

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-3-.03
Rule Title: Post-Graduate Education Requirements
 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 William M. Toki

Date July 20, 2023

(DATE FILED)
(STAMP)

APA-2

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

SUBSTANCE OF PROPOSED ACTION: 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 six twenty-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.

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-3-.05
Rule Title: Criminal History Background Check
 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 William A. Felt

Date July 20, 2023

(DATE FILED)
(STAMP)

APA-2

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

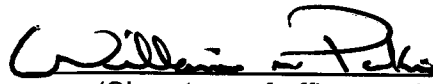
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: 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
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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.

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-3-.07
Rule Title: Additional Requirements for Examination of Certain Applicants
 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 William R. Felt

Date July 20, 2023

(DATE FILED)
(STAMP)

APA-2

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

INTENDED ACTION: 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



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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.

2. 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.