



ACT #2023 - 233

1 P6OLEE-2
2 By Senator Weaver
3 RFD: Healthcare
4 First Read: 04-Apr-23
5
6 2023 Regular Session





SB155 Enrolled

1 Enrolled, An Act,

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5 Relating to the Board of Medical Examiners; to amend
6 Sections 34-24-50.1 and 34-24-70, Code of Alabama 1975, to
7 provide further for qualifications for licensure as a
8 physician; and to add Section 34-24-75.2 to the Code of
9 Alabama 1975, to authorize the board to issue permits for
10 certain medical school graduates to practice medicine in a
11 limited capacity for a limited time as bridge year graduate
12 physicians.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited as
15 the Physician Workforce Act.

16 Section 2. Sections 34-24-50.1 and 34-24-70, Code of
17 Alabama 1975, are amended to read as follows:

18 "§34-24-50.1

19 Unless otherwise indicated from the context, the terms
20 set out below as used in Articles 3, 8, 9, and 10 of this
21 chapter ~~shall~~ have the following meanings:

22 (1) BOARD. The Board of Medical Examiners.

23 ~~(1)~~ (5) PHYSICIAN. Either a doctor of medicine or a
24 doctor of osteopathy.

25 (3) LEGEND DRUG. Any drug, medicine, chemical, or
26 poison, bearing on the label the words, "Caution: Federal Law
27 prohibits dispensing without a prescription" or similar words
28 indicating that the drug, medicine, chemical, or poison may be
sold or dispensed only upon the prescription of a licensed



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29 medical practitioner, except that the term legend drug shall
30 not include any drug, substance, or compound that is listed in
31 Schedules I through V of the Alabama Uniform Controlled
32 Substances Act.

33 ~~(2)~~ (4) LICENSED TO PRACTICE MEDICINE. Both the practice
34 of medicine by a doctor of medicine or the practice of
35 osteopathy by a doctor of osteopathy.

36 ~~(3)~~ (2) DOCTOR. Both doctors of medicine and doctors of
37 osteopathy."

38 "§34-24-70

39 (a) The following constitute the requirements for the
40 issuance of a certificate of qualification for a license to
41 practice medicine in this state:

42 (1) MEDICAL EDUCATION REQUIREMENT. All applicants for a
43 certificate of qualification shall present a diploma or
44 evidence of graduation from any of the following institutions:

45 a. A college of medicine or school of medicine
46 accredited by the Liaison Committee on Medical Education.

47 b. A college of osteopathy accredited by the Commission
48 on Osteopathic College Accreditation.

49 c. A college of medicine or school of medicine not
50 accredited by the Liaison Committee on Medical Education which
51 is approved by the ~~Board of Medical Examiners~~ board. The board,
52 within its discretion, may withhold approval of any college of
53 medicine not designated in either paragraph a. or b. which:

54 1. Has had its accreditation withdrawn by a national or
55 regional accreditation organization; or

56 2. Has had its authorization, certification, or



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57 licensure revoked or withdrawn by a national or regional
58 governmental supervisory agency; or

59 3. Has been denied approval or has had its approval
60 withdrawn by any national, state, or territorial licensing
61 jurisdiction based upon an evaluation of the college of
62 medicine or upon a finding of misconduct by the college; or

63 4. Has engaged in fraudulent, criminal, or other
64 practices which are inconsistent with quality medical
65 education, as determined by the board.

66 (2) POSTGRADUATE EDUCATION REQUIREMENT.

67 a. Applicants for a certificate of qualification who
68 graduated from a college of medicine accredited by the Liaison
69 Committee on Medical Education or a college of osteopathy
70 accredited by the Commission on Osteopathic College
71 Accreditation shall present evidence satisfactory to the board
72 that the applicant has completed one year of postgraduate or
73 residency training in any of the following programs:

74 1. A program accredited by the Accreditation Council
75 for Graduate Medical Education.

76 2. A program accredited by the American Osteopathic
77 Association.

78 3. A program accredited by the Accreditation Committee
79 of the Royal College of Physicians and Surgeons of Canada.

80 4. A program accredited by the College of Family
81 Physicians of Canada.

82 b. All other applicants for a certificate of
83 qualification who graduated from a college of medicine not
84 accredited by the Liaison Committee on Medical Education or a



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85 college of osteopathy not accredited by the Commission on
86 Osteopathic College Accreditation shall present evidence
87 satisfactory to the board that the applicant has completed
88 ~~three~~two years of postgraduate or residency training in any
89 of the following programs:

90 1. A program accredited by the Accreditation Council
91 for Graduate Medical Education.

92 2. A program accredited by the Commission on
93 Osteopathic College Accreditation.

94 3. A program accredited by the Accreditation Committee
95 of the Royal College of Physicians and Surgeons of Canada.

96 4. A program accredited by the College of Family
97 Physicians of Canada.

98 (3) EXAMINATION REQUIREMENTS. Applicants for a
99 certificate of qualification shall achieve a passing score on
100 one of the licensure examinations listed below. The minimum
101 passing score, maximum number of attempts, and period of time
102 within which all portions of the examination must be completed
103 may be determined by rule of the ~~Board of Medical~~
104 Examinersboard. The following examinations shall satisfy this
105 requirement:

106 a. The United States Medical Licensing Examination.

107 b. The Comprehensive Osteopathic Medical Licensing
108 Examination or its predecessor examination administered by the
109 National Board of Osteopathic Medical Examiners.

110 c. The Licentiate of the Medical Council of Canada
111 Examination.

112 d. If the examination was completed before January 1,

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113 2000, applicants by endorsement who are licensed in another
114 state, the District of Columbia, a territory of the United
115 States, or a province of Canada are eligible for licensure
116 upon proof of a passing score on one of the following
117 examinations:

- 118 1. The Federation Licensing Examination.
- 119 2. The National Board of Medical Examiners Examination.
- 120 e. The board may establish by rule acceptable

121 combinations of the Federation Licensing Examination, National
122 Board of Medical Examiners Examination, and/or United States
123 Medical Licensing Examination through January 1, 2000, in
124 satisfaction of the examination requirement for a certificate
125 of qualification.

126 (4) APPLICATION FEE REQUIREMENT. ~~Payment~~ All applicants
127 shall pay in advance to the board ~~of~~ the required application
128 fee in an amount established in the rules of the board. This
129 fee is not refundable once payment is received by the board.

130 (5) CRIMINAL HISTORY BACKGROUND CHECK. In addition to
131 other requirements established by law and for the purpose of
132 determining an applicant's suitability for a certificate of
133 qualification for a license to practice medicine or for the
134 purpose of determining an applicant's suitability for the
135 issuance of, or certification of eligibility for, any
136 expedited license, each applicant shall submit to a criminal
137 history background check. Each applicant shall submit a
138 complete set of fingerprints, either inked cards or
139 electronically, properly executed by a law enforcement agency
140 or an individual properly trained in fingerprinting techniques



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141 to the State Board of Medical Examiners, ~~or any channeler~~
142 ~~approved by the board.~~ The board, ~~or its channeler,~~ shall
143 submit the fingerprints ~~provided by each applicant for a~~
144 ~~certificate of qualification for a license to practice~~
145 ~~medicine~~ to the Alabama State Bureau of Investigation (SBI).
146 The fingerprints shall be forwarded by the SBI to the Federal
147 Bureau of Investigation (FBI) for a national criminal history
148 record check. ~~Costs associated with conducting a criminal~~
149 ~~history background check shall be borne by the applicant and~~
150 ~~are payable directly to the board, or its designee.~~ The
151 applicant shall pay directly to the board, or its designee,
152 all costs associated with the background check required by
153 this section. The State Board of Medical Examiners shall keep
154 information received pursuant to this section confidential,
155 except that such information received and relied upon in
156 denying the issuance of a certificate of qualification for a
157 license to practice medicine in this state, or relied upon in
158 denying the issuance of, or certification of eligibility for,
159 any expedited license may be disclosed as may be necessary to
160 support the denial.

161 (6) ADDITIONAL REQUIREMENTS FOR EXAMINATION FOR CERTAIN
162 APPLICANTS.

163 a. ~~All applicants who have not passed the United States~~
164 ~~Medical Licensing Examination, the Comprehensive Osteopathic~~
165 ~~Medical Licensing Examination, the Licentiate of the Medical~~
166 ~~Council of Canada Examination, or the Special Purpose~~
167 ~~Examination within 10 years immediately preceding the date of~~
168 ~~the application shall either:~~



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169 ~~1. Achieve a passing score on the Special Purpose~~
170 ~~Examination.~~

171 ~~2. Be certified by or achieve a passing score on a~~
172 ~~recertification examination given by one of the specialty~~
173 ~~boards approved by the American Board of Medical Specialties~~
174 ~~or one of the specialty boards approved by the American~~
175 ~~Osteopathic Association within 10 years immediately preceding~~
176 ~~the date of the application. This requirement may be satisfied~~
177 ~~by active participation by the applicant in a maintenance of~~
178 ~~certification program, established by one of the specialty~~
179 ~~boards approved pursuant to this subparagraph, for a period of~~
180 ~~at least one year before submission of the application.~~

181 ~~b.~~ All applicants who graduated from a college of
182 medicine not accredited by the Liaison Committee of Medical
183 Education or the Commission on Osteopathic College
184 Accreditation shall achieve a certification given by the
185 Education Council for Foreign Medical Graduates.

186 (b) Administration of examinations by the board.

187 (1) Applicants for a certificate of qualification who
188 are applying for initial licensure in the State of Alabama,
189 and who meet all qualifications for administration of Step 3
190 of the United States Medical Licensing Examination are
191 eligible to take the United States Medical Licensing
192 Examination.

193 (2) The following individuals are eligible to take the
194 Special Purpose Examination:

195 a. Applicants who are applying for licensure in Alabama
196 who are required to take the examination under another



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197 provision of this section.

198 b. Individuals required to take the examination
199 pursuant to an order or directive of the ~~State Board of~~
200 ~~Medical Examiners~~ board or the Medical Licensure Commission.

201 (3) Any individual eligible to take the Special Purpose
202 Examination pursuant to paragraph (2)a. or (2)b. ~~of~~
203 ~~subdivision (2)~~ who has not achieved a passing score within
204 three administrations shall no longer be eligible to take the
205 Special Purpose Examination.

206 (c) Grounds for denial of a certificate of
207 qualification. The board may deny an application for a
208 certificate of qualification on any of the following grounds:

209 (1) Failure of the applicant to achieve a passing score
210 on any examination required under this section.

211 (2) Failure of the applicant to complete the
212 application form as specified by the board or to provide
213 additional information requested by the board in connection
214 with the application, including failure to provide information
215 to or submit to an evaluation recommended by the Alabama
216 Physician Wellness Committee, or its designee.

217 (3) A finding that the applicant has submitted or
218 caused to be submitted false, misleading, or untruthful
219 information to the board in connection with an application for
220 a certificate of qualification.

221 (4) Failure to appear before the board or a committee
222 of the board if formally requested to appear in connection
223 with an application for a certificate of qualification.

224 (5) A finding by the board that the applicant has



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225 committed any of the acts or offenses constituting grounds to
226 discipline the licensee to practice medicine in this state
227 pursuant to, but not limited to, Sections 16-47-128,
228 34-24-360, and 34-24-57.

229 (6) Failure of the applicant to comply with any of the
230 requirements or rules for the issuance of a certificate of
231 qualification for a license to practice medicine in this
232 state.

233 (d) Non-disciplinary citation with administrative
234 charge.

235 (1) When a ground for denial of a certificate of
236 qualification exists, an applicant for a certificate of
237 qualification may request in writing to the Board of Medical
238 Examiners that a non-disciplinary citation with administrative
239 charge be assessed against the applicant in lieu of a decision
240 by the board to deny the application for a certificate of
241 qualification. The board may grant, if it deems appropriate, a
242 request for an assessment of a non-disciplinary citation with
243 administrative charge and issue a certificate of qualification
244 to the applicant.

245 (2) The administrative charge shall be in amounts
246 established by the board in its rules, not to exceed ten
247 thousand dollars (\$10,000). ~~Payment of an~~ The applicant shall
248 pay the administrative charge assessed in a non-disciplinary
249 citation ~~shall be made~~ to the board prior to the issuance of a
250 certificate of qualification.

251 (3) The administrative charge is not refundable once
252 payment is received by the board. The imposition of a



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253 non-disciplinary citation with administrative charge is
254 considered public information and is not considered a
255 disciplinary action against the applicant.

256 (e) Withdrawal of application for certificate of
257 qualification and certificate of qualification.

258 (1) An applicant for a certificate of qualification
259 shall have six months from the date the initial signed
260 application form is received by the board to complete the
261 application, except that an applicant for a certificate of
262 qualification who is required to pass an examination as part
263 of the application process shall have 12 months from the date
264 the initial signed application form is received to complete
265 the application. After the expiration of the deadline for
266 completing an application established in the preceding
267 sentence, an incomplete application shall be withdrawn by the
268 board.

269 (2) A certificate of qualification issued by the board
270 shall be withdrawn by the board after a period of six months
271 from the date of issuance unless the applicant has filed an
272 application for a license to practice medicine with the
273 Medical Licensure Commission of Alabama and paid the required
274 fee.

275 (3) If either an application for a certificate of
276 qualification or a certificate of qualification is withdrawn
277 by the board, the applicant, to reapply, shall submit a new
278 application form including a new application fee.

279 (f) Each applicant for a certificate of qualification
280 shall be a citizen of the United States or, if not a citizen



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281 of the United States, a person who is lawfully present in the
282 United States with appropriate documentation from the federal
283 government."

284 Section 3. Section 34-24-75.2 is added to the Code of
285 Alabama 1975, to read as follows:

286 §34-24-75.2

287 (a) The board may develop, implement, and maintain a
288 permit that allows an individual who meets certain criteria
289 and qualifications, as further provided in subsection (c), to
290 practice medicine as a bridge year graduate physician. A
291 permitted bridge year graduate physician shall practice only
292 under the supervision of a licensed physician approved by the
293 board.

294 (b) (1) The board shall convene a standing working group
295 to consult and assist in the drafting of rules related to the
296 practice of bridge year graduate physicians, consisting of the
297 following:

298 a. Two members appointed by the Medical Association of
299 the State of Alabama.

300 b. One member appointed by the Alabama Academy of
301 Family Physicians.

302 c. One member appointed by the Alabama Chapter of the
303 American Academy of Pediatrics.

304 d. One member appointed by the Alabama Chapter of the
305 American College of Physicians.

306 e. One member appointed by the Alabama Primary Health
307 Care Association.

308 f. One member appointed by the Board of Medical



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309 Examiners.

310 g. The director of a residency program appointed by the
311 Dean of The University of Alabama at Birmingham School of
312 Medicine.

313 h. The director of a residency program appointed by the
314 Dean of the University of South Alabama College of Medicine.

315 i. The Director of the Cahaba Medicine Family Residency
316 Program.

317 (2) Members of the standing working group shall
318 receive, out of the funds of the board, reimbursement for
319 subsistence and travel in accordance with state law for each
320 day actively engaged in official business of the standing
321 working group.

322 (3) The standing working group may conduct its business
323 in person or by electronic means.

324 (c) The board shall provide by rule for the criteria
325 for participation in the bridge year graduate physician
326 program which, at a minimum, shall require the individual
327 seeking a permit to meet the following qualifications:

328 (1) Is a graduate of a medical educational institution
329 as set forth in Section 34-24-70(a)(1).

330 (2) Has applied, but was not accepted into, a
331 postgraduate or residency training program, as set forth in
332 Section 34-24-70(a)(2); for the first year following medical
333 school graduation. The board may establish a process for
334 otherwise qualified applicants to petition the board to waive
335 this requirement.

336 (3) Has submitted to the board an application on a form



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337 approved by the board.

338 (4) Has paid to the board in advance the required
339 application fee in an amount established by board rule. This
340 fee is nonrefundable once payment is received by the board.

341 (d) In addition to the qualifications described in
342 subsection (c), and for the purposes of determining an
343 applicant's suitability to obtain a permit to practice as a
344 bridge year graduate physician in this state, each applicant
345 shall submit to a criminal history background check. Each
346 applicant shall submit a complete set of fingerprints, either
347 inked cards or electronically, properly executed by a law
348 enforcement agency or an individual properly trained in
349 fingerprinting techniques to the board. The board shall submit
350 the fingerprints provided to the State Bureau of Investigation
351 (SBI). The fingerprints shall be forwarded by the SBI to the
352 Federal Bureau of Investigation (FBI) for a national criminal
353 history record check. The applicant shall pay directly to the
354 board, or its designee, all costs associated with the
355 background checks required by this section. The board shall
356 keep information received pursuant to this subsection
357 confidential, except that such information received and relied
358 upon in denying the issuance of a permit to practice as a
359 bridge year graduate physician in this state may be disclosed
360 as may be necessary to support the denial.

361 (e) Upon the filing of an application in the proper
362 form, if the board is satisfied that all requirements of the
363 law have been met and that the application should be approved
364 in the interest of public welfare, the board shall issue to



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365 the applicant a permit to practice as a bridge year graduate
366 physician. The permit shall be of a size and design to be
367 determined by the board. Every permit issued by the board
368 shall be dated, shall be numbered in the order of issuance,
369 and shall be signed by the chair of the board or the chair's
370 designee.

371 (f) A permit issued pursuant to this section shall be
372 valid for one year and may be renewed, upon application and
373 payment of a renewal fee, as determined by the board, by rule,
374 for no more than one additional one-year period.

375 (g) The board may adopt rules further setting forth the
376 qualifications of a physician eligible to supervise a bridge
377 year graduate physician and for the level of supervisory
378 oversight required, which, at a minimum, shall include on-site
379 physician supervision.

380 (h) (1) An individual holding a permit to practice as a
381 bridge year graduate physician may prescribe, dispense, or
382 administer legend drugs to patients, subject to both of the
383 following conditions:

384 a. The drug shall be on the formulary approved under
385 the guidelines of the board.

386 b. The drug is administered or issued pursuant to a job
387 description approved by the board and signed by the bridge
388 year graduate physician's supervising physician.

389 (2) Permitted bridge year graduate physicians may
390 administer any legend drug which they are authorized to
391 prescribe under this subsection. A bridge year graduate
392 physician may not initiate a call-in prescription in the name



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393 of his or her supervising physician for any drug, whether
394 legend drug or controlled substance, which the bridge year
395 graduate physician is not authorized to prescribe under the
396 job description signed by his or her supervising physician and
397 approved under this subsection, unless the drug is
398 specifically ordered for the patient by the supervising
399 physician, either in writing or by a verbal order which has
400 been reduced to writing and which has been signed by the
401 supervising physician within a time specified in the
402 guidelines of the board.

403 (i) The board may deny, suspend, terminate, or revoke a
404 bridge year graduate physician permit for any reason provided
405 by law or board rule for the termination of licenses, permits,
406 registrations, or certificates issued by the board or the
407 Medical Licensure Commission, including, but not limited to, a
408 violation of any provision of this section or the rules
409 adopted by the board pursuant to this section.

410 (j) At the end of the bridge year, the physician
411 supervising a bridge year graduate physician, in a manner
412 prescribed by the board, shall submit a report to the board
413 indicating the scope and breadth of the practice of the
414 participating bridge year graduate physician and the
415 instruction and training given to the bridge year graduate
416 physician. The training physician's report shall contain a
417 statement as to whether or not the bridge year graduate
418 physician would be recommended for a residency position upon
419 reapplication.

420 (k) A permit issued in accordance with this section



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421 shall not confer any future right to licensure to practice
422 medicine in this state.

423 (1) The board may adopt rules regulating the permitting
424 and practice of bridge year graduate physicians in this state,
425 even if the rules displace competition.

426 Section 4. This act shall become effective on the first
427 day of the third month following its passage and approval by
428 the Governor, or its otherwise becoming law.

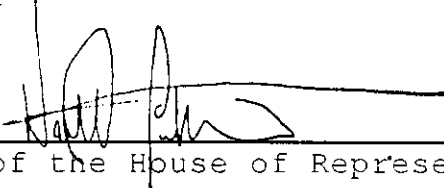


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President and Presiding Officer of the Senate



Speaker of the House of Representatives

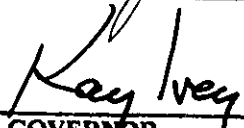
SB155
Senate 27-Apr-23
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 09-May-23

Senate concurred in House amendment 11-May-23

By: Senator Weaver

APPROVED 5-23-2023
TIME 2:10 pm


GOVERNOR

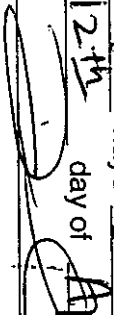
Alabama Secretary Of State
Act Num....: 2023-233
Bill Num...: S-155
Recv'd 05/23/23 03:00pmSLF

CO-SPONSORS


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DATE: 4-4 2023
 RD 1 RFD ALTH

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.
PATRICK HARRIS,
 Secretary

This Bill was referred to the Standing Committee of the Senate on Healthcare
 and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) _____ w/sub _____ w/eng sub _____
 years 11 nays 0 abstain _____
 this 12th day of April, 2023
, Chairperson

DATE: 4-13 2023
 RF 1-13 RD 2 CAL

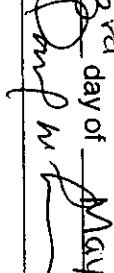
I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 155.
 years 29 nays _____ abstain 0
PATRICK HARRIS,
 Secretary

DATE: 4-22-23 RD 3 at length
 PASSED PASSED AS AMENDED
 years 29 nays 0 abstain 0
 And was ordered sent forthwith to the House.
PATRICK HARRIS,
 Secretary

FURTHER SENATE ACTION (COVER)

DATE: 4-27 2023
 RD 1 RFD Health

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to standing committee on Health

was acted upon by such Committee in session and returned therefrom to the House with recommendation that it be Passed,
 w/amd(s) _____ w/sub _____
 this 3rd day of May, 2023
, Chairperson

DATE: 5-3 2023
 RF RD 2

DATE: _____
 RE-REFERRED RE-COMMITTED
 COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and attached to the Bill, SB 155.
 YEARS 103 NAYS 0
JOHN TREADAW

FURTHER HOUSE ACTION (COVER)