

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-.19.1  
Rule Title: Denial of Application for Certificate of Qualification - Hearing

New  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

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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.

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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. Perkins

Date: August 20, 2021

REC'D & FILED

AUG 20 2021

LEGISLATIVE SVC AGENCY

**ALABAMA STATE BOARD OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Board of Medical Examiners

**RULE NO. & TITLE:** 540-X-3-19.1, Denial of Application for Certificate of Qualification - Hearing

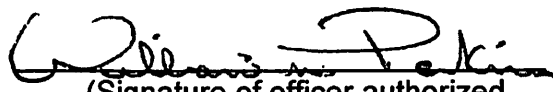
**INTENDED ACTION:** Adopt a new rule

**SUBSTANCE OF PROPOSED ACTION:** New rule to provide for a hearing when grounds exist for denial of an application for a certificate of qualification to practice medicine.

**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 H. 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 October 5, 2021. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Carla H. 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](http://www.albme.gov).

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** October 5, 2021

**CONTACT PERSON AT AGENCY:** Carla H. Kruger

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

540-X-3-.19.1 Denial of Application for Certificate of Qualification - Hearing.

(1) If, after examination of the application for a certificate of qualification to practice medicine and after consideration of any information developed by the Board pursuant to an investigation into the qualifications of the physician to practice medicine, the Board determines that there is probable cause to believe there exist grounds upon which the application for a certificate of qualification may be denied, the Board shall take the following actions:

(a) Defer final decision on the application for certificate of qualification; and

(b) Notify the applicant of the grounds for possible denial of the application for a certificate of qualification and the procedure for obtaining a hearing before the Board.

(2) If requested by the applicant within the time frame specified by the Board, a hearing shall be set before the Board on the application for a certificate of qualification.

(3) If the applicant, after being notified of the grounds for denial, fails to request a hearing within the time frame specified by the Board, the applicant will be deemed to have waived his or her right to a hearing, and the certificate of qualification shall be denied.

(4) All hearings under this rule shall be conducted in accordance with the Alabama Administrative Procedure Act, Ala. Code §§ 41-22-1 et seq.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Ala. Code §§ 34-24-53, 34-24-53.1, 34-24-70

**History:** New Rule Approved August 18, 2021.