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-7-.26
Rule Title: Limitations Upon Utilization of Physician Assistants (P.A.)

___ New X 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

REC'D & FILED

Date: May 19, 2021

MAY 19 2021

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.26, Limitations upon Utilization of Physician Assistants (P.A.)

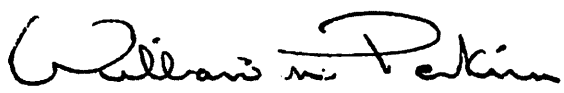
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to increase the total allowable number in all states of assistants to physicians, certified registered nurse practitioners, and /or certified nurse midwives supervised by or in collaboration with a physician from four to nine full time equivalents (FTEs); provide that documented quality assurance review is required every six months when physician collaborates with/supervises more than four FTEs/week; physician required to annually disclose existence of all collaborative/supervisory agreements in all states.

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-7-.26 **Limitations ~~U~~upon Utilization ~~O~~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 (~~1~~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.

(~~3~~5) 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.

(~~4~~6) 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 (~~1~~360) hours per week (~~four~~ nine (~~4~~9) 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.

(~~5~~7) 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.