

**CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§ 41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency amendment is a correct copy as promulgated and adopted on the **19th** day of **May**, **2021**.

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

RULE NO. AND TITLE: **540-X-7-.26**

EFFECTIVE DATE OF RULE: **June 14, 2021**

EXPIRATION DATE (If less than 120 days): n/a


NATURE OF EMERGENCY: **As a part of addressing the shortage of healthcare providers in Alabama that existed even prior to the COVID-19 health emergency, the maximum allowable number of assistants to physicians, certified registered nurse practitioners, and/or certified nurse midwives with whom a physician may enter a supervisory/collaborative agreement is increased from four full-time equivalent positions to nine full-time equivalent positions. Additionally, this expansion establishes parity with the updated supervision/collaboration requirements of other advanced practice providers.**

STATUTORY AUTHORITY: **Ala. Code § 34-24-290, et. seq.**

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS **X** YES
NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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Emergency Rule will also be available at www.albme.org**



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

REC'D & FILED

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Limitations Upon Utilization Of Physician Assistants (P.A.).

(1) A supervising physician must be present in the operating room or be immediately available to that operating room whenever a physician assistant is involved in the care of a patient in the operating room. Whenever a physician assistant performs or assists in performing invasive procedures with involvement deeper than the complete dermis, the supervising physician must be present in the operating room, unless otherwise specifically approved by the Board.

(2) The cumulative work time for all physician assistants being supervised by an individual primary supervising physician shall not exceed ~~one~~ three hundred and sixty (360) hours (nine FTEs) per week. The physician shall not supervise or collaborate with any combination of assistants to physicians, certified registered nurse practitioners, and/or certified nurse midwives exceeding three hundred and sixty (360) hours per week (nine full-time equivalent positions). ("One full-time equivalent" (FTE) is herein described as a person/persons collectively working forty hours a week, excluding time on call.

(3) A physician collaborating with or supervising more than four FTEs per week shall engage in documented quality assurance review with each physician assistant every month for six (6) months following the submission of a registration agreement with a new physician assistant.

(4) A physician shall disclose to the Board of Medical Examiners the existence of all collaborative and supervisory agreements to which the physician is a party, including collaborative and supervisory agreements in other states, and shall not be eligible to collaborate with or supervise any combination of certified registered nurse practitioners, certified nurse midwives and/or assistants to physicians exceeding three hundred and sixty (360) hours per week (nine full-time equivalent positions), inclusive of collaborative and supervisory agreements existing in other states. Agreements with an individual certified registered nurse practitioner, certified nurse midwife, and/or assistant to physician in multiple states shall only be counted once for purposes of calculating the total number of full-time equivalent positions.

(35) A physician assistant may be registered to more than one supervising physician at any one time. The number of supervising physicians to whom a physician assistant may be registered shall be restricted by the Board if the Board, in its discretion, determines that such restriction is appropriate to maintain the quality of medical services being provided or to otherwise protect the public health, safety and welfare.

(46) A physician in a registration agreement/ collaboration with a Physician Assistant, Certified Registered Nurse Practitioner or Certified Nurse Midwife totaling ~~one~~ three hundred and sixty (360) hours per week (~~four~~ nine (49) full-time equivalents (FTEs)) may request a transitional allowance increasing the total weekly

hours for the purpose of orientation of the incoming Physician Assistant. The transitional allowance shall not exceed forty-five (45) days. The physician shall request the transitional allowance in writing and specify the starting date of this FTE allowance.

(57) Employees of the State Health Department or of a county board of health are specifically exempt from the requirements of paragraph (2) of this rule. The Board of Medical Examiners, in its discretion, may determine how many physician assistants may be registered to and/or supervised by a physician employed by the State Health Department or by a county board of health.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002.

Repealed and New Rule: Filed September 19, 2002; effective October 24, 2002.

Amended: Filed July 22, 2005; effective August 26, 2005. **Amended:** Filed March 20, 2008; effective April 24, 2008. **Amended:** Filed October 22, 2015; effective November 26, 2015. Emergency Rule Effective June 14, 2021.