TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540
Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-4-01
Rule Title: Registration for Alabama Controlled Substances Certificate

_____ New  ____ Amend  _____ Repeal  _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

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

Certification of Authorized Official

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

Signature of certifying officer

Date: October 20, 2021
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-4-.01, Registration for Alabama Controlled Substances Certificate

INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: Amend rule to require registrants to provide documentation of maintenance of an active registration issued by the U.S. Drug Enforcement Administration upon initial and renewal applications.

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 December 3, 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.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Dec. 3, 2021

CONTACT PERSON AT AGENCY: Carla H. Kruger

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
Registration for Alabama Controlled Substances Certificate.

(1) Every physician licensed to practice in Alabama who distributes, prescribes, or dispenses any controlled substance within Alabama or who proposes to engage in the distributing, prescribing or dispensing of any controlled substance within Alabama must obtain annually a registration certificate. The fee for such certificate is $150.00, which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217, or as otherwise set by law.

(2) The requirement stated in paragraph (1) of obtaining a registration certificate is waived for the following physicians:

(a) Physicians employed by and working exclusively for the United States Department of Veteran’s Affairs; and

(b) Medical residents for a period of eighteen months from the start date of the first year of the residency program.

1. At the end of the eighteenth month, the requirement stated in paragraph (1) shall apply.

2. Medical resident shall mean those medical residents in residency programs who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine, the University of South Alabama College of Medicine, or such other medical schools or colleges, hospitals, or institutions in Alabama which may be approved by the Board of Medical Examiners.

3. A medical resident for whom the requirement of obtaining a registration certificate is waived shall perform his or her work within the facilities of the University of
Alabama School of Medicine, the University of South Alabama College of Medicine, or such other institutions in Alabama which may be approved by the Board of Medical Examiners and as an adjunct to his or her course of study or training.

(3) Persons registered by the Board to distribute, prescribe, dispense or conduct research with controlled substances may possess, distribute, dispense or conduct research with those substances to the extent authorized by their registration and in conformity to any Board regulations and statutes governing controlled substances.

(4) A physician who applies for a waiver for exemption from the mandatory continuing education requirement under Rule 540-X-14-.04 shall, as a condition precedent to the granting of such waiver, surrender his or her controlled substance registration certificate to the Board of Medical Examiners.

(5) A physician who applies for annual renewal of his or her license to practice medicine under Section 34-24-337, Code of Alabama 1975 and in connection with that application claims exemption from the continuing medical education requirement by virtue of a waiver granted under Rule 540-X-14-.04 is ineligible to receive a controlled substance registration certificate so long as the waiver remains in effect.

(6) A physician who applies to the Board of Medical Examiners for termination of a waiver granted due to retirement status and who applies for a registration certificate shall, as a condition precedent to the issuance of the certificate, submit proof that he or she has satisfied the continuing medical education requirement established under Rule 540-X-14-.02.
(7) To maintain an active Alabama Controlled Substances Certificate, a physician must maintain an active registration issued by the United States Drug Enforcement Administration (“DEA”) and which complies with DEA’s rules and regulations. A physician who applies for an Alabama Controlled Substances Certificate shall provide the Board with the DEA registration number authorizing his or her prescribing of controlled substances in Alabama at the time of application, or, if no such registration has been issued, shall provide the Board with the DEA registration number as soon as it is issued. Each physician who is issued an Alabama Controlled Substances Certificate shall provide a copy of the DEA registration certificate to the Board immediately upon renewal of the registration. Each physician who obtains additional DEA registrations for multiple dispensing sites shall provide the Board with the additional DEA registration number(s) and a copy of the DEA registration certificate as soon as it is issued and immediately upon renewal.

Author: Alabama Board of Medical Examiners