

ALABAMA BOARD OF MEDICAL EXAMINERS
ADMINISTRATIVE CODE

CHAPTER 540-X-20
LIMITED PURPOSE SCHEDULE II PERMIT (LPSP)

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540-X-20-.01 General Requirements. The Alabama Board of Medical Examiners is the certifying board which may issue, renew, deny, limit, restrict, suspend or revoke a Limited Purpose Schedule II Permit (LPSP) for qualified Physician Assistants (PAs), qualified Certified Registered Nurse Practitioners (CRNPs), and qualified Certified Nurse Midwives (CNMs).

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.02 Requirements For Issuance Of Limited Purpose Schedule II Permit (LPSP). To qualify for an LPSP, an individual must meet requirements which are the following:

(1) A PA shall have a current, active and unrestricted Alabama license to practice as a physician assistant, shall be registered to practice with a supervising physician, and shall have a current, active and unrestricted Qualified Alabama Controlled Substances Certificate (QACSC) for Schedules III, IV and V.

(2) A CRNP or a CNM shall have a current collaborative practice agreement with a collaborating physician and shall have a current, active and unrestricted QACSC for Schedules III, IV and V.

(3) The applicant shall submit an application on forms provided by the Board.

(4) The applicant shall pay the application fee required by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.03 Issuance Of A Limited Purpose Schedule II Permit (LPSP).

(1) Effective January 1, 2015, the Board may issue an LPSP to a PA, a CRNP, or a CNM when all of the requirements for issuance have been met.

(2) Every LPSP issued shall have a unique LPSP number which identifies the particular applicant as a PA, a CRNP, or a CNM with a valid LPSP.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.04 Renewal Of A Limited Purpose Schedule II Permit (LPSP).

(1) Renewal of an LPSP shall be annually on or before Jan. 1 of each year.

(2) An application for annual renewal of an LPSP shall be received by the Board on or before December 31 and shall be accompanied by the required LPSP renewal fee.

(3) Before renewing an LPSP, the applicant shall have a current QACSC for Schedules III, IV and V, a current United States Drug Enforcement Administration (DEA) registration for Schedules II through V, and a current registration to access the Controlled Substances Prescription Database established and maintained by the Alabama Department of Public Health.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.05 Fees.

(1) The application fee for an initial LPSP is Twenty Five Dollars (\$25.00), which shall be submitted to the Board.

(2) The fee for renewal of an LPSP is Ten Dollars (\$10.00), which shall be submitted to the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.06 Limitations On Utilization Of A Limited Purpose Schedule II Permit (LPSP).

(1) The authority of a PA, a CRNP, or a CNM to prescribe, administer or authorize for administration a Schedule II controlled substance pursuant to an LPSP shall be practice specific.

(2) Only those Schedule II controlled substances which are generally and customarily used in the specialty practice of the supervising physician with whom the PA is registered or the specialty practice of the collaborating physician with whom the CRNP/CNM has a collaborative agreement will be approved by the Board to be prescribed, administered or authorized for administration pursuant to the LPSP.

(3) A specific practice formulary listing the specific Schedule II controlled substances to be prescribed, administered or authorized for administration by the PA, CRNP, or CNM shall be submitted with the application for the LPSP and shall be approved by the Board prior to issuance of the LPSP. The authority of the PA, CRNP, or CNM to prescribe, administer, or authorize for administration a Schedule II controlled substance shall be limited to the Schedule II controlled substances which are listed in the specific practice formulary and approved by the Board.

(4) A PA, CRNP or CNM shall not utilize the LPSP for the purchasing, obtaining, maintaining, or ordering of any stock supply or inventory of any controlled substance in any form.

(5) A PA, CRNP or CNM is prohibited from utilizing an LPSP to prescribe, administer or authorize for administration a controlled substance to his or her own self, spouse, child or parent.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.07 Grounds For Denial, Restriction, Limitation, Suspension Or Revocation - Limited Purpose Schedule II (LPSP).

The Board may deny, restrict, limit, suspend or revoke an LPSP based on the following grounds:

(1) Fraud or deceit in applying for, procuring or attempting to procure an LPSP.

(2) Conviction of a crime under any state or federal law relating to any controlled substance.

(3) Conviction of a crime or offense which affects the ability of the PA, CRNP or CNM to practice with due regard for the health or safety of his or her patients.

(4) Prescribing a drug or utilizing an LPSP in such a manner as to endanger the health of any patient of the PA, CRNP or CNM or any patient of the supervising, collaborating, or covering physician.

(5) Suspension or revocation of a DEA registration issued to the PA, CRNP or CNM.

(6) Unfitness or incompetence due to the use of or dependence on alcohol, chemicals or any mood altering drug to such an extent as to render the PA, CRNP or CNM unsafe to prescribe or administer drugs.

(7) Any violation of the requirements of Code of Ala. 1975, §20-2-260 or this Chapter 540-X-20.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

History: New Rule: Filed October 16, 2014; effective November 20, 2014.

540-X-20-.08 Due Process Proceedings - Limited Purpose Schedule II Permit (LPSP).

(1) Any hearings concerning the LPSP shall be before the Board.

(2) Any hearing before the Board shall be considered a contested case under the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et. seq., and shall be conducted in accordance with the requirements of that Act.

(3) Hearings related to the LPSP are to be governed by and conducted in accordance with the applicable provisions of Board Rules, Chapter 540-X-6.

(4) Appeals from an adverse ruling by the Board following a due process hearing are to be conducted in accordance with the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et. seq.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-50, et. seq.; 20-2-260; 34-24-53.

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