

APA-3
Revised 1/2018

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

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 18th day of August, 2022, and filed with the agency secretary on the 18th day of August, 2022.

AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-20-.01(2)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: General Requirements

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes from the proposal. No comments received.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XL, ISSUE NO. 9 AAM,
DATED JUNE 30, 2022.


Statutory Rulemaking Authority: Ala. Code §§ 34-24-53; 20-2-60 et. seq.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

AUG 19 2022

LEGISLATIVE SVC AGENCY



Certifying Officer or his or her
Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-20-.01 General Requirements.

(1) The Alabama Board of Medical Examiners is the certifying board which may issue, renew, deny, limit, restrict, suspend or revoke a Limited Purpose Schedule II Permit (LPSP) for qualified Physician Assistants (PAs), qualified Certified Registered Nurse Practitioners (CRNPs), and qualified Certified Nurse Midwives (CNMs).

(2) The Board of Medical Examiners may decline to consider an application when the PA, CRNP, CNM, or collaborating or supervising physician is under investigation by the Board for a potential violation of the Code of Alabama, Sections 20-2-54 or 34-24-360, or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014. Effective Date: November 20, 2014. Effective Date: October 15, 2022.

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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-20-.05(2), (3), (4) and (5)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Fees

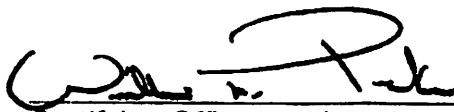
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes from the proposal. No comments received.

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DATED JUNE 30, 2022.

Statutory Rulemaking Authority: Ala. Code §§ 34-24-53; 20-2-60 et. seq.

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Certifying Officer or his or her
Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-20-.05 Fees.

(1) The application fee for an initial LPSP is Twenty-Five Dollars (\$25.00), which shall be submitted to the Board.

(2) An applicant for annual renewal of an LPSP submitted on or before the renewal deadline of December 31 shall submit to the Board an LPSP renewal fee in the amount of Ten Dollars (\$10.00).

(3) An applicant for annual renewal of an LPSP submitted after the renewal deadline of December 31 and prior to January 31 shall submit to the Board an LPSP renewal fee in the amount of Ten Dollars (\$10.00) and a late fee in the amount of Fifty Dollars (\$50.00).

(4) An applicant for annual renewal of an LPSP submitted after January 31 shall submit to the Board an LPSP renewal fee in the amount of Ten Dollars (\$10.00) and a penalty fee in the amount of Ninety-Five Dollars (\$95.00).

(5) An applicant for annual renewal of an LPSP submitted after January 31 who has also prescribed Schedule II controlled substances between January 1 and the date of application shall submit to the Board an LPSP renewal fee in the amount of Ten Dollars (\$10.00) and a penalty fee in the amount of One Hundred Twenty-Five Dollars (\$125.00).

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014. Effective Date: November 20, 2014. Effective Date: October 15, 2022.

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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-20-.07(8)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Grounds for Denial, Restriction, Limitation, Suspension or Revocation – Limited Purpose Schedule II Permit (LPSP)

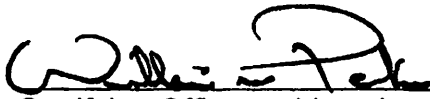
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes from the proposal. No comments received.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XL, ISSUE NO. 9 AAM, DATED JUNE 30, 2022.

Statutory Rulemaking Authority: Ala. Code §§ 34-24-53; 20-2-60 et. seq.

(Date Filed)
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Certifying Officer or his or her
Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-20-.07 Grounds for Denial, Restriction, Limitation, Suspension or Revocation - Limited Purpose Schedule II Permit (LPSP). The Board may deny,

restrict, limit, suspend or revoke an LPSP based on the following grounds:

- (1) Fraud or deceit in applying for, procuring or attempting to procure an LPSP.
- (2) Conviction of a crime under any state or federal law relating to any controlled substance.
- (3) Conviction of a crime or offense which affects the ability of the PA, CRNP or CNM to practice with due regard for the health or safety of his or her patients.
- (4) Prescribing a drug or utilizing an LPSP in such a manner as to endanger the health of any patient of the PA, CRNP or CNM or any patient of the supervising, collaborating, or covering physician.
- (5) Suspension or revocation of a DEA registration issued to the PA, CRNP or CNM.
- (6) *Unfitness or incompetence due to the use of or dependence on alcohol, chemicals or any mood altering drug to such an extent as to render the PA, CRNP or CNM unsafe to prescribe or administer drugs.*
- (7) Any violation of the requirements of Ala. Code § 20-2-260 or this Chapter 540-X-20.
- (8) Prescribing any Schedule II controlled substance without a current LPSP.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014. Effective Date: November 20, 2014. Effective Date: October 15, 2022.