

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-.01
Rule Title: Definitions

 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

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 William R. Perkins

Date: August 20, 2021

REC'D & FILED

REC'D & FILED

AUG 20 2021

AUG 20 2021

LEGISLATIVE SVC AGENCY

AGENCY

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.01, Definitions

INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to remove "radio" as a means of being readily available for consultation.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, appearing to read "William M. Perkins", is written over a horizontal line.

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

Definitions. The following definitions shall apply to these rules:

(1) **APPROVED PROGRAM:** A program for the education and training of assistants to physicians which has been formally approved in writing by the Board.

(2) **ASSISTANT TO PHYSICIAN.** A person who is a graduate of an approved program, is licensed by the Board, and is registered by the Board to perform medical services under the supervision of a physician approved by the Board to supervise the assistant.

(3) **BOARD.** The Board of Medical Examiners of the State of Alabama.

(4) **CONTINUAL.** Repeated regularly and frequently in steady rapid succession.

(5) **DIRECT MEDICAL INTERVENTION.** Physical presence of a physician to attend the patient as defined in the registration agreement protocol.

(6) **FCVS, Federation Credentials Verification Service.** A credentials verification service provided by the Federation of State Medical Boards that assistants to physicians may use to verify core credentials in connection with applications for licensure. The Board of Medical Examiners will accept those verified primary source records of credentials provided by FCVS in lieu of equivalent documentation required to be submitted with an application for licensure where designated in these rules. Applicants are responsible for payment of all fees charged by FCVS. Use of FCVS by an applicant is optional.

(7) **GUIDELINES.** The written guidelines established by the Board pursuant to Act 94-261 in the most current version which concern the prescribing practices of assistants to physicians and which do not require publication in accordance with the Alabama Administrative Procedures Act.

(8) **LEGEND DRUG.** Any drug, medicine, chemical or poison, bearing on the label the words, "Caution, Federal Law prohibits dispensing without prescription" or similar words indicating that the drug, medicine, chemical or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance or compound which is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

(9) **PHYSICIAN.** A person who is licensed to practice medicine in this state and is approved by the Board to supervise assistants to physicians.

(10) **PHYSICIAN SUPERVISION.** A formal relationship between a licensed assistant to a physician and a licensed physician under which the assistant to the physician is authorized to practice as evidenced by a written job description

approved by the Board. Physician supervision requires that there shall be at all times a direct, continuing and close supervisory relationship between the assistant to the physician and the physician to whom that assistant is registered. The term supervision does not require direct on-site supervision of the assistant to the physician; however, supervision does include the professional oversight and direction required by these rules and by the written guidelines established by the Board concerning prescribing practices.

(11) PRESCRIBE OR PRESCRIBING. The act of issuing a written prescription for a legend drug.

(12) PRESCRIPTION. An order for a legend drug which is written and signed by an assistant to a physician authorized to prescribe and administer the drug and which is intended to be filled, compounded, or dispensed by a pharmacist. The term "prescription" does not include an order for medication which is dispensed for immediate administration to the ultimate user. (e.g., an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription.)

(13) READILY AVAILABLE. Response by the supervising or covering physician by telephone, or telecommunication ~~or radio~~ for consultation, referral or direct medical intervention for a patient as indicated by the needs of the patient and based on usual and customary standards of medical practice.

(14) REMOTE PRACTICE SITE. An approved site for a registration agreement without a supervising or covering physician on-site. The supervising physician's principal practice site, acute care hospitals, skilled nursing facilities, licensed, special- care assisted living facilities and licensed assisted living facilities are not remote practice sites for the purpose of these rules.

(15) TRAINEE. A person who is currently enrolled in an approved program in this state.

Author: Alabama State 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 October 17, 2002; effective November 21, 2002. Amended: Filed December 16, 2015; effective January 30, 2016. Amended/Approved for Publication July 15, 2020. Certified Rule Filed November 9, 2020. Effective Date: January 14, 2021. Amended/Approved for Publication August 18, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.03, Requirements to Practice as a Physician Assistant (P.A.)

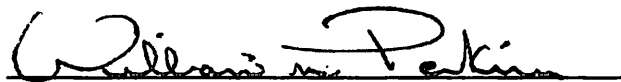
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to add a continuing medical education requirement within 48 months prior to or within 12 months of registration to a physician.

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 October 5, 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: Oct. 5, 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-.03

Requirements To Practice As A Physician Assistant (P.A.).

(1) To practice or offer to practice as a physician assistant, each person shall be licensed by and registered by the Board in accordance with Chapter 7 of these rules.

(2) Effective January 1, 2024, physician assistants shall obtain continuing 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 or within twelve (12) months of registration to a physician.

Author: Alabama State 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/Approved for Publication August 18, 2021.

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-.06, License Fee - Physician Assistant (P.A.)

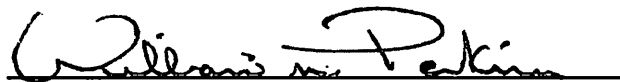
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to correct a section reference.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, appearing to read "William M. Perkins", is written over a horizontal line.

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

540-X-7-.06

License Fee - Physician Assistant (P.A.).

(1) All applicants for a license to practice as a physician assistant shall submit to the Board an application fee in the amount of \$200.00.

(2) The initial license fee in paragraph (a1) shall be waived for any person who was certified as a physician assistant or surgeon assistant on the effective date of these rules.

Author: Alabama State 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/Approved for Publication August 18, 2021.

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-.08, Grandfather Clause - Physician Assistant (P.A.)

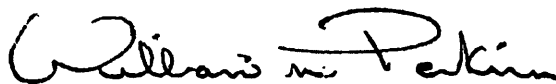
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to correct a section reference.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, reading "William M. Perkins". The signature is written in a cursive style with a horizontal line underneath it.

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

540-X-7-.08

Grandfather Clause - Physician Assistant (P.A.).

(1) Any person who was certified by the board as a physician assistant or surgeon assistant to a licensed physician on December 21, 1994, shall be eligible for the issuance of a license and a registration to practice as a physician assistant.

(2) To qualify for a license under this section, an applicant must submit an application for licensure and the required fee on or before May 7, 1999. After May 7, 1999, an applicant must meet all of the requirements of Rule 540-X-7-.04 concerning licensure.

(3) A person who holds a degree of doctor of medicine but who is not licensed to practice medicine in the State of Alabama shall not be eligible for a license and a registration as a physician assistant except as provided in paragraph (a¹) of this Rule.

Author: Alabama State 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/Approved for Publication August 18, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.16, Qualifications for Registration - Physician Assistant (P.A.)

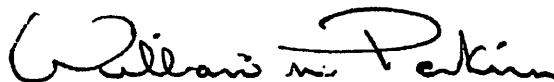
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to add a requirement for continuing medical education to be obtained not more than 48 months prior to or within 12 months of registration to a physician.

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 October 5, 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: Oct. 5, 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-.16 Qualifications Ffor Registration - Physician Assistant (P.A.).

To qualify for registration as a physician assistant an individual must meet the following requirements:

- (1) Be employed by:
 - (a) A physician qualified under these rules or by a partnership, medical professional corporation, medical professional association or physician practice foundation that also employs a supervising physician qualified under these rules; or
 - (b) An entity approved by the Board under Rule 540-X-7-.22;
- (2) Be of good moral character;
- (3) Submit an application on forms approved by the Board;
- (4) Pay the appropriate fee as determined by the Board;
- (5) Submit to the Board any other information which the Board deems necessary to evaluate the applicant's qualifications; and
- (6) Effective January 1, 2024, obtain continuing 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 or within twelve (12) months of registration to a physician.

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 August 2, 2018; effective September 16, 2018. Amended/Approved for Publication August 18, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.17, Qualifications of the Supervising Physician - Physician Assistant (P.A.)

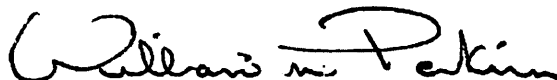
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to 1) remove "board eligible" and practiced medicine for one year as a qualification for a registration agreement; 2) add practiced medicine for one year and practice site is limited to a hospital as a qualification for registration; 3) add a requirement for continuing medical education to be obtained not more than 48 months prior to or within 12 months of registration to a physician assistant (effective 1/1/2024); 4) clarify that the Board may decline to consider an application where the physician is under investigation by the Board.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

540-X-7-17

Qualifications Of The Supervising Physician –

Physician Assistants (P.A.). The physician to whom a physician assistant is registered shall:

(1) ~~Hold~~ Possess a current, unrestricted license to practice medicine in the State of Alabama;

(2) On the date of the application:

(a) ~~Have practiced medicine for at least one year, if the physician is certified by or eligible for board certification by a specialty board approved by the American Medical Association or by the American Osteopathic Association; or satisfied one of the following experience requirements:~~

~~(b)1.~~ Have p~~r~~acticed medicine for at least three years; or

2. Practiced medicine for at least one year and certified by one or more of the specialty boards recognized by the American Board of Medical Specialties or the American Osteopathic Association; or

3. Practiced medicine for at least one year and the supervising physician's principal 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.

(3) 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 or within twelve (12) months of registration to a physician assistant.

~~(b2)(a).~~ (34) The Board, in its discretion, may waive the practice requirements in

(5) Effective January 1, 2024, all supervising physicians 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 a physician assistant.

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

Author: Alabama State 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/Approved for Publication July 21, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.18, Grounds for Denial of Registration - Physician Assistant (P.A.) and Supervising Physician

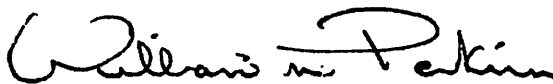
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to add grounds to deny a registration application.

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 October 5, 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: Oct. 5, 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-.18 Grounds Ffor Denial Of Registration - Physician Assistant (P.A.) aAnd Supervising Physician. Grounds, within the discretion of the Board, to deny an application for registration as a physician assistant shall be the following:

(1) The commission by a physician assistant ~~or a physician~~ of any act, offense or condition stated in Rule 540-X-7-.12

(2) The physician to whom the physician assistant is registered has permitted or required the physician assistant to perform or to attempt to perform tasks which are beyond the assistant's competence or which are not authorized in the job description approved by the Board.

(3) The supervising physician's license to practice medicine has been revoked, suspended, restricted or disciplined in any manner.

(4) Refusal by the physician assistant or supervising physician to appear before the Board after having been formally requested to do so in writing by the Executive Director of the Board.

(5) Failure by the physician assistant or physician to notify the Board in writing of termination of previous employment as required by Rule 540-X-7-.20.

(6) The signing by a physician assistant of any form which is to be authenticated by the supervising physician's signature if the supervising physician has not authorized signing by the assistant or if signing by the assistant is prohibited by Federal or state statutes or regulations or if signing by the assistant is prohibited by the agency governing the form.

(7) Prescribing by a physician or physician assistant in violation of Ala. Code § 20-2-60, et. seq., or the rules of the Alabama Board of Medical Examiners.

(8) Failure of a physician to maintain current or unrestricted licensure with the Medical Licensure Commission of Alabama.

(9) Failure of a supervising physician to comply with any statute or rule governing supervised practice.

(10) The commission or any act by a physician which would constitute a violation of Ala. Code § 34-24-360 or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

(11) Failure of a supervising physician to maintain or produce for inspection upon request by the Alabama Board of Medical Examiners any documentation required to be maintained by the supervising physician.

Author: Alabama State 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/Approved for Publishing: July 21, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.20, Termination of Registration – Voluntary - Physician Assistants (P.A.)

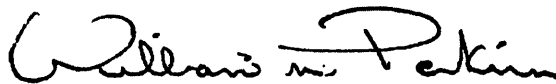
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to allow either the physician assistant or the physician to inform the Board of a terminated registration agreement.

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 October 5, 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: Oct. 5, 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-.20

Termination Of Registration - Voluntary - Physician

Assistants (P.A.). When for any reason a physician assistant shall discontinue his or her employment with the employer designated in the application for registration, then registration of such physician assistant to the supervising physician designated in the application is automatically terminated. The physician assistant ~~and~~ or the physician shall ~~each~~ inform the Board in writing of the effective date of the termination of employment and the reasons for such termination. Failure to notify the Board of termination may be considered by the Board as a violation of these rules and regulations for the purpose of approval of future applications for registration.

Author: Alabama State 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/Approved for Publication August 18, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.21, Interim Approval – Physician Assistant (P.A.)

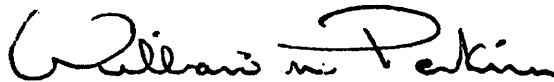
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to state that interim approval may be granted when either physician/physician assistant is under investigation.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, appearing to read "William M. Perkins", written over a horizontal line.

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

(1) A physician assistant may obtain interim approval of a supervised practice with an interim supervising physician after confirmed receipt by the Board of Medical Examiners of a registration application and may continue in interim practice until such time as the pending application for registration is approved or denied, provided the interim supervising physician meets the qualifications established in these rules. A physician assistant who has been granted a temporary license may not obtain interim approval.

(2) An applicant for approval to practice as a physician assistant may obtain interim approval when either the supervising physician or the physician assistant is under investigation by a state or federal authority. The interim approval shall remain in force until the application for registration has been approved, denied, or withdrawn. However, the Board of Medical Examiners may decline to approve the application until the investigation has been concluded. The Board of Medical Examiners may withdraw interim approval in accordance with this Chapter.

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 August 2, 2018; effective September 16, 2018. Amended/Approved for Publication: July 15, 2020. Certified Rule Filed November 9, 2020. Effective Date: January 14, 2021. Amended/Approved for Publication July 21, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.22, Physician Assistants (P.A.) Not Employed by Supervising Physician/Physician Not in Full-Time Practice

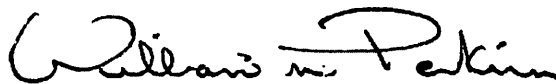
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to eliminate requirement for notarization of certificate of employment.

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 October 5, 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: Oct. 5, 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-.22 Physician Assistants (P.A.) Not Employed Bby Supervising Physician/Physician Not in Full-Time Practice.

(1) Under the circumstances where a physician assistant is seeking registration to a physician not regularly engaged in the full-time practice of medicine and/or in the circumstance where the physician and the physician assistant seeking registration are each employees of a legal entity other than a professional partnership, medical professional corporation, medical professional association or physician practice foundation, the applicant shall have the burden of satisfying the Board that there exists the supervisory relationship between the physician and the physician assistant contemplated by these rules.

(2) Factors to be used by the Board in determining the nature of the relationship shall include but are not limited to the following:

(a) The physician's authority to terminate the employment of the physician assistant;

(b) The physician's authority to determine or recommend levels of compensation for the physician assistant;

(c) The physician's authority to enforce compliance with orders and directives and to initiate suitable disciplinary action for violation of such orders and directives;

(d) The extent to which the physician assistant may be subject to the direction and control in matters relating to patient care of a person other than the physician to whom the assistant is registered;

(e) The extent to which the physician assistant is subject to the supervisory authority of a non-physician.

(3) In considering applications of the type described above, the Board may require that the applicant submit notarized certificates in the form set forth in Appendix G-A to Chapter 7 from the Chairman, President, Chief Executive Officer or other acceptable authority of any corporation, business firm or other legal entity which employs the physician assistant and the physician to whom the assistant is to be registered.

Author: Patricia E. Shiner, Attorney for the 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.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.23, Requirements for Supervised Practice - Physician Assistants (P.A.)

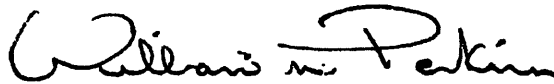
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to clarify requirements when supervising physician is not readily available; add requirement that supervising physician complete quarterly QA with PA and maintain documentation for three years following termination of the supervised practice.

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 October 5, 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: Oct. 5, 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-.23
(P.A.).**

Requirements For Supervised Practice - Physician Assistants

(1) Physician supervision requires, at all times, a direct, continuing and close supervisory relationship between a physician assistant and the physician to whom the assistant is registered.

(2) There shall be no independent, unsupervised practice by physician assistants.

(3) The supervising physician shall be readily available for direct communication or by radio, telephone or telecommunication.

(4) The supervising physician shall be available for consultation or referrals of patients from the physician assistant.

(5) In the event the physician to whom the physician assistant is registered is not readily available, provisions must be made for professional medical coverage oversight and direction by a covering physician pursuant to these rules who is readily available, who is preapproved by the Board of Medical Examiners, and who is familiar with these rules.

(6) In the event of an unanticipated, permanent absence of a supervising physician, a previously approved covering physician may be designated as a temporary supervising physician for a period of up to sixty (60) days. During the sixty (60) day time period, a new registration agreement designating a new supervising physician should be submitted for approval.

(7) If the physician assistant is to perform duties at a remote site, the application for registration must clearly specify the circumstances and provide written verification of physician availability for consultation and/or referral, and direct medical intervention in emergencies and after hours, if indicated. The Board, at its discretion, may waive the requirement of written verification upon documentation of exceptional circumstances. Employees of state and county health departments and facilities certified by the Alabama Department of Mental Health are exempt from the requirement of written verification of physician availability.

(8) The supervising physician and the physician assistant shall adhere to any written guidelines established by the Board to govern the prescription practices of physician assistants.

(9) If the physician assistant is to perform duties at a remote site away from the supervising physician, physician supervision requires the following:

(a) The supervising physician receives a daily status report to be made in person, by telephone, or by telecommunications from the assistant on any complications or unusual problems encountered;

(b) The supervising physician will be present ten percent (10%) of the physician assistant's scheduled work hours in an approved remote practice site if:

1. The physician assistant has less than two (2) years (4,000 hours) in a registration agreement.

2. The physician assistant has entered into a new registration agreement and the new supervising physician has a dissimilar primary specialty than the previous supervising physician.

(c) If the physician assistant has at least two (2) years (4,000 hours) in a registration agreement, the supervising physician shall:

1. Visit the remote site no less than twice a year.

2. Meet with the physician assistant no less than quarterly.

(d) A pre approved covering physician is allowed to be present in lieu of the supervising physician.

(e) The supervising physician, during office visits, if applicable, reviews with the assistant case histories of patients with unusual problems or complications.

(f) An appropriate physician personally diagnoses or treats patients requiring physician follow up.

(10) The supervising physician must complete quarterly quality assurance with each physician assistant. Documentation of any quality assurance review required by this chapter shall be maintained by the supervising physician for the duration of the registration agreement and for three years following the termination of the supervised practice agreement.

~~(40a)~~ The mechanism for quarterly quality assurance shall be as follows:

~~(a)~~1. Specify a plan for quarterly quality assurance management with defined quality outcome measures for evaluation of the clinical practice of the physician assistant and include review of a meaningful sample of medical records plus all adverse outcomes. The term "medical records" includes, but is not limited to, electronic medical records. Documentation of quality assurance review shall be readily retrievable, identify records that were selected for review, include a summary of findings conclusions, and, if indicated, recommendations for change.

~~(b)2.~~ Countersignature by supervising physician must be pursuant to established policy and/or applicable legal regulations and accreditation standards.

(11) The supervising physician must maintain documentation of the physician assistant's two (2) years (4,000 hours) of supervised practice experience for the duration of the supervised practice and for three (3) years following the termination of the registration agreement.

(12) The physician shall at all times maintain independent medical judgment related to the practice of medicine, irrespective of employment structure or business model.

(13) Irrespective of the location of the principal practice site and any remote site(s) of the supervised practice, all services provided to patients and actions incident to services provided to patients of the supervised practice shall be deemed to have occurred in the state where the patient is located at the time of service or action incident to the service. The supervising physician, covering physician, and physician assistant shall comply with all applicable Alabama laws, rules, and regulations pertaining to services and actions incident to services provided to Alabama patients of the supervised practice. Actions incident to services include, but are not limited to, professional medical oversight and direction to the physician assistant regarding Alabama patients, consultation, or referral of Alabama patients from the physician assistant, quality assurance review of the medical records of Alabama patients, and maintenance of documentation pursuant to this chapter. The supervising physician shall maintain all documentation required pursuant to this chapter for the duration of the supervised practice and for three years following the termination of the supervised practice agreement.

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 October 21, 2010; effective November 25, 2010. Amended: Filed December 11, 2014; effective January 15, 2015. Amended: Filed December 16, 2015; effective January 30, 2016. Amended: Filed October 19, 2017; effective December 3, 2017. Amended/Approved for Publication: July 15, 2020. Certified Rule Filed November 9, 2020. Effective Date: January 14, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.24, Covering Physicians for Physician Assistants (P.A.)

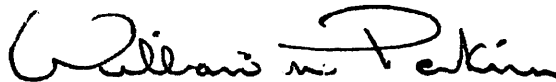
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to clarify that covering physicians must be in the same practice, group, multidisciplinary team, or of the same/similar specialty as the supervising physician; add requirement for supervising physician to certify annually that approved covering physicians agree to continue to serve in that capacity and to inform the Board of the termination of a covering agreement within 10 days of the termination.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

Covering Physicians for Physician Assistants (P.A.).

(1) When the primary supervising physician is not readily available to respond to patients' medical needs, the physician assistant is not authorized to perform any act or render any treatments unless another qualified physician in the same medical practice, practice group, or multidisciplinary medical team, or of the same or similar specialty as the supervising physician is immediately available to supervise the physician assistant who has previously filed with the Board a letter stating that he or she assumes all responsibility for the actions of the physician assistant during the temporary absence of the primary supervising physician.

(2) The covering physician providing the supervision shall also affirm in the letter that he or she is familiar with the current rules regarding physician assistants and the job description filed by the supervising physician and the physician assistant, that he or she is accountable for adequately supervising the medical care rendered pursuant to the job description, and that he or she approves the drug type, dosage, quantity and number of refills of legend drugs which the physician assistant is authorized to prescribe in the job description. The covering physician must meet the same qualifications as the supervising physician as established in these rules.

(3) The supervising physician shall certify to the Board of Medical Examiners at least annually that any approved covering physician continues to agree to serve in that capacity and shall inform the Board of Medical Examiners of the termination of a covering physician within ten (10) days of the termination.

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 December 16, 2015; effective January 30, 2016. **Amended:** Filed August 2, 2018; effective September 16, 2018. **Amended/Approved for Publication:** July 15, 2020. **Certified Rule Filed November 9, 2020. Effective Date:** January 14, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.28, Prescriptions and Medication Orders - Physician Assistants (P.A.)

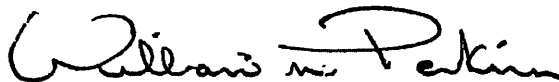
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to remove requirement that physician assistant's name be printed below or to the side of a physician's name on a prescription.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

Prescriptions and Medication Orders - Physician Assistants

(1) A physician assistant may prescribe a legend drug to a patient subject to both of the following conditions being met:

(a) The drug type, dosage, quantity prescribed, and number of refills are authorized in the job description which is signed by the supervising physician to whom the physician assistant is currently registered and which is approved by the Board; and

(b) The drug is included in the formulary approved ~~under the guidelines established by the Board~~ for governing the prescription practices of physician assistants.

(2) Subject to any limitations stated in protocols and medical regimens adopted by the Board and subject to any limitations by the supervising physician in the approved formulary, a physician assistant may prescribe any drug, substance or compound which is listed in Schedules III through V of the Alabama Uniform Controlled Substances Act upon being granted a Qualified Alabama Controlled Substances Certificate (QACSC) and upon submission of an approved QACSC formulary.

(3) The supervising physician and the physician assistant shall adhere to and follow all requirements and procedures stated in written guidelines established by the Board to govern the prescribing practices of physician assistants.

(4) A physician assistant who is registered to a physician with prescriptive privileges shall not engage in prescribing for:

(a) Self.

(b) Immediate family members.

(5) A physician assistant may not initiate a call-in prescription in the name of the supervising physician for any drug which the assistant is not authorized to prescribe unless the drug is specifically ordered for the patient by the supervising physician either in writing or by a verbal order reduced to writing and signed within seven (7) working days of the date of the prescription.

(6) For any drug which the physician assistant is authorized to prescribe, a written prescription signed by the physician assistant and entered into the patient's chart may be called-in to a pharmacy.

(7) Whenever a physician assistant calls in a prescription to a pharmacy, the physician assistant shall identify his or her supervising physician.

(8) A physician assistant may administer any legend drug or controlled drug which the assistant is authorized to prescribe.

(9) When prescribing legend drugs or controlled drugs a physician assistant shall use a prescription form which includes all of the following:

(a) The name, medical practice site address and telephone number of the physician supervising the physician assistant;

(b) ~~The physician assistant's name printed below or to the side of the physician's name;~~

~~(c) The medical practice site address and telephone number of the physician assistant, if different from the address of the supervising physician;~~

(d) The physician assistant's license number assigned by the Board and the QACSC registration number, when a controlled substance is prescribed;

(e) The words "Product Selection Permitted" printed on one side of the prescription form directly underneath a signature line; and

(f) The words "Dispense as Written" printed on one side of the prescription form directly underneath a signature line.

(10) For inpatients and nursing home patients, a physician assistant may enter a verbal order from the supervising physician for controlled substances or other medications which the assistant is not authorized to prescribe, provided that the order is co-signed by the supervising physician in accordance with established guidelines and institutional policies.

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 September 11, 2008; effective October 16, 2008. **Amended:** Filed November 20, 2008; effective December 25, 2008. **Amended:** Filed

February 17, 2010; effective March 24, 2010. **Amended:** Filed December 16, 2015; effective January 30, 2016. **Amended:** Filed April 15, 2016; effective May 30, 2016.

Amended/Approved for Publication: July 15, 2020. **Certified Rule** Filed November 9, 2020. **Effective Date:** January 14, 2021.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.37, Requirements to Practice as an Anesthesiologist Assistant (A.A.)

INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to require continuing medical education regarding supervised practice not more than 48 months prior to or within 12 months of registration to a physician.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, appearing to read "William M. Perkins", is written over a horizontal line.

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

540-X-7-.37
Assistant (A.A.).

Requirements to Practice As An Anesthesiologist

(1) To practice or offer to practice as an anesthesiologist assistant, each person shall be licensed by and registered by the Board in accordance with Chapter 7 of these rules.

(2) Effective January 1, 2024, anesthesiologist assistants shall obtain continuing 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 or within twelve (12) months of registration to a physician.

Author: Patricia E. Shiner, Attorney for the 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.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.49, Qualifications for Registration - Anesthesiologist Assistant (A.A.)

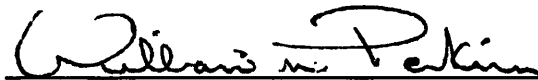
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to require continuing medical education regarding supervised practice not more than 48 months prior to or within 12 months of registration to an anesthesiologist.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, appearing to read "William M. Perkins", is written over a horizontal line.

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

540-X-7-.49 Qualifications fFor Registration - Anesthesiologist Assistant (A.A.). To qualify for registration as an anesthesiologist assistant an individual must meet the following requirements:

- (1) Be employed by:
 - (a) An anesthesiologist who practices in the medical specialty of anesthesiology and who is qualified under these rules or by a partnership, medical professional corporation, medical professional association or anesthesiologist practice foundation that also employs a supervising anesthesiologist who practices in the medical specialty of anesthesiology and who is qualified under these rules; or
 - (b) An entity approved by the Board under Rule 540-X-7-.54;
- (2) Be of good moral character;
- (3) Submit an application on forms approved by the Board;
- (4) Pay the appropriate fee as determined by the Board; and
- (5) Submit to the Board any other information which the Board deems necessary to evaluate the applicant's qualifications.
- (6) Effective January 1, 2024, obtain continuing 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 or within twelve (12) months of registration to an anesthesiologist.

Author: Alabama State 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:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.46 was renumbered to .49 as per certification filed September 11, 2008; effective October 16, 2008.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.51, Grounds for Denial of Registration - Anesthesiologist Assistant (A.A.) and Supervising Anesthesiologist

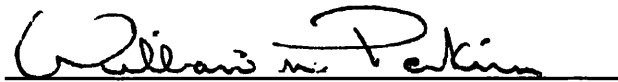
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to add grounds for denial of an application for registration.

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 October 5, 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: Oct. 5, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

A handwritten signature in black ink, appearing to read "William M. Perkins", is written over a horizontal line.

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

540-X-7-.51 Grounds For Denial Of Registration –
Anesthesiologist Assistant (A.A.) And Supervising Anesthesiologist. Grounds, within the discretion of the Board, to deny an application for registration as an anesthesiologist assistant shall be the following:

(1) The commission by an anesthesiologist assistant ~~or an anesthesiologist~~ of any act, offense or condition stated in Rule 540-X-7-.45.

(2) The anesthesiologist to whom the anesthesiologist assistant is registered has permitted or required the anesthesiologist assistant to perform or to attempt to perform tasks which are beyond the assistant's competence or which are not authorized in the job description approved by the Board.

(3) The supervising anesthesiologist's license to practice medicine has been revoked, suspended, restricted or disciplined in any manner.

(4) Refusal by the anesthesiologist assistant or supervising anesthesiologist to appear before the Board after having been formally requested to do so in writing by the Executive Director of the Board.

(5) Failure by the anesthesiologist assistant or anesthesiologist to notify the Board in writing of termination of previous employment as required by Rule 540-X-7-.53.

(6) The signing by an anesthesiologist assistant of any form which is to be authenticated by the supervising anesthesiologist's signature if the supervising anesthesiologist has not authorized signing by the assistant or if signing by the assistant is prohibited by Federal or state statutes or regulations or if signing by the assistant is prohibited by the agency governing the form.

(7) Failure of an anesthesiologist to maintain current or unrestricted licensure with the Medical Licensure Commission of Alabama.

(8) Failure of a supervising anesthesiologist to comply with any statute or rule governing supervised practice.

(9) The commission or any act by an anesthesiologist which would constitute a violation of Ala. Code § 34-24-360 or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

(10) Failure of a supervising anesthesiologist to maintain or produce for inspection upon request by the Alabama Board of Medical Examiners any documentation required to be maintained by the supervising anesthesiologist.

Author: Alabama State 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:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.48 was renumbered to .51 as per certification filed September 11, 2008; effective October 16, 2008.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.53, Termination of Registration – Voluntary – Anesthesiologist Assistants (A.A.)

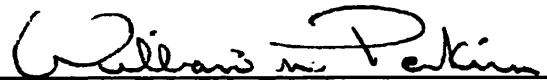
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to allow either the anesthesiologist assistant or the anesthesiologist to inform the Board of a termination of employment.

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 October 5, 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: Oct. 5, 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-.53 Termination Of Registration - Voluntary –

Anesthesiologist Assistants (A.A.). When for any reason an anesthesiologist assistant shall discontinue his or her employment with the employer designated in the application for registration, then registration of such anesthesiologist assistant to the supervising anesthesiologist designated in the application is automatically terminated. The anesthesiologist assistant ~~and~~or the anesthesiologist shall each inform the Board in writing of the effective date of the termination of employment and the reasons for such termination. Failure to notify the Board of termination may be considered by the Board as a violation of these rules and regulations for the purpose of approval of future applications for registration.

Author: Alabama State Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

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.

Ed. Note: Previous Rule 540-X-7-.50 was renumbered to .53 as per certification filed September 11, 2008; effective October 16, 2008.