

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 545 Department or Agency: Alabama Medical Licensure Commission  
Rule No. 545-X-5.02

Rule Title: Basic Requirement

         New                   X          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 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

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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.

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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.

*James A. Wallerstein, ND*

Signature of certifying officer

Date September 6, 2018

APA-2

ALABAMA MEDICAL LICENSURE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medical Licensure Commission

RULE NO. & TITLE: 545-X-5-.02 Basic Requirement

INTENDED ACTION: To amend language in 545-X-5-.02 as part of a five year review required by Section 41-22-5.2

SUBSTANCE OF PROPOSED ACTION: Remove language that is no longer necessary as determined by the new definition of "Physician".

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: Karen H. Silas, Executive Assistant, Alabama Medical Licensure Commission, Post Office Box 887, Montgomery, Alabama 36101-0887, by mail, email or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and including **Friday, November 2, 2018**. Persons wishing to obtain copies of the text of this rule and submit data, views or comments or arguments orally should contact Karen H. Silas, by telephone (334/242-4153) or email at [ksilas@almlc.org](mailto:ksilas@almlc.org) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: **November 2, 2018**

CONTACT PERSON AT AGENCY: Karen H. Silas

*James H. Walburn, M.D.*

James H. Walburn, M.D., Chairman

Alabama Medical Licensure Commission

545-X-5-.02 Basic Requirement.

(1)(a) Every physician licensed to practice medicine in Alabama who resides or practices in the state must earn in each calendar year, on or before December 31, not less than twenty-five (25) AMA PRA Category I Credits™ or equivalent as defined in this rule of continuing medical education. For the purpose of compliance with the continuing medical education (CME) basic requirement stated in paragraph (a) for only the 2010 calendar year, credits earned in the 2009 calendar year which are not used to meet the 2009 calendar year CME requirement may be carried forward and used to meet the 2010 calendar year requirement. Carrying forward credits shall not be allowed thereafter.

(2) For the purposes of this chapter, AMA PRA Category I Credit Continuing Medical Education shall mean those programs of continuing medical education designated as AMA PRA Category I Credit which are sponsored or conducted by those organizations or entities accredited by the Council on Medical Education of the Medical Association of the State of Alabama or by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor or conduct Category I Continuing Medical Education Programs.

~~(2)~~

(3) The following courses and continuing medical education courses shall be deemed, for the purposes of this Chapter, to be the equivalent of AMA PRA Category I Credit Continuing Medical Education:

~~(3)~~

(a) Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category I-A Continuing Medical Education ~~for osteopathic physicians.~~

~~(a)~~

(b) Programs of continuing medical education designated to confer "Prescribed credits" which are sponsored or conducted by organizations or entities accredited by the American Academy of Family Physicians to sponsor or conduct "Prescribed credit" continuing medical education activities.

~~(b)~~

~~(d)~~ (c) Programs of continuing medical education designated to confer ACOG Cognate Credits® which are sponsored or conducted by organizations or entities which

are accredited by the American College of Obstetrics and Gynecology to sponsor or conduct approved ACOG Cognate Credit activities on obstetrical and gynecologic related subjects.

(d) Programs of continuing medical education designated as such by the Alabama Board of Medical Examiners.

~~(e)~~

(e) Effective January 1, 2014, nationally recognized advanced life support/resuscitation certification courses, not otherwise accredited for AMA PRA Category 1 Credit™, for a maximum of two (2) Category 1 credits for each course. Basic life support courses are excluded and are not deemed to be the equivalent of Category 1 continuing medical education.

~~(f)~~

(4) Effective January 1, 2003, the Board may require all physicians and osteopaths to successfully complete a prescribed course of continuing medical education on a subject or subjects designated by the Board. The Board may prescribe by regulation a fixed period of time or deadline for completion of the prescribed continuing medical education course or courses. The Board may make provision for a physician ~~or osteopath~~ to be excused from this requirement for reasons satisfactory to the Board. The Medical Licensure Commission of Alabama may, subject to notice and hearing, within its discretion, indefinitely suspend the license to practice medicine of a physician ~~or osteopath~~ who fails to successfully complete the course or courses of continuing medical education required by this subsection or impose administrative fines or other penalties as authorized by Section 34-24-381.

(a) Prescribed programs of continuing medical education required by the Board under the provisions of this paragraph shall count toward the basic requirement for continuing medical education as set forth in paragraph (1) above in the calendar year in which the program or course of continuing medical education was completed. Programs of continuing medical education developed by the Board under the provisions of this section and made available to physicians and osteopaths shall be deemed to be the equivalent of AMA PRA Category I Credit Continuing Medical Education for the purposes of this rule. The Board may fix a reasonable charge to the licensee for any program of continuing medical education developed by the Board.

~~(a)~~

~~(b)~~ (b) Physicians holding an active license to practice medicine in this state will be notified by the

Board of Medical Examiners of any prescribed course of continuing medical education by written notice which may accompany the licensee's annual license renewal application. The notice will designate the subject matter, course content and credit hours of the prescribed continuing medical education course and will provide licensees with information concerning the source or sources of such programs of continuing medical education. The notice will contain a deadline by which time the licensee must have completed the prescribed course of continuing medical education, provided, however, that the deadline will not be less than 12 months following the date that the notice was mailed to the licensees.

~~(e)~~ (c) The Board may excuse a licensee from the requirement to complete a prescribed course of continuing medical education and may grant extensions for the completion deadline of prescribed courses of continuing medical education for reasons related to ill health, disability, financial hardship or other reasons deemed sufficient by the Board. Applications for excusal or extension of deadline should be addressed to Executive Director, State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946.

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**Author:** Wayne P. Turner

**Statutory Authority:** Code of Ala. 1975, §§34-24-311, 34-24-381. **History:** Filed November 2, 1990; effective October 1, 1991. **Amended:** Filed March 4, 2003; effective April 8, 2003.

**Repealed and New Rule:** Filed April 23, 2004; effective May 28, 2004. **Amended:** Filed September 27, 2004; effective November 1, 2004. **Amended:** Filed May 5, 2010; effective June 9, 2010. **Amended:** Filed August 30, 2012; effective October 4, 2012. **Amended:** Filed February 18, 2014; effective March 25, 2014. **Amended:** Filed ;effective