CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 20th day of October, 2021, and filed with the agency secretary on the 18th day of November, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

___X___Amendment ____________Repeal (Mark appropriate space)

Rule No. 540-X-7-.37
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Requirements to Practice as an Anesthesiologist Assistant (AA)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. No changes from proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 11, AAM, DATED AUGUST 31, 2021.


(Date Filed)
(For LRS Use Only)

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
540-X-7-.37 Requirements to Practice as an Anesthesiologist Assistant (A.A.).

(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: Alabama State Board of Medical Examiners


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AGENCY NAME: Alabama State Board of Medical Examiners

___X___Amendment _________Repeal (Mark appropriate space)

Rule No. 540-X-7-.49
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Qualifications for Registration - Anesthesiologist Assistant (AA)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. No changes from proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 11, AAM, DATED AUGUST 31, 2021.


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NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
Qualifications for 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

Ed. Note: Previous Rule 540-X-7-.46 was renumbered to .49 as per certification filed September 11, 2008; effective October 16, 2008.
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(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

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AGENCY NAME: Alabama State Board of Medical Examiners

_____X_____Amendment ___________Repeal (Mark appropriate space)

Rule No. 540-X-7-.51
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Grounds for Denial of Registration - Anesthesiologist Assistant (AA) and Supervising Anesthesiologist

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. No changes from proposal.

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(Date Filed)
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Certifying Officer or his or her Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
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 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

Ed. Note: Previous Rule 540-X-7-.48 was renumbered to .51 as per certification filed September 11, 2008; effective October 16, 2008.
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(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

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AGENCY NAME: Alabama State Board of Medical Examiners

___X___Amendment __________Repeal (Mark appropriate space)

Rule No. 540-X-7-.53
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Termination of Registration - Voluntary - Anesthesiologist Assistants (AA)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. One non substantive change from proposal: “The anesthesiologist assistant or the anesthesiologist shall each inform the Board in writing ...”. The word “each” should have been struck through in the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 11, AAM, DATED AUGUST 31, 2021.


(Date Filed)
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CERTIFYING OFFICER OR HIS OR HER DEPUTY

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
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 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

Ed. Note: Previous Rule 540-X-7-.50 was renumbered to .53 as per certification filed September 11, 2008; effective October 16, 2008.
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(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

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AGENCY NAME: Alabama State Board of Medical Examiners

___X___ Amendment _____ Repeal (Mark appropriate space)

Rule No. 540-X-7-.54
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Interim Approval - Anesthesiologist Assistant (AA)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. No changes from proposal.

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NOV 18 2021

Certifying Officer or his or her Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
540-X-7-.54  Interim Approval - Anesthesiologist Assistant (A.A.).

(1) An anesthesiologist assistant may obtain interim approval of a supervised practice with an interim supervising anesthesiologist 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 anesthesiologist meets the qualifications established in these rules. An anesthesiologist assistant who has been granted a temporary license does not qualify for interim approval.

(2) An applicant for approval to practice as an anesthesiologist assistant may obtain interim approval when either the supervising anesthesiologist or the anesthesiologist 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

Ed. Note: Previous Rule 540-X-7-.51 was renumbered to .54 as per certification filed September 11, 2008; effective October 16, 2008.
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AGENCY NAME: Alabama State Board of Medical Examiners

___X___Amendment _________Repeal (Mark appropriate space)

Rule No. 540-X-7-.55
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Anesthesiologist Assistants (AA) Not Employed by Supervising
Anesthesiologist/Anesthesiologist Not in Full-Time Practice

ACTION TAKEN: State whether the rule was adopted with or without changes from the
proposal due to written or oral comments:

No comments received. No changes from proposal.

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Certifying Officer or his or her
Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be
certified within 90 days after completion of the notice.
Anesthesiologist Assistants (A.A.) Not Employed by Supervising Anesthesiologist/Anesthesiologist Not in Full-Time Practice.

(1) Under the circumstances where an anesthesiologist assistant is seeking registration to an anesthesiologist not regularly engaged in the full-time practice of medicine and/or in the circumstance where the anesthesiologist and the anesthesiologist 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 anesthesiologist and the anesthesiologist 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 anesthesiologist's authority to terminate the employment of the anesthesiologist assistant;

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

(c) The anesthesiologist'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 anesthesiologist assistant may be subject to the direction and control in matters relating to patient care of a person other than the anesthesiologist to whom the assistant is registered;

(e) The extent to which the anesthesiologist 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 certificates in the form set forth in Appendix C 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 anesthesiologist assistant and the anesthesiologist to whom the assistant is to be registered.

Author: Alabama State Board of Medical Examiners
Amended: Filed November 22, 1999; effective December 27, 1999. Repealed and

Ed. Note: Previous Rule 540-X-7-.52 was renumbered to .55 as per certification filed September 11, 2008; effective October 16, 2008.
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AGENCY NAME: Alabama State Board of Medical Examiners

_____X____Amendment ____________Repeal (Mark appropriate space)

Rule No. 540-X-7-.57
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Covering Anesthesiologists for Anesthesiologist Assistants (AA)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. No changes from proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 11, AAM, DATED AUGUST 31, 2021.


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NOV 18 2021

Certifying Officer or his or her Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
Covering Anesthesiologists for Anesthesiologist Assistants (A.A.).

(1) When the primary supervising anesthesiologist is off duty, out of town, not on call, or not immediately available to respond to patients' medical needs, the anesthesiologist assistant is not authorized to perform any act or render any treatments unless another qualified anesthesiologist in the same partnership, group, medical professional corporation or anesthesiologist practice foundation or with whom the primary supervising anesthesiologist shares call is on call and is immediately available to supervise the anesthesiologist assistant and has previously filed with the Board a letter stating that he or she assumes all responsibility for the actions of the anesthesiologist assistant during the temporary absence of the primary supervising anesthesiologist.

(2) The covering anesthesiologist providing the supervision shall also affirm in the letter that he or she is familiar with the current rules regarding anesthesiologist assistants and the job description filed by the primary supervising anesthesiologist and the anesthesiologist assistant and that he or she is accountable for adequately supervising the medical care rendered pursuant to the job description.

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

Author: Alabama State Board of Medical Examiners

Ed. Note: Previous Rule 540-X-7-.54 was renumbered to .57 as per certification filed September 11, 2008; effective October 16, 2008.
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AGENCY NAME: Alabama State Board of Medical Examiners

____ X ____ Amendment _________ Repeal (Mark appropriate space)

Rule No. 540-X-7-.59
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Limitations upon Utilization of Anesthesiologist Assistants (AA)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. No changes from proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 11, AAM, DATED AUGUST 31, 2021.


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Certifying Officer or his or her Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.
540-X-7-.59  Limitations upon Utilization of Anesthesiologist Assistants (A.A.).

(1) An anesthesiologist may have registered to him or her not more than four (4) anesthesiologist assistants.

(2) An anesthesiologist assistant may be registered to more than one supervising anesthesiologist at any one time. The number of supervising anesthesiologists to whom an anesthesiologist 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.

(3) An anesthesiologist shall disclose to the Board of Medical Examiners the existence of all collaborative and supervisory agreements to which the physician is 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.

Author: Alabama State Board of Medical Examiners

Ed. Note: Previous Rule 540-X-7-.56 was renumbered to .59 as per certification filed September 11, 2008; effective October 16, 2008.