

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-.50
Rule Title: Qualifications of the Supervising Anesthesiologist - Anesthesiologist Assistants (A.A.)

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: March 20, 2023

REC'D & FILED

MAR 20 2023

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-.50, Qualifications of the Supervising Anesthesiologist
- Anesthesiologist Assistants (A.A.)

INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend to add continuing medical education requirements for a supervising anesthesiologist.

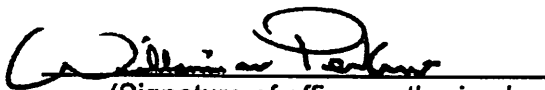
Statement pursuant to Executive Order No. 735, Reducing "Red Tape":

This rule amendment was in process with the Assistants to Physicians Advisory Committee and the Board of Medical Examiners prior to the Executive Order's adoption on March 8, 2023. Additionally, the amendment is narrowly tailored to apply only to licensees who are supervising anesthesiologists, and it is designed to protect public health and safety.

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 by mail or email to: Carla H. Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, ckruger@albme.gov, until and including May 5, 2023. Persons wishing to submit data, views, or comments in person should contact Carla H. Kruger by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 5, 2023

CONTACT PERSON AT AGENCY: Carla H. Kruger


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

540-X-7-.50 Qualifications of the Supervising Anesthesiologist – Anesthesiologist Assistants (A.A.). The anesthesiologist to whom an anesthesiologist assistant is registered shall:

(1) Possess a current, unrestricted license to practice medicine in the State of Alabama and practice in the medical specialty of anesthesiology;

(2) On the date of the application;

(a) Have satisfied one of the following experience requirements:

~~(a)~~1. Practiced medicine for at least three years, including any practice as a licensed physician while enrolled in an internship, residency, or fellowship;

~~(b)~~2. Practiced medicine as a licensed physician for at least one year, including any practice while enrolled in an internship, residency, or fellowship, and certified by the American Board of Anesthesiology (ABA) or by the American Osteopathic Board of Anesthesiology; or

~~(c)~~3. Practiced medicine as a licensed physician for at least one year, including any practice while enrolled in an internship, residency, or fellowship, and the registration's practice site is limited solely to a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health.

(b) Effective January 1, 2024, have obtained continuing medical education prescribed by the Board of Medical Examiners regarding the rules and statutes governing supervised practice in Alabama, not more than forty-eight (48) months prior to January 1, 2024, or within twelve (12) months of registration to an anesthesiologist assistant.

(3) The Board, in its discretion, may waive the practice requirements in (2)(a).

(4) Effective January 1, 2024 all supervising anesthesiologists shall obtain continuing medical education prescribed by the Board of Medical Examiners regarding the rules and statutes governing supervised practice in Alabama every forty-eight months (48) following registration to an anesthesiologist physician assistant.

(5) The Board of Medical Examiners may decline to consider an application where the anesthesiologist is under investigation for a potential violation of Ala. Code § 34-24-360 or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

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 Replaced: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999. 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 (Rule Number Only):
Filed September 11, 2008; effective October 16, 2008. Amended: Published January
31, 2022; effective March 7, 2022. Amended: Published November 30, 2022; Certified
Rule Filed January 20, 2023; Effective Date March 17, 2023. Amended/Approved for
Publication March 17, 2023. Amended/Approved for Publication March 16, 2023.