



## ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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### **Statement of the Alabama Board of Medical Examiners on the Final Adoption of Rule 540-X-10**

The Board extends its sincere appreciation to all physicians who took the time to review and provide comments. Your expert feedback and professional insights are highly valued and were instrumental in the Board's decision-making.

In 2022, the Alabama Board of Medical Examiners ("the Board") began the process of updating its Office-Based Surgery regulations, which first became effective in November 2003. These regulations remained essentially unchanged for twenty years; however, office-based surgery has changed dramatically in this time period. In October 2023, the Board began soliciting comments from stakeholders and adopting revisions based on this feedback. In December 2024, the rules were officially noticed for public comment. Due to the amount of constructive feedback, the Board terminated the publication period in April 2025 to allow time for a thorough review and incorporation of stakeholder comments. In July 2025, the Board published a substantially revised ruleset in response to the public comments. The Board received public comments to this rule draft, and in November 2025, the Board republished the draft after making material changes based on these comments. Following the end of this comment period, the Board considered the comments at its January 2026 meeting and voted to finalize the proposed rules after making non-material editorial changes based on the comments received. Also, in response to comments articulating uncertainty concerning which accreditation bodies would be approved by the Board, the Board voted at its January 2026 meeting to approve four (4) accrediting bodies for use by Alabama physicians.

The Board received limited comments in response to its November 2025 publication. As stated above, where the comments articulated a sense of uncertainty, the Board took steps to clarify its rules and expectations. Some comments asked the Board to reverse material changes made in prior drafts in response to comments; in these cases, the Board declined to make these changes because they were not in the interest of public health and safety. In other cases, the Board declined to make changes because the commenter's request would unnecessarily burden one group of physicians in favor of another. At all times, the Board's primary concern when deciding to make a change or not was whether the public's health, safety, and welfare would be protected. The Board believes that the current draft, as certified, best strikes the balance between protecting the public and avoiding unnecessary regulatory burdens on physicians.

Throughout this process, the Board has invited, welcomed, and engaged in a robust dialogue with Alabama physicians. The Board is committed to maintaining the level of responsiveness to physician input that it has shown in the rulemaking process going forward. Medicine is evolving, and the Board expects these regulations to evolve with it.