## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control _ Rule No.	540 C	epartı	ment or	Agency	<u>Alabama S</u>	tate Board	d of Medical Examiners
			iate Ed	ucation	Requirement		
raic ritic	<u>- 1 030</u> Nev	v	X	Amer	id	<u>.s</u> Repea	Adopt by Poforonce
		·		/ (11101		rtepea	Adopt by Reference
Would the	e absen	ce of	he prop	osed ru	le significantl	ly	
harm or e	endange	r the p	oublic h	ealth, we	elfare, or safe	ety?	NO
Is there a	reason	able r	elations	hip betw	een the state	e's	
safety, or	wer and	tne p	rotectio	n of the	public health	,	
salety, or	wellale	; ;					YES
Is there a	nother.	less r	estrictiv	e method	d of		
					ely protect		
the public	?				, , , , , , , , , ,		NO
Does the	propose	ed rule	have t	he effect	of directly		
or indirec	tly incre	asing	the cos	ts of any	goods or		
services i	nvoived	and,	it so, to	what de	gree?		NO
Is the inc	reace in	coet	if any r	noro hor	mful to the		
public tha	n the h	arm th	n any, i at miah	t result fi	rom the		
absence	of the pi	opose	ed rule?	e result ii			NO
	•	•					
Are all fac	cets of ti	he rule	emaking	process	s designed		
solely for	the purp	ose c	of, and s	so they h	ave, as		
their prim	ary effe	ct, the	protect	ion of th	e public?		YES
Does the	propose	ad aati	on role	to to or o	ffoot in any		
manner a	ny litias	tion w	on reiai	e to or a	ffect in any is a party to		
concernin	ia the si	ubiect	matter	of the nr	oposed rule?	)	NO
	.9 0	,,,,,,,,,,	mattor	or the pro	oposca raic :		NO
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Does the	propose	ed rule	have a	n econo	mic impact?		NO
					-		
If the propo	osed rule	has a	n econo	mic impa	ct, the propos	ed rule is re	equired to be accompanied by a fiscal
note prepa	neu m ac	corda	ice with	subsection	on (t) of Section	on 41-22-23	3, <u>Code of Alabama 1975</u> .
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Certificatio	n of Auth	orized	Official				
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Chapter 22	2. Title 41	1 Code	oropose	u ruie nas ama 197	s been propos 5. and that it o	ed in tull co	ompliance with the requirements of all applicable filing requirements of
the Admini	strative I	Proced	ure Divis	sion of the	e Legislatiγe S	ervices Ad	ency.
Signature o			1	ONC		₹P.	
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Date <u>July</u>	20, 202	3					

(DATE FILED) (STAMP)

### ALABAMA STATE BOARD OF MEDICAL EXAMINERS

#### **NOTICE OF INTENDED ACTION**

AGENCY NAME:

Alabama Board of Medical Examiners

RULE NO. & TITLE:

540-X-3-.03, Post-Graduate Education Requirements

INTENDED ACTION:

Amend the rule

<u>SUBSTANCE OF PROPOSED ACTION:</u> Amend to change the postgraduate education requirement for applicants for a certificate of qualification who graduated by a non-accredited college of medicine from three years to two years pursuant to 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-3-.03 Post-Graduate Education Requirements.

- (1) Applicants for a certificate of qualification who graduated from a college of medicine accredited by the Liaison Committee on Medical Education or a college of osteopathy accredited by the Commission on Osteopathic College Accreditation shall present evidence satisfactory to the Board that the applicant has completed one (1) year of post-graduate or residency training in any of the following programs:
- (a) A program accredited by the Accreditation Council for Graduate Medical Education.
  - (b) A program accredited by the American Osteopathic Association.
- (c) A program accredited by the Accreditation Committee of Royal College of Physicians and Surgeons of Canada
  - (d) A program accredited by the College of Family Physicians of Canada.
- (e) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with subparagraphs (a), (b), (c), and (d) above.
- (2) Applicants for a certificate of qualification who graduated from a college of medicine not accredited by the Liaison Committee on Medical Education or a college of osteopathy not accredited by the Commission on Osteopathic College Accreditation shall present evidence satisfactory to the Board that the applicant has completed three two (32) years of post-graduate or residency training in any of the following programs:
- (a) A program accredited by the Accreditation Council for Graduate Medical Education.
  - (b) A program accredited by the Commission on Osteopathic College

Accreditation.

- (c) A program accredited by the Accreditation Committee of the Royal College of Physicians and Surgeons of Canada.
  - (d) A program accredited by the College of Family Physicians of Canada.
- (e) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with subparagraphs (a), (b), (c), and (d) above.
- (3) The terms "has completed one (1) year of post-graduate or residency training" and "has completed three two (32) years of post-graduate or residency training" shall mean that the applicant has successfully completed or met the program's established criteria, standards or requirements which are necessary for promotion to the next level of post-graduate training or that the applicant has successfully completed or met the program's established criteria, standards or requirements which are necessary for completion of the program.
- (4) Merely accumulating twelve (12) months of post-graduate or residency training or thirty-sixtwenty-four (3624) months of post-graduate or residency training shall not be evidence satisfactory to the Board that the applicant has fulfilled the post-graduate education requirement necessary for qualifying for the issuance of a certificate of qualification for a license to practice medicine in Alabama.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3. Amended: July 21, 1993; effective August 25, 1993. Amended: Filed November 20, 1997; effective December 25, 1997. Amended: Filed August 23, 1999; effective August 30, 1999. Amended: Filed August 22, 2002; effective September 26, 2002. Amended: Filed March 11, 2010; effective April 15, 2010. Certified Rule Filed

December 20, 2021. Effective Date: February 13, 2022.

### TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 5	540 De	partm	ent or	Agency _	<u>Alabama Sta</u>	<u>te Board</u>	of Medical Examiners
Rule No.	540-X-	305	. 5				
Rule Title:	<u>Crimil</u>	nai His	tory B	ackground	d Check		
<del></del>	New		Χ	Amend	· · · · · · · · · · · · · · · · · · ·	<sub>-</sub> Repeal	Adopt by Reference
Would the	abseno	e of the	ne prop	osed rule	significantly		
harm or e	ndanger	the p	ublic he	ealth, welt	fare, or safety	/?	NO
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nolice nov	reasona ver and	ible re	ations	nip betwe	en the state's ublic health,	6	
safety, or	welfare1	)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	i oi aic pa	abile ficaltri,		YES
t = 41							
is there ar							
regulation available that could add the public?				auequate	ly protect		NO
•							
Does the	oropose	d rule	have th	ne effect o	of directly		
or indirecti	ly increa	ising t and if	ne cosi	is of any o	goods or		No
services involved and, if so, to wha			wriat degi	ree :		NO	
Is the incre	ease in	cost, it	any, n	nore harm	nful to the		
public thar				result fro	m the		
absence of the proposed rule?							NO
Are all fac	ets of th	e rule	naking	process	designed		
solely for the purpose of, and so they				o they ha	ve, as		
their prima	ry effec	t, the	protecti	ion of the	public?		YES
Does the p	oropose	d actio	n relat	e to or aff	ect in any		
manner ar	ny litigati	on wh	ich the	agency is	s a party to		
concerning	the sul	oject n	matter of the proposed r				NO
*****	*****	*****	*****	*****	******	*****	********
D #							
Does the p	propose	d rule	have a	n econom	ic impact?		NO
f the propo	sed rule	has an	econor	nic impact	, the proposed	rule is re	equired to be accompanied by a fiscal
note prepar	ed in acc	ordan	ce with	subsection	(f) of Section	41-22-23	, Code of Alabama 1975.
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Certification	of Autho	orized	Official				
certify that	the attac	ched p	roposed	l rule has h	neen nronosed	l in full co	mpliance with the requirements of
Jnapter 22,	litle 41,	Code	of Alaba	ama 1975,	and that it cor	nforms to	all applicable filing requirements of
ne Adminis	trative P	rocedu	re Divis	ion of the	<del>Sei</del> Legislative	vices Age	ency.
Signature o	f certifyir	g offic	er <u>ل</u>	200-	<u> </u>	- Cike	
Date <u>July 2</u>	20 2023						
_ July 2			<del></del>	···		<u> </u>	

(DATE FILED) (STAMP)

# ALABAMA STATE BOARD OF MEDICAL EXAMINERS NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-3-.05, Criminal History Background Check

INTENDED ACTION: Amend the rule

<u>SUBSTANCE OF PROPOSED ACTION:</u> Pursuant to the Physician Workforce Act of 2023, amend to add specificity to the background check procedure and to affirm that this rule applies to the issuance and certification of eligibility for any expedited license.

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-3-.05 Criminal History Background Check.

- (1) Beginning October 1, 2008, all applicants for a certificate of qualification or certification of eligibility for any expedited license shall submit to a criminal history background check to by the Board, or any channeler approved by the Board, by providing fingerprints and executing a criminal history information release using forms provided by the Board.
- (a) Each applicant shall submit a complete set of fingerprints, either inked cards or electronically, properly executed by a law enforcement agency or an individual properly trained in fingerprinting techniques.
- (2) Fingerprints provided by each applicant shall be submitted by the Board to the Alabama State Bureau of Investigation (SBI), which is responsible for forwarding the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check.
- (3) The applicant shall pay directly to the Board, or its designee, all costs associated with the background check required by this rule. Costs associated with conducting a criminal history background check shall be borne by the applicant and are payable directly to the Board, or its designee.
- (4) Information received by the Board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received by and relied upon by the Board in denying the issuance of a certificate of qualification for a license to practice medicine in Alabama, or relied upon in denying the issuance of, or certification of eligibility for, any expedited license may be disclosed as may be necessary to support the denial.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§§ 34-24-53, 34-24-70.

History: New Rule: Filed October 15, 2008; effective November 19, 2008. Certified Rule Filed December 20, 2021. Effective Date: February 13, 2022.

### TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control <u>5</u> Rule No	<u>40                                    </u>	rtment or	Agency <u>A</u>	labama Sta	te Board	of Med	lical E	xamine	rs	
Rule Title:	Additiona	al Require	ments for F	xamination	of Certa	in Annl	icante			
	New	X	Amend _	-Xdimidion	Repeal		Icarits	Adopt I	y Refe	rence
Would the harm or en	absence o	of the prop e public he	osed rule s ealth, welfa	ignificantly re, or safety	?	<u></u>	<u></u>	<u> </u>		
Is there a r police pow safety, or v	er and the	relations protection	hip betwee n of the pub	n the state's blic health,	•		<u>.</u>	YES		
Is there and regulation at the public?	available t						1	NO		
Does the p or indirectly services in	/ increasin	g the cost	ts of any go	ods or			1	10		
Is the incre public than absence of	the harm	that might	nore harmfu result from	ul to the 1 the			<u>1</u>	10		
Are all face solely for their primar	ne purpose	of, and s	o they have	e, as		<u> </u>	<u></u>	′ES		
Does the parameter any concerning	y litigation	which the	agency is	a party to				10		
******	*****	*****	*****	******	******	*****	*****	*****	*****	
Does the pr	roposed ru	ıle have a	n economic	: impact?		<u></u>	<u></u> .	10		
If the propos note prepare	ed rule has ed in accord	an econor	mic impact, t subsection (	he proposed f) of Section	rule is re 41-22-23,	quired to	o be a	ccompan ama 197	ied by a <u>5</u> .	fiscal
**************************************			******	******	******	******	*****	******	*****	
I certify that the Chapter 22, the Administration	Title 41, Co	ide of Alab	ama 1975, a	ind that it con	forms to	all applic	e with t	the requi iling requ	rements uiremen	of ts of
Signature of			<u> Pillai</u>	<u>~ +</u>	<u> </u>					_
Date July 2	0, 2023		·		·					-

(DATE FILED) (STAMP)

### ALABAMA STATE BOARD OF MEDICAL EXAMINERS

#### **NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-3-.07, Additional Requirements for Examination for

**Certain Applicants** 

<u>INTENDED ACTION:</u> Amend the rule

SUBSTANCE OF PROPOSED ACTION: Pursuant to the Physician Workforce Act of 2023, amend to remove the requirement that an applicant who has not passed a licensing exam within the ten years preceding the application either successfully complete the SPEX exam or be board certified or recertified within the past ten years. This amendment does not remove the examination requirements which are contained in Rule 540-X-3-.04.

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-3-.07 Additional Requirements for Examination for Certain Applicants.

- (1) All applicants who have not passed the United States Medical Licensing Examination, the Comprehensive Osteopathic Medical Licensing Examination, the Licentiate of the Medical Council of Canada Examination, or the Special Purpose Examination within ten (10) years immediately preceding the date of the application shall either:
- (a) Achieve a minimum score of 75 on the Special Purpose Examination; or
- (b) Be certified by or achieve a passing score on a recertification examination given by one of the specialty boards approved by the American Board of Medical Specialties or one of the specialty boards approved by the American Osteopathic Association within ten (10) years immediately preceding the date of the application. This requirement may be satisfied by active participation by the applicant in a maintenance of certification program, established by one of the specialty boards approved pursuant to this subparagraph, for a period of at least one year before submission of the application.
- (12) The SPEX shall be administered at dates and times to be established by the Examination Board of the Federation of State Medical Boards of the United States, Inc. pursuant to policies and procedures established by the Federation of State Medical Boards of the United States, Inc.
  - (32) SPEX Eligibility:
- (a) The following individuals are eligible to take the Special Purpose Examination in Alabama:
- 1. Applicants who are applying for licensure in Alabama who are required to take the examination under another provision of this section.

- Individuals required to take the examination pursuant to an order or directive of the State Board of Medical Examiners or the Medical Licensure Commission.
- (b) All applicants for a certificate of qualification who are required to achieve a passing score on the SPEX shall have achieved a passing score in not more than three (3) administrations. Applicants who have not achieved a passing score within three (3) administrations shall no longer be eligible to take the SPEX.
- (c) Individuals required to take the SPEX pursuant to a Board order or directive shall have achieved a passing score in not more than three (3) administrations, and those individuals who have not achieved a passing score within three (3) administrations shall no longer be eligible to take the SPEX.
- (43) Endorsement applicants who are required to take the SPEX and who choose to take the SPEX through a licensing jurisdiction other than the State of Alabama must have proof of passage of the SPEX sent directly from the Federation of State Medical Boards of the United States, Inc. to the Alabama Board of Medical Examiners. Applicants may request that a certified transcript of their SPEX score be forwarded by the Federation of State Medical Boards of the United States, Inc. to the Alabama Board of Medical Examiners. An application will not be deemed complete until such proof of passage of the SPEX is received by the Alabama State Board of Medical Examiners.
- (54) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with the requirements of this rule.

Author: Alabama State Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148. History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3. Approved/Adopted: New Rule: Filed: July 21, 1993; effective August 25, 1993. Amended: Filed July 21, 1995; effective August 25, 1995. Amended: Filed November 20, 1997; effective December 25, 1997. Amended: Filed July 26, 1999; effective August 30, 1999. Amended: Filed November 13, 2007; effective December 18, 2007. Amended (Rule Number Only): Filed October 15, 2008; effective November 19, 2008. Certified Rule Filed December 20, 2021. Effective Date: February 13, 2022.