

APA-1
6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-22
Rule Title: Joint Rules of the Alabama Board of Medical Examiners and Medical Licensure
Commission of Alabama Concerning the Interstate Medical Licensure Compact
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

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 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 Reference Service.

Signature of certifying officer Arny W. Green

Date: May 18, 2017

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6/93

**ALABAMA STATE BOARD
OF MEDICAL EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. & TITLE: 540-X-22, Joint Rules of the Alabama Board of Medical Examiners and Medical Licensure Commission of Alabama Concerning the Interstate Medical Licensure Compact

INTENDED ACTION: To add a new Chapter

SUBSTANCE OF PROPOSED ACTION: To add a new Chapter of Rules concerning the Interstate Medical Licensure Compact

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: Patricia E. Shaner, Office of General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, 848 Washington Avenue (36104), 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 July 5, 2017. Persons wishing to obtain copies of the text of this rule should contact Patricia E. Shaner, Office of General Counsel, (334-242-4116), PO Box 946, 848 Washington Avenue (36104), Montgomery, Alabama 36101-0946. Copies of the proposed rules may also be downloaded from the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 5, 2017

CONTACT PERSON AT AGENCY: Patricia E. Shaner, Office of General Counsel



Norris W. Green, Executive Director

CHAPTER 540-X-22

JOINT RULES OF THE ALABAMA BOARD OF MEDICAL EXAMINERS
AND THE MEDICAL LICENSURE COMMISSION OF ALABAMA
CONCERNING THE INTERSTATE MEDICAL LICENSURE COMPACT

540-X-22-.01	Member State
540-X-22-.02	Definitions
540-X-22-.03	Interstate Compact Expedited License
540-X-22-.04	Letter of Qualification, Alabama Principal State of License
540-X-22-.05	Appeal of Letter of Qualification Denying Eligibility
540-X-22-.06	Issuance of Expedited License
540-X-22-.07	Renewal
540-X-22-.08	Fees
540-X-22-.09	Discipline and Reinstatement
540-X-22-.10	Interstate Medical Licensure Compact Commission Rules

540-X-22-.01 Member State.

The State of Alabama has passed legislation to become a member state of the Interstate Medical Licensure Compact. The Alabama Board of Medical Examiners and the Medical Licensure Commission of Alabama are member boards of the Interstate Medical Licensure Compact Commission.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.02 Definitions.

For the purposes of this rule, the following terms shall have the meanings ascribed to them:

- (1) **BYLAWS.** Those bylaws established by the interstate commission pursuant to Ala. Code § 34-24-530 for its governance, or for directing and controlling its actions and conduct.

(2) COMMISSIONER. The voting representative appointed by each member board pursuant to Ala. Code § 34-24-530.

(3) CONVICTION. A finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilty or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(4) EXPEDITED LICENSE. A full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

(5) INTERSTATE COMMISSION. The interstate commission created pursuant to Ala. Code § 34-24-530.

(6) LICENSE. Authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(7) MEDICAL PRACTICE ACT. Laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(8) MEMBER BOARD. A state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(9) MEMBER STATE. A state that has enacted the compact.

(10) PRACTICE OF MEDICINE. The clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(11) PHYSICIAN. Any person who:

(a) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;

(b) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(c) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(f) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license;

(h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and

(i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(12) OFFENSE. A felony, gross misdemeanor, or crime of moral turpitude.

(13) RULE. A written statement by the interstate commission promulgated pursuant to Ala. Code § 34-24-531 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(14) STATE. Any state, commonwealth, district, or territory of the United States.

(15) STATE OF PRINCIPAL LICENSE. A member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.03 Interstate Compact Expedited License.

A physician who applies for an expedited license through the Interstate Medical Licensure Compact Commission and who meets the eligibility requirements as defined in Rule 540-X-22-.02(11) shall be granted an expedited license to practice medicine or

osteopathy in the state of Alabama under the provisions of the Interstate Medical Licensure Compact set out in Ala. Code §§ 34-24-520, et. seq.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.04 Letter of Qualification, Alabama Principal State of License.

Upon receipt of an application for an expedited license submitted through the Interstate Medical Licensure Compact by a physician who has selected Alabama as the state of principal license, the Alabama Board of Medical Examiners shall cause to be conducted a primary source verification of the qualifications set out in Rule 540-X-.02(11) above, including a criminal background check in accordance with Ala. Code § 34-24-524(b)(2), as well as any other qualifications which may be required by the Interstate Medical Licensure Compact Commission from time to time. Upon the completion of the verification process, the Alabama Board of Medical Examiners shall issue a letter of qualification verifying or denying the physician's eligibility to the interstate commission.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.05 Appeal of Letter of Qualification Denying Eligibility.

A physician who receives a Letter of Qualification from the Alabama Board of Medical Examiners denying eligibility to obtain licensure through the Interstate Medical Licensure Compact shall have the right to appeal such decision in accordance with the procedures for a denial of a Certificate of Qualification set out in Board of Medical Examiners Rule 540-X-5-.08 and Medical Licensure Commission Rule 545-X-4-.01.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.06 Issuance of Expedited License.

Upon the receipt of all applicable fees and a Letter of Qualification stating that the applicant meets qualifications set out in Rule 540-X-22-.02(11) above, including a criminal background check in accordance with Ala. Code § 34-24-524(b)(2), as well as any other qualifications which may be required by the Interstate Medical Licensure Compact Commission from time to time, the Medical Licensure Commission of Alabama shall issue an expedited license to the applying physician. The expedited license shall be valid for not more than one year and shall be renewed annually in accordance with Ala. Code § 34-24-526.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.07 Renewal.

Upon the receipt of the applicable renewal fees and correspondence from the Interstate Medical Licensure Compact Commission indicating that the applicant (1) continues to maintain a full and unrestricted license in a state of principal license; (2) has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction; (3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license; and (4) has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug

Enforcement Agency, the Medical Licensure Commission of Alabama shall renew the physician's license.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.08 Fees.

(1) The Interstate Medical Licensure Compact Commission shall collect and the Alabama Board of Medical Examiners shall be distributed a fee in an amount as set out in Interstate Medical Licensure Compact Commission Rule 3.4 (1)(b), when designated as a state of principal licensure, in connection with the issuance of a letter of qualification.

(2) The Interstate Medical Licensure Compact Commission shall collect a fee in an amount as set out in Rule 545-x-2-.01(1) and such fee shall be distributed as set out in Ala. Code § 34-24-340 when an expedited license to practice medicine in the State of Alabama is issued through the Interstate Medical Licensure Compact.

(3) The Interstate Medical Licensure Compact Commission shall collect a fee in an amount as set out in Rule 545-x-2-.03(2) and such fee shall be distributed as set out in Ala. Code § 34-24-340 when renewing an expedited license to practice medicine in the State of Alabama is issued through the Interstate Medical Licensure Compact.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.09 Discipline and Reinstatement.

(1) If a license granted to a physician by the member board in the state of principal licensure is revoked, surrendered, or relinquished in lieu of discipline, or

suspended, then all such licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status.

(2) If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state. Where the State of Alabama is the state of principal license, the procedure set out in Medical Licensure Commission Rule 545-X-3-.15 shall apply when a physician seeks reinstatement of his medical license.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.

540-X-22-.10 Interstate Medical Licensure Compact Commission Rules.

The Interstate Medical Licensure Compact Commission rules are hereby incorporated by reference and shall be followed with regard to the Interstate Medical Licensure Compact in the State of Alabama and the processes concerning obtaining an expedited license through the Interstate Medical Licensure Compact.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama* §§34-24-530 through 543.

History: Approved for Publication: May 17, 2017.