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, 2021, and filed with the agency secretary on the 18th
day of August, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

_______Amendment _____X____New _______Repeal (Mark appropriate space)

Rule No. 540-X-3-.25, Expedited Certificate of Qualification for Military Members and
Spouses
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: General Requirements that apply to All Applicants for a Certificate of
Qualification

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

No comments received. Rule adopted with non-substantive changes from the proposal:
Add “or” between items (4)(b) and (4)(c)
Remove underline of word “and” in (4)(c)
Remove extraneous words “related to” in (5)(e)

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 8,
AAM, DATED MAY 28, 2021.

Statutory Rulemaking Authority: Ala. Code § 34-24-70; Alabama Acts No. 2021-100

(Date Filed)
(For LRS Use Only)

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-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 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; or
(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.

**Statutory Authority:** Act No. Ala. Code §§ 34-24-53, § 34-24-70, § 34-24-70.1, § 34-24-73(b); Alabama Acts No. 2021-100.

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 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; or
(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.
CERTIFICATION OF ADMINISTRATIVE RULES
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AGENCY NAME: Alabama State Board of Medical Examiners

_______ Amendment ___X___ New ______ Repeal (Mark appropriate space)

Rule No. 540-X-7-.69
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Expedited License for Military Members and Spouses

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

No comments received. Rule adopted with non-substantive changes from the proposal:
Add “or” between items (4)(b) and (4)(c)
Remove extraneous words “related to” in (5)(d)

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 8, AAM, DATED MAY 28, 2021.


(Date Filed)
(For LRS Use Only)

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-7-.69  Expedited License for Military Members and Spouses.

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

(2) The board, at its discretion and pursuant to this rule, may issue a temporary license to an assistant to 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) An assistant to 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; or

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

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

(5) An assistant to physician may receive a temporary license 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 as an assistant to physician issued by the appropriate licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Completion of a training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), the Commission on Accreditation of Allied Health Education Programs (CAAHEP), the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), or the Accreditation Review Committee for the Anesthesiologist Assistant (ARC-AA), or their successor agencies;

(c) Completion of the Physician Assistant National Certification Examination (PANCE) as administered by the National Commission on Certification of Physician Assistants (NCCPA) or the National Certifying Examination for Anesthesiologist Assistants (NCEAA) as administered by the National Commission for Certification of Anesthesiologist Assistants (NCCAA);

(d) 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-health care;

(e) Has never had his or her license to practice as an assistant to physician
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;

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

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

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

(6) An assistant to physician who is issued a temporary license under this rule shall apply for a license to practice as an assistant to physician under this chapter within 12 months after the issuance of a temporary license.

(a) A temporary license issued under these rules shall expire 12 months after the date of issuance if an application for a license to practice as an assistant to physician pursuant to this chapter is not received by the board.

(b) An assistant to physician who is issued a temporary license under this rule must apply for registration to a supervising physician under Chapter 540-X-7 of these rules in order to practice as an assistant to physician in Alabama.

(c) Applicants for a temporary license under this rule shall not be required to pay the initial application fee.

(d) A temporary license 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 license shall clearly indicate that it is a temporary license
for military service members or their spouses.

(f) Any assistant to physician issued a temporary license under this rule shall be subject to having his or her license suspended or revoked by the board for the same causes or reasons, and in the same manner, as provided by law and these rules for other assistants to physician licensed pursuant to this chapter.

Author: Alabama Board of Medical Examiners.
540-X-7-.69 Expedited License for Military Members and Spouses.

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

(2) The board, at its discretion and pursuant to this rule, may issue a temporary license to an assistant to 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) An assistant to 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;

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death certificate if the assistant to physician is the spouse of a service member; and

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(5) An assistant to physician may receive a temporary license 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 as an assistant to physician issued by the appropriate licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Completion of a training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), the Commission on Accreditation of Allied Health Education Programs (CAAHEP), the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), or the Accreditation Review Committee for the Anesthesiologist Assistant (ARC-AA), or their successor agencies;

(c) Completion of the Physician Assistant National Certification Examination (PANCE) as administered by the National Commission on Certification of Physician Assistants (NCCPA) or the National Certifying Examination for Anesthesiologist Assistants (NCEAA) as administered by the National Commission for Certification of Anesthesiologist Assistants (NCCAA);

(d) 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-health care;

(e) Has never had his or her license to practice as an assistant to physician
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;

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

(6) An assistant to physician who is issued a temporary license under this rule shall apply for a license to practice as an assistant to physician under this chapter within 12 months after the issuance of a temporary license.

(a) A temporary license issued under these rules shall expire 12 months after the date of issuance if an application for a license to practice as an assistant to physician pursuant to this chapter is not received by the board.

(b) An assistant to physician who is issued a temporary license under this rule must apply for registration to a supervising physician under Chapter 540-X-7 of these rules in order to practice as an assistant to physician in Alabama.

(c) Applicants for a temporary license under this rule shall not be required to pay the initial application fee.

(d) A temporary license 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 license shall clearly indicate that it is a temporary license
for military service members or their spouses.

(f) Any assistant to physician issued a temporary license under this rule shall be subject to having his or her license suspended or revoked by the board for the same causes or reasons, and in the same manner, as provided by law and these rules for other assistants to physician licensed pursuant to this chapter.

Author: Alabama Board of Medical Examiners.