TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department or Agency: Medical Licensure Commission of Alabama
Rule No. 545-X-4-.11
Rule Title: Dishonored Checks
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? Yes - $30 for each licensee who writes a bad check

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? Yes

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 3, 2021

RECD & FILED
MAY 3 2021
LEGGISLATIVE SVC AGENCY
MEDICAL LICENSURE COMMISSION OF ALABAMA

NOTICE OF INTENDED ACTION

AGENCY NAME: Medical Licensure Commission of Alabama

RULE NO. & TITLE: 545-X-4-.11 Dishonored Checks

INTENDED ACTION: Adoption of rule 545-X-4-.11.

SUBSTANCE OF PROPOSED ACTION:

The charging of a fee of $30 for each check or negotiable instrument submitted to the Medical Licensure Commission which is dishonored by the financial institution upon which it is drawn.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested persons may submit views, comments, or arguments concerning the proposed new rule in writing to: Karen Silas, Operations Director, 848 Washington Avenue Montgomery, AL 36104 by mail, or by email to ksilas@almlc.org until and including Friday, July 2, 2021. Persons wishing to obtain copies of the text of this rule should contact Ms. Karen Silas by telephone at (334)833-0174.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 2, 2021

CONTACT PERSON AT AGENCY: Karen Silas

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 545 Department or Agency: Medical Licensure Commission of Alabama

Rule No: 545-X-4-.11

Rule Title: Dishonored Checks

____ X New ______ Amend ______ Repeal ______ Adopt by Reference

_____ This rule has no economic impact.

X____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The $30.00 dishonored check fee is intended to compensate the agency for the costs associated with the additional work of staff required as a result of receiving a dishonored check submitted for licensing and other fees.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

The fee will offset labor costs of the agency in following-up on, holding, and delaying license applications, license renewals, fines, etc.

3. EFFECT OF THIS RULE ON COMPETITION: None known.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The fee is sufficiently nominal so as not to markedly influence cost of living or doing business and only affect
those who submit payment by check for which there are insufficient funds to cover said check.

5. **EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:** None.

6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:** None. No additional revenues need to be allocated for covering the costs of implementation. To the extent they do, those funds come from the non-allocated funds of the Alabama Board of Medical Examiners, which funds are used to pay staff of the Medical Licensure Commission of Alabama.

7. **THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

   The economic impact is nominal and only affects those who write checks to the Commission which are dishonored.

8. **UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:** None.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:** None.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:** None.

**Additional pages may be used if needed.**
TRANSMITTAL SHEET FOR
BUSINESS ECONOMIC IMPACT STATEMENT
(Section 41-22-5.1)

Control No. 545 Department/Agency: Medical Licensure Commission of Alabama

Rule No. 545-X-4-.11

Rule Title: Dishonored Checks

X New _______ Amend _______ Repeal _______ Adopt by Reference

Attached is a Business Economic Impact Statement filed pursuant to Section 41-22-5.1, Code of Alabama 1975.

Signature of Filing Officer

Date: May 3, 2021

(DATE FILED)
(STAMP)
In the event a check, draft, or other negotiable instrument drawn on a bank or depository institution which has been made payable the Commission is dishonored by the financial institution on which it was drawn, the Commission shall charge a dishonored check fee in the amount of $30.00. The Commission shall not process or shall rescind as incomplete any application, license, certificate, or renewal thereof until such time as the original fee and the additional dishonored check fee provided for herein has been received by the Commission. After a check, draft, or other negotiable instrument has been dishonored, the Commission may delay processing of any application, certificate, or renewal until a subsequent check or draft has been honored, or the Commission may require payment by certified funds.

Author: Wallace D. Mills, Effie Hawthorne
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