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-12-.02
Rule Title: General Requirements

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	NO
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	NO
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?	NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer William M. Perkins

REC'D & FILED
JUN 21 2022
LEGISLATIVE SVC AGENCY

Date: June 21, 2022

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-12-.02, General Requirements

INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Clarify authority to renew, restrict, limit, suspend, or revoke a Qualified Alabama Controlled Substances Certificate (QACSC); add provision that consideration of a QACSC application may be declined when the physician assistant or the proposed supervising 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 August 4, 2022. 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. Copies can also be obtained at the Board's web site, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 4, 2022

CONTACT PERSON AT AGENCY: Carla H. Kruger

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

540-X-12-.02 General Requirements.

(1) The Board is the certifying board which may issue to and renew, ~~or~~ deny, restrict, limit, suspend, or revoke a QACSC ~~to~~of an assistant to physician.

(2) Beginning the calendar year 2010, QACSCs may be issued by the Board to Physician Assistants (P.A.s).

(3) Although the Board recognizes two categories of assistants to physicians, only a person licensed and registered by the Board as a Physician Assistant (P.A.) may be issued a QACSC.

(4) A P.A. who prescribes, administers authorizes for administration or dispenses any controlled substance within Alabama or who proposes to engage in the prescribing, administering, authorizing for administration or dispensing of any controlled substance within Alabama shall obtain, annually, a QACSC for each registration of the P.A. by the Board to perform medical services under the supervision of a physician.

(5) A P.A. who prescribes, administers, authorizes for administration or dispenses, or who proposes to engage in the prescribing, administering, authorizing for administration or dispensing of any controlled substance within Alabama shall obtain the appropriate registration or registrations issued by the United States Drug Enforcement Administration.

(6) The Board of Medical Examiners may decline to consider an application when the P. A. or the supervising physician is under investigation for a potential violation of the Code of Alabama, Sections 20-2-50, et. seq., or 34-24-50, et. seq., or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489
History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Approved for publication June 16, 2022.

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-12-.06
Rule Title: Fees-Qualified Alabama Controlled Substances Registration Certificate (QACSC)

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	NO
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	NO
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?	NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer William M. Perkins

REC'D & FILED

Date: June 21, 2022

JUN 21 2022

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-12-.06, Fees-Qualified Alabama Controlled Substances Registration Certificate (QACSC)

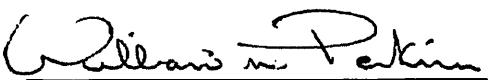
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Provide for late fees for annual QACSC renewal applications submitted after the renewal deadline.

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 August 4, 2022. 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. Copies can also be obtained at the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 4, 2022

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

540-X-12-.06 Fees - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) An applicant for a QACSC shall submit to the Board an application fee in the amount of One Hundred and Ten Dollars ($110.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217.

(2) An applicant for annual renewal of a QACSC submitted on or before December 31 shall submit to the Board a QACSC renewal fee in the amount of Sixty Dollars ($60.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217.

(3) An applicant for annual renewal of a QACSC submitted after the renewal deadline of December 31 and prior to January 31 shall submit to the Board a QACSC renewal fee in the amount of Sixty Dollars ($60.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217, and a late fee in the amount of Seventy-Five Dollars ($75.00).

(4) An applicant for annual renewal of a QACSC submitted after January 31 shall submit to the Board a QACSC renewal fee in the amount of Sixty Dollars ($60.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217, and a penalty fee in the amount of One Hundred Ten Dollars ($110.00).

(5) An applicant for annual renewal of a QACSC submitted after January 31 who has also prescribed controlled substances between January 1 and the date of

application shall submit to the Board a QACSC renewal fee in the amount of Sixty Dollars ($60.00) , which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217, and a penalty fee in the amount of One Hundred Fifty Dollars ($150.00).

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489
History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Approved for publication: June 16, 2022.

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-12-.08
Rule Title: Grounds for Denial and Discipline - Qualified Alabama Controlled Substances Registration Certificate (QACSC)

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	NO
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	NO
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?	NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

****

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 _____

REC'D & FILED
JUN 21 2022
LEGISLATIVE SVC AGENCY

Date: June 21, 2022

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-12-.08, Grounds for Denial and Discipline - Qualified Alabama Controlled Substances Registration Certificate (QACSC)

INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Specify that the grounds for denial and discipline apply to reinstatement of a QACSC; add as a ground for denial/discipline prescribing a controlled substance without a valid QACSC.

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 August 4, 2022. 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. Copies can also be obtained at the Board's web site, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 4, 2022

CONTACT PERSON AT AGENCY: Carla H. Kruger

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

540-X-12-.08 Grounds for Denial and Discipline - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

The Board may deny a P.A.'s application for a QACSC, deny a P.A.'s application for renewal or reinstatement of a QACSC, or initiate disciplinary action against a P.A. possessing a QACSC based on the following grounds:

(1) Fraud or deceit in applying for, procuring, or attempting to procure a QACSC in the state of Alabama.

(2) Conviction of a crime under any state or federal law relating to any controlled substance.

(3) Conviction of a crime or offense which affects the ability of the P.A. to practice with due regard for the health or safety of his or her patients.

(4) Prescribing a drug or utilizing a QACSC in such a manner as to endanger the health of any person or patient of the P.A. or supervising physician.

(5) Suspension or revocation of a registration number issued to the P.A. by the United States Drug Enforcement Administration.

(6) Excessive dispensing or prescribing of a controlled substance to any person or patient of the P.A. or supervising physician.

(7) Unfitness or incompetence due to the use of or dependence on alcohol, chemicals, or any mood altering drug to such an extent as to render the P.A. unsafe or unreliable to prescribe drugs or to hold a QACSC.

(8) Any violation of a requirement set forth in Ala. Code §§ 20-2-60 through 20-2-69; a rule of the Board; a protocol or medical regimen adopted by the Board; or a limitation established by the supervising physician in an approved formulary.

(9) Prescribing a controlled substance without a valid QACSC.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489
History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Approved for publication June 16, 2022.

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-12-.09
Rule Title: Due Process Proceedings, Denial and Discipline - Qualified Alabama Controlled Substances Registration Certificate (QACSC)

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	NO
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	NO
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?	NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

****

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 _____

REC'D & FILED
JUN 21 2022
LEGISLATIVE SVC AGENCY

Date: June 21, 2022

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-12-.09, Due Process Proceedings, Denial and Discipline - Qualified Alabama Controlled Substances Registration Certificate (QACSC)

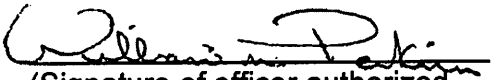
INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Specify that the due process proceedings apply to reinstatement of a QACSC.

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 August 4, 2022. 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. Copies can also be obtained at the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 4, 2022

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

540-X-12-.09 Due Process Proceedings, Denial and Discipline - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) Before denying an application for a QACSC, denying an application for renewal or reinstatement of a QACSC or disciplining a P.A. possessing a QACSC, the Board shall serve upon the P.A. an order to show cause why registration should not be denied or disciplined.

(2) Any hearing concerning the order to show cause shall be before the Board.

(3) The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Board at a time and place not less than thirty (30) days after the date of service of the order, but in the case of denial of renewal of registration, the show cause order shall be served not later than thirty (30) days before the expiration of the registration.

(4) Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(5) The Board may restrict, suspend or revoke a QACSC or assess an administrative fine against a QACSC whenever a P.A. shall be found guilty on the basis of substantial evidence of any of the acts or offenses enumerated in Rule 540-X-12-.08.

(6) The Board may limit revocation or suspension of a QACSC to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(7) The Board shall promptly notify the Drug Enforcement Administration of the United States Department of Justice of all orders suspending or revoking a QACSC.

(8) Any hearing before the Board shall be considered a contested case under the Alabama Administrative Procedure Act, Section 41-22-1, and shall be conducted in accordance with the requirements of that Act.

(9) In a hearing on the request for reinstatement of a QACSC, the Board has the authority to reinstate or deny reinstatement of a QACSC. In a hearing on a request for reinstatement of a QACSC, the applicant shall have the burden of establishing to the reasonable satisfaction of the Board that the applicant is entitled to the specific relief requested.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489
History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Approved for publication June 16, 2022.