 8, 2021. The Medical Licensure Commission hereby finds that the state public health emergency caused by SARS-CoV-2 has not abated, that the number of persons suffering from and affected by SARS-CoV-2 has been rapidly rising, and that the rapid increase in patients requiring hospital-based care has strained the state's healthcare system. The Medical Licensure Commission of Alabama hereby finds that the need for qualified physicians to provide medical services in Alabama warrants the emergency adoption of this rule to provide for the issuance of an emergency license to physicians licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of medical licenses to qualified physicians who desire to provide in-patient health care to citizens of Alabama suffering from and affected by the 2019 novel coronavirus known as COVID-19. The Medical Licensure Commission hereby finds that physicians who obtain an emergency certificate of qualification by endorsement from the State Board of Medical Examiners are eligible for an emergency medical license. The Commission has determined that the recent surge in COVID-19 cases and hospitalizations has strained the in-patient resources of hospitals in this state, and that such emergency presents an immediate danger to the public health, safety, or welfare and requires the adoption of this rule upon less than 35 days notice. The Medical Licensure Commission passed an emergency rule under the same number which was filed on December 14, 2020 which allowed expedited licensees to practice in inpatient facilities. This amendment is intended to clarify that expedited licensees are allowed to practice medicine under the emergency license in inpatient units, emergency departments, or other acute

care unites at general acute care hospitals, critical access hospitals, and specialized hospitals in order to help the said health care facilities cope with the recent surge in COVID-19 cases.