



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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February 17, 2006

RE: Camp

Dear :

The Alabama Board of Medical Examiners has received your request for an opinion on whether the fact situation stated in your letter of November 30, 2005, is covered under Ala. Code §34-24-74. I have assumed from your request that the camp physicians in question do not hold full licenses to practice medicine or osteopathy in the state of Alabama and do not hold an Alabama Special Purpose License to practice medicine or osteopathy across state lines pursuant to Ala. Code §§34-24-500 through 508.

In your letter, you state that during a two-month period in the summer, camp physicians are available for consultation on medical conditions of campers, the physicians generally do not reside at camp, the physicians spend a few hours each day at camp, and the physicians are immediately available by phone to assist with emergencies. Also, you indicated that the physicians occasionally supervise administration of medication, write less than ten prescriptions for medications, evaluate and treat campers with minor illnesses and injuries, and are available to assist nurses in making judgments concerning when campers should be sent to an emergency room or other health care facility.

Any time a physician not licensed to practice medicine in the state of Alabama comes into this state to treat a patient located in Alabama, then the physician must have a full license to practice medicine in Alabama, or that physician must meet the requirements of Ala. Code §34-24-74. Section 34-24-74 does grant the temporary privilege of practicing medicine in the state of Alabama without the issuance of a medical license, but the privilege is limited to ten calendar days in a calendar year, the physician must be licensed to practice medicine in another state or the District of Columbia, and there must be an Alabama-licensed physician who brings the physician in as a consultant. All of the requirements of §34-24-74 must be met if an unlicensed

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physician enters the state of Alabama to diagnose or treat a patient. If §34-24-74 is not applicable to the situation, then the physician must acquire a license to practice medicine in the state of Alabama in order to diagnose and treat patients in this state.

If the camp physicians located in another state are not licensed in Alabama and are evaluating and treating campers without coming into this state, then a Special Purpose License to practice medicine across state lines must be considered. The requirements for this license and the exemptions are found in Ala. Code §34-24-500 through 508, Alabama Board of Medical Examiners' Rules, Chapter 540-X-16, and Medical Licensure Commission of Alabama Rules, Chapter 545-X-6. Board and Commission Rules can be found at our web site, www.albme.org. For a Special Purpose License not to be required, the fact situation must fit the requirements for exemption stated in Ala. Code §34-24-505.

It appears to me from your fact situation that your camp physicians may indeed be able to fit the exemption stated in Ala. Code §34-24-505(b), which states, "a physician who engages in the practice of medicine or osteopathy across state lines on an irregular or infrequent basis is not subject to the provisions of this article. The 'irregular or infrequent' practice of medicine across state lines is deemed to occur if such practice occurs less than 10 times in a calendar year or involves fewer than 10 patients in a calendar year or comprises less than one percent of the physician's diagnostic or therapeutic practice." I was unable to tell from the fact situation whether, indeed, this exemption would apply, but I would suggest that physicians using this exemption for Camp DeSoto purposes keep accurate documentation to support their contention should the need arise.

This is an informal opinion in my capacity as General Counsel for the Alabama State Board of Medical Examiners based upon the facts and circumstances contained in this letter and, as such, is not binding on the Board. Should you desire a formal opinion from the Board, please let me know.

If you have any questions concerning this matter, please feel free to call me.

Sincerely,
ALABAMA BOARD OF MEDICAL EXAMINERS

Patricia E. Shaner
General Counsel

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