TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-3-.25 Rule Title: Expedited Certificate of Qualification for Military Members and Spouses

X 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

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

Date: May 19, 2021
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-3-.25, Expedited Certificate of Qualification for Military Members and Spouses

INTENDED ACTION: Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: New rule to provide for the expedited issuance of certificates of qualification to practice medicine for military members and spouses.

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 July 2, 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.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 2, 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-.25 Expedited Certificate of Qualification for Military Members and Spouses.

(1) The intent of this rule is to provide for the expedited issuance of a certificate of qualification to military service members and the spouses of military service members who are relocated to and stationed in Alabama and who are also qualified physicians.

(2) The board, at its discretion and pursuant to this rule, may issue a temporary certificate of qualification by endorsement to a physician applicant who is relocated to or stationed in this state under official military orders and who satisfies any of the following:

(a) Is an active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard;

(b) Is the spouse of an active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard; or

(c) Is the surviving spouse of a service member who, at the time of his or her death, was serving on active duty.

(3) For the purposes of this rule, a transitioning service member is a member of the United States Armed Forces, including the National Guard, on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(4) A physician must satisfy the requirements of paragraph (2) by providing one of the following:

(a) The active or reserve service member’s official military orders;

(b) The transitioning service member’s DD Form 214 or NGB Form 22;
(c) The deceased service member’s DD Form 214 or NGB Form 22 and death certificate if the physician is the spouse of a service member; and

(d) A marriage certificate substantiating marriage to the service member if the physician is the spouse of a service member.

(5) A physician may receive a temporary certificate of qualification issued under paragraph (2) if he or she satisfies the requirements of paragraph (2) to the satisfaction of the board, and presents evidence satisfactory to the board of all of the following:

(a) Possession of a full and unrestricted license to practice medicine issued by the appropriate medical licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Graduation from a medical school accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation, or a medical school listed on the International Medical Education Directory or its equivalent;

(c) Pursuant to Ala. Code § 34-24-70(a)(3) and these rules, passage of each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA), the Licentiate of the Medical Council of Canada Examination, or any of their predecessor examinations accepted by the applicant’s licensing board as an equivalent examination for licensure purposes;

(d) Successful completion of graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
(e) Has never been convicted, received adjudication, community supervision, or deferred disposition of any felony offense or any crime related to fraud, violence, sexual violations, or related to the practice of medicine;

(f) Has never had his or her medical license subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

(g) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;

(h) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction; and

(i) Is a United States citizen, a national of the United States, or an alien lawfully present in the United States.

(6) A physician who is issued a temporary certificate of qualification under this rule shall apply for a certificate of qualification pursuant to 540-X-3.12 within 12 months after the issuance of a temporary certificate of qualification.

(a) A temporary certificate of qualification issued under these rules shall expire 12 months after the date of issuance if an application for a certificate of qualification pursuant to 540-X-3.12 has not been received by the board.

(b) A physician who is issued a temporary certificate of qualification under this rule may apply for an Alabama Controlled Substances Certificate pursuant to Chapter 540-X-4 of these rules.

(c) Applicants for a temporary certificate of qualification under this rule shall not be required to pay the initial application fee.
(d) A temporary certificate of qualification may be issued by the Executive Director of the State Board of Medical Examiners, or his or her designee, upon his or her satisfaction and certification of the requirements set forth in this rule.

(e) The temporary certificate of qualification shall clearly indicate that it is a temporary certificate for military service members or their spouses.

Author: Alabama Board of Medical Examiners.
History: Rule Adopted ________________. Filed/Effective Date: ______________.