

ALABAMA BOARD OF MEDICAL EXAMINERS
ADMINISTRATIVE CODECHAPTER 540-X-7
ASSISTANTS TO PHYSICIANS

TABLE OF CONTENTS

540-X-7-.01	Definitions
540-X-7-.02	Categories Of Assistants To Physicians
540-X-7-.03	Requirements To Practice As A Physician Assistant (P.A.)
540-X-7-.04	Requirements For The Issuance Of A License To Practice As A Physician Assistant (P.A.)
540-X-7-.05	Issuance Of License To Practice As A Physician Assistant (P.A.)
540-X-7-.06	License Fee - Physician Assistant
540-X-7-.07	License Renewal-Physician Assistant (P.A.)
540-X-7-.08	Grandfather Clause - Physician Assistant (P.A.)
540-X-7-.09	Temporary License - Physician Assistant (P.A.)
540-X-7-.10	Grounds For Denial Of License - Physician Assistant (P.A.)
540-X-7-.11	Denial Of Application For License To Practice As A Physician Assistant (P.A.) - Hearing
540-X-7-.12	Discipline Of License - Physician Assistant (P.A.) - Grounds
540-X-7-.13	Administrative Fines - Physician Assistant (P.A.)
540-X-7-.14	Discipline Of License - Physician Assistant (P.A.) - Hearings
540-X-7-.15	Registration - Physician Assistant (P.A.)
540-X-7-.15.01	Exemption From Registration Requirement (P.A.)
540-X-7-.16	Qualifications For Registration - Physician Assistant (P.A.)
540-X-7-.17	Qualifications Of The Supervising Physician - Physician Assistants (P.A.)
540-X-7-.18	Grounds For Denial Of Registration - Physician Assistant (P.A.) And Supervising Physician

- 540-X-7-.19 Denial Of Registration - Physician Assistant (P.A.) - Hearing
- 540-X-7-.20 Termination Of Registration - Voluntary - Physician Assistant (P.A.)
- 540-X-7-.21 Interim Approval-Physician Assistant (P.A.)
- 540-X-7-.22 Physician Assistants (P.A.) Not Employed By Supervising Physician/ Physician Not In Full-Time Practice
- 540-X-7-.23 Requirements For Supervised Practice - Physician Assistants (P.A.)
- 540-X-7-.24 Covering Physicians For Physician Assistants (P.A.)
- 540-X-7-.25 Functions And Activities Of A Physician Assistant (P.A.)
- 540-X-7-.26 Limitations Upon Utilization Of Physician Assistants (P.A.)
- 540-X-7-.27 Prohibited Activities And Functions - Physician Assistants (P.A.)
- 540-X-7-.28 Prescriptions And Medication Orders - Physician Assistants (P.A.)
- 540-X-7-.29 Continuing Medical Education - Physician Assistant (P.A.)
- 540-X-7-.30 Physician Assistant's Advisory Committee
- 540-X-7-.31 Forms Requiring A Physician's Signature - Physician Assistant (P.A.)
- 540-X-7-.32 Grounds For Termination Of Registration - Involuntary - Physician Assistant (P.A.)
- 540-X-7-.33 Termination Of Registration - Involuntary - Physician Assistant (P.A.) - Hearings
- 540-X-7-.34 Investigations - Physician Assistant (P.A.)
- 540-X-7-.35 Examinations/Evaluations - Physician Assistant (P.A.)
- 540-X-7-.36 Voluntary Surrender, Voluntary Restrictions, Reinstatements Physician Assistant (P.A.)
- 540-X-7-.37 Requirements To Practice As An Anesthesiologist Assistant (A.A.)
- 540-X-7-.38 Requirements For The Issuance Of A License To Practice As An Anesthesiologist Assistant (A.A.)
- 540-X-7-.39 Issuance Of License To Practice As An Anesthesiologist Assistant (A.A.)
- 540-X-7-.40 License Fee - Anesthesiologist Assistant (A.A.)

- 540-X-7-.41 License Renewal - Anesthesiologist Assistant (A.A.)
- 540-X-7-.42 Temporary License - Anesthesiologist Assistant (A.A.)
- 540-X-7-.43 Grounds For Denial Of License (A.A.)
- 540-X-7-.44 Denial Of Application For License To Practice As An Anesthesiologist Assistant (A.A.) - Hearing
- 540-X-7-.45 Discipline Of License - Anesthesiologist Assistant (A.A.) - Grounds
- 540-X-7-.46 Administrative Fines - Anesthesiologist Assistant (A.A.)
- 540-X-7-.47 Discipline Of License - Anesthesiologist Assistant (A.A.) - Hearings
- 540-X-7-.48 Registration - Anesthesiologist Assistant (A.A.)
- 540-X-7-.49 Qualifications For Registration - Anesthesiologist Assistant (A.A.)
- 540-X-7-.50 Qualifications Of The Supervising Anesthesiologist - Anesthesiologist Assistants (A.A.)
- 540-X-7-.51 Grounds For Denial Of Registration - Anesthesiologist Assistant (A.A.) And Supervising Anesthesiologist
- 540-X-7-.52 Denial Of Registration - Anesthesiologist Assistant (A.A.) - Hearing
- 540-X-7-.53 Termination Of Registration - Voluntary - Anesthesiologist Assistant (A.A.)
- 540-X-7-.54 Interim Approval - Anesthesiologist Assistant (A.A.)
- 540-X-7-.55 Anesthesiologist Assistants (A.A.) Not Employed By Supervising Anesthesiologist/ Anesthesiologist Not In Full- Time Practice
- 540-X-7-.56 Requirements For Supervised Practice - Anesthesiologist Assistants (A.A.)
- 540-X-7-.57 Covering Anesthesiologist For Anesthesiologist Assistants (A.A.)
- 540-X-7-.58 Functions And Activities Of An Anesthesiologist Assistant (A.A.)
- 540-X-7-.59 Limitations Upon Utilization Of Anesthesiologist Assistants (A.A.)
- 540-X-7-.60 Prohibited Activities And Functions - Anesthesiologist Assistants (A.A.)
- 540-X-7-.61 Medication Orders - Anesthesiologist Assistants (A.A.)

- 540-X-7-.62 Continuing Medical Education - Anesthesiologist Assistant (A.A.)
- 540-X-7-.63 Forms Requiring An Anesthesiologist's Signature - Anesthesiologist Assistant (A.A.)
- 540-X-7-.64 Grounds For Termination Of Registration - Involuntary - Anesthesiologist Assistant (A.A.)
- 540-X-7-.65 Termination Of Registration - Involuntary - Anesthesiologist Assistant (A.A.) - Hearings
- 540-X-7-.66 Investigations - Anesthesiologist Assistant (A.A.)
- 540-X-7-.67 Examinations/Evaluations - Anesthesiologist Assistant (A.A.)
- 540-X-7-.68 Voluntary Surrender, Voluntary Restrictions, Reinstatements Anesthesiologist Assistant (A.A.)

540-X-7-.01 Definitions. The following definitions shall apply to these rules:

(1) APPROVED PROGRAM: A program for the education and training of assistants to physicians which has been formally approved in writing by the Board.

(2) ASSISTANT TO PHYSICIAN. A person who is a graduate of an approved program, is licensed by the Board, and is registered by the Board to perform medical services under the supervision of a physician approved by the Board to supervise the assistant.

(3) BOARD. The Board of Medical Examiners of the State of Alabama.

(4) CONTINUAL. Repeated regularly and frequently in steady rapid succession.

(5) DIRECT MEDICAL INTERVENTION. Physical presence of a physician to attend the patient as defined in the registration agreement protocol.

(6) FCVS, Federation Credentials Verification Service. A credentials verification service provided by the Federation of State Medical Boards that assistants to physicians may use to verify core credentials in connection with applications for licensure. The

Board of Medical Examiners will accept those verified primary source records of credentials provided by FCVS in lieu of equivalent documentation required to be submitted with an application for licensure where designated in these rules. Applicants are responsible for payment of all fees charged by FCVS. Use of FCVS by an applicant is optional.

(7) GUIDELINES. The written guidelines established by the Board pursuant to Act 94-261 in the most current version which concern the prescribing practices of assistants to physicians and which do not require publication in accordance with the Alabama Administrative Procedures Act.

(8) LEGEND DRUG. Any drug, medicine, chemical or poison, bearing on the label the words, "Caution, Federal Law prohibits dispensing without prescription" or similar words indicating that the drug, medicine, chemical or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance or compound which is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

(9) PHYSICIAN. A person who is licensed to practice medicine in this state and is approved by the Board to supervise assistants to physicians.

(10) PHYSICIAN SUPERVISION. A formal relationship between a licensed assistant to a physician and a licensed physician under which the assistant to the physician is authorized to practice as evidenced by a written job description approved by the Board. Physician supervision requires that there shall be at all times a direct, continuing and close supervisory relationship between the assistant to the physician and the physician to whom that assistant is registered. The term supervision does not require direct on-site supervision of the assistant to the physician; however, supervision does include the professional oversight and direction required by these rules and by the written guidelines established by the Board concerning prescribing practices.

(11) PRESCRIBE OR PRESCRIBING. The act of issuing a written prescription for a legend drug.

(12) PRESCRIPTION. An order for a legend drug which is written and signed by an assistant to a physician authorized to prescribe and administer the drug and which is intended to be filled, compounded, or dispensed by a pharmacist. The term "prescription"

does not include an order for medication which is dispensed for immediate administration to the ultimate user. (e.g., an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription.)

(13) READILY AVAILABLE. Response by the supervising or covering physician by telephone, telecommunication or radio for consultation, referral or direct medical intervention for a patient as indicated by the needs of the patient and based on usual and customary standards of medical practice.

(14) TRAINEE. A person who is currently enrolled in an approved program in this state.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed October 17, 2002; effective November 21, 2002. **Amended:** Filed December 16, 2015; effective January 30, 2016.

540-X-7-.02 Categories Of Assistants To Physicians. The two categories of assistants to physicians which are recognized for licensure and registration by the Board are the following:

(1) Physician assistant (P.A.) (Rules 540-X-7-.03 through 540-X-7-.36 apply);

(2) Anesthesiologist Assistant (A. A.) (Code of Ala. 1975, Rules 540-X-7-.37 through 540-X-7-.68).

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** October 15, 2008; effective November 19, 2008.

540-X-7-.03 Requirements To Practice As A Physician Assistant (P.A.). To practice or offer to practice as a physician assistant,

each person shall be licensed by and registered by the Board in accordance with Chapter 7 of these rules.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.04 Requirements For The Issuance Of A License To Practice As A Physician Assistant (P.A.).

(1) To qualify for a license to practice as a physician assistant an individual must meet the following requirements:

(a) Provide evidence, satisfactory to the Board, of successful completion of a training program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), or its successor agency;

(b) Provide evidence, satisfactory to the Board, of successful completion of the Physician Assistant National Certification Examination (PANCE) as administered by the National Commission on Certification of Physician Assistants (NCCPA);

(c) Submit an application on forms approved by the Board; and

(d) Pay the required license application fee as determined by the Board.

(e) Beginning October 1, 2008, submit to a criminal history background check which includes the following:

(i) Provide fingerprints and execute a criminal history information release using forms provided by the Board; and

(ii) Pay a criminal history background check fee in an amount established in Rule 540-X-3-.09(2).

Fingerprints provided by an applicant shall be submitted to the Alabama Bureau of Investigation (ABI), which is responsible for forwarding the fingerprints to the Federal Bureau of Investigation

(FBI) for a national criminal history record check. Information received by the Board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received and relied upon in denying the issuance of a license to practice as a physician assistant in this state may be disclosed as may be necessary to support the denial.

(2) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with the credentialing requirements of this rule.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed October 17, 2002; effective November 21, 2002. **Amended:** October 15, 2008; effective November 19, 2008. **Amended:** Filed November 16, 2018; effective December 31, 2018.

540-X-7-.05 Issuance Of License To Practice As A Physician Assistant (P.A.).

(1) The Board shall issue a license to practice as a physician assistant when all requirements for licensure have been met.

(2) Every license issued shall be dated, shall be numbered in the order of issuance, and shall be signed by the chair of the Board or the chair's designee.

(3) The size and design of the license shall be determined by the Board.

Author: Patricia E. Shaner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.06 License Fee - Physician Assistant (P.A.).

(1) All applicants for a license to practice as a physician assistant shall submit to the Board an application fee in the amount of \$200.00.

(2) The initial license fee in paragraph (a) shall be waived for any person who was certified as a physician assistant or surgeon assistant on the effective date of these rules.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.07 License Renewal-Physician Assistant (P.A.).

(1) A license to practice as a physician assistant shall be renewed annually on or before January 1st of each year. Application for annual renewal shall be received by the Board on or before December 31st and shall be accompanied by a renewal fee in the amount of \$100.00.

(2) The Board shall not renew the license to practice of any physician assistant against whom an administrative fine has been assessed by the Board until such fine is paid in full. In the event that the fine is subsequently reduced or set aside on judicial review as provided in the Alabama Administrative Procedure Act, the physician assistant shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(3) If a physician assistant fails to renew his license before January 1, he may subsequently renew his license as follows:

(a) Between January 1 and January 31, submit a completed renewal application, pay the renewal fee of \$100, and certify completion of the continuing medical education hours required by this Chapter.

(b) February 1 and thereafter, submit a completed renewal application, pay the renewal fee of \$100, and submit proof of completion of the continuing medical education hours required by this Chapter.

Author: Alabama Board of Medical Examiners; Patricia E. Shaner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed May 21, 2004; effective June 25, 2004. **Amended:** Filed November 16, 2018; effective December 31, 2018.

540-X-7-.08 **Grandfather Clause - Physician Assistant (P.A.).**

(1) Any person who was certified by the board as a physician assistant or surgeon assistant to a licensed physician on December 21, 1994, shall be eligible for the issuance of a license and a registration to practice as a physician assistant.

(2) To qualify for a license under this section, an applicant must submit an application for licensure and the required fee on or before May 7, 1999. After May 7, 1999, an applicant must meet all of the requirements of Rule 540-X-7-.04 concerning licensure.

(3) A person who holds a degree of doctor of medicine but who is not licensed to practice medicine in the State of Alabama shall not be eligible for a license and a registration as a physician assistant except as provided in paragraph (a) of this Rule.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.09 **Temporary License - Physician Assistant (P.A.).**

(1) The Board may, in its discretion, grant a temporary license to an applicant who meets the qualifications for licensure as a physician assistant, except that the applicant has not taken the Physician Assistant National Certification Examination (PANCE) for the first time or the applicant has taken the PANCE for the first time and is awaiting the results.

- (2) A temporary license is valid:
 - (a) For one year from the date issued, or
 - (b) Until the results of an applicant's examination are available, or
 - (c) Until the Board makes a final decision on the applicant's request for licensure as a physician assistant, whichever comes first.
- (3) Physician assistants granted a temporary license will not be granted prescriptive privileges, be allowed to practice without direct, on-site physician supervision, be allowed to practice in a remote practice site, or be approved for additional duties in the Job Description.
- (4) The Board, in its discretion, may waive the requirement(s) in paragraph (3) of this Rule.
- (5) A physician assistant who is granted a temporary license shall not practice or offer to practice unless he or she is registered by the Board to a licensed physician in accordance with these rules and applicable statutes.
- (6) There shall be no independent unsupervised practice by a physician assistant who is granted a temporary license.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed May 16, 2013; effective June 20, 2013.

540-X-7-.10 Grounds For Denial Of License - Physician Assistant (P. A.). The commission by a physician assistant of any act, offense or condition set forth in Rule 540-X-7-.12 shall be grounds, within the discretion of the board, to deny an application for a license to practice as a physician assistant.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.11 Denial Of Application For License To Practice As A Physician Assistant (P.A.) - Hearing.

(1) If, after examination of the application for a license to practice as a physician assistant and after consideration of any information developed by the Board pursuant to an investigation into the qualifications of the physician assistant for licensure, the Board determines that there is probable cause to believe there exist grounds upon which the application for licensure may be denied, the Board shall take the following actions:

(a) Defer final decision on the application for licensure; and

(b) Notify the physician assistant of the grounds for possible denial of the application for licensure and the procedure for obtaining a hearing before the Board.

(2) The failure to request a hearing within the time specified in the notice shall be deemed a waiver of such hearing.

(3) If requested by the physician assistant, a hearing shall be set before the full Board of Medical Examiners on the application for licensure.

(4) In the event that a hearing is not requested, the Board shall take action to approve or deny the application for licensure.

(5) All hearings under this rule shall be conducted in accordance with the Alabama Administrative Procedure Act, §§41-22-1 et seq., Code of Ala. 1975 and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners. A decision rendered by the Board at the conclusion of the hearing shall constitute final administrative action of the Board of Medical Examiners for the

purposes of judicial review under §§41-22-20. The physician assistant applicant shall have the burden of demonstrating to the reasonable satisfaction of the Board that he or she meets all qualifications and requirements for licensure as a physician assistant.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.12 Discipline Of License - Physician Assistant

(P.A.) - Grounds. After notice and hearing, the Board, within its discretion, shall suspend, revoke, restrict, place on probation or otherwise discipline the license of a physician assistant who is found guilty on the basis of substantial evidence of any of the following acts or offenses:

- (1) Conviction of a felony;
- (2) Conviction of any crime or other offense, felony or misdemeanor, reflecting on the ability of the individual to render patient care in a safe manner;
- (3) Conviction of any violation of state or federal laws relating to controlled substances;
- (4) Termination, restriction, suspension, revocation, or curtailment of licensure, registration or certification by another state or other licensing jurisdiction on grounds similar to those stated in these rules;
- (5) The denial of a registration, a certification, or a license to practice by another state or other licensing jurisdiction;
- (6) Being unable to render patient care with reasonable skill and safety by reason of illness, inebriation, addiction to or excessive use of alcohol, narcotics, chemicals, drugs or any other substance or by reason of a mental or physical condition or disability;

(7) Revocation, termination, suspension or restriction of hospital privileges;

(8) Knowingly submitting or causing to be submitted any false, fraudulent, deceptive or misleading information to the Board of Medical Examiners in connection with an application for licensure or registration;

(9) That the physician assistant has represented himself or herself or permitted another to represent him or her as a physician;

(10) That the physician assistant has performed otherwise than at the direction and under the supervision of a physician approved by the Board;

(11) That the physician assistant has been delegated and/or has performed or attempted to perform tasks and functions beyond his or her competence;

(12) That the physician assistant has performed or attempted to perform tasks beyond those authorized in the approved job description;

(13) Practicing or permitting another to practice as a physician assistant without the required license and registration from the Board of Medical Examiners;

(14) Prescribing in violation of statutory authority and/or Board rules and/or Board guidelines;

(15) Intentional falsification of a certification of compliance with the continuing medical education requirement for physician assistants established in these rules; and

(16) Unprofessional conduct for failing to maintain or provide to the Board records documenting compliance with the minimum continuing medical education requirement.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed

May 21, 2004; effective June 25, 2004. **Amended:** Filed October 15, 2008; effective November 19, 2008.

540-X-7-.13 **Administrative Fines - Physician Assistant (P.A.).**

In addition to any other penalty authorized by Ala. Code §34-24-302, the Board may in its discretion assess administrative fines not to exceed ten thousand dollars (\$10,000.00) for each violation of the provisions of §34-24-302, Board Rule 540-X-7-.12 or any of the Board rules concerning physician assistants.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.14 **Discipline Of License - Physician Assistant (P.A.) - Hearings.**

Before revoking, suspending, restricting, placing on probation, assessing administrative fines against, or otherwise disciplining the license of a physician assistant on any of the grounds specified in Rule 540-X-7-.12, the Board shall conduct a hearing pursuant to the provisions of the Alabama Administrative Procedure Act, §§41-22-1 et seq. Code of Ala. 1975, and Chapter 6 of the Rules of the Board.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed October 15, 2008; effective November 19, 2008.

540-X-7-.15 **Registration - Physician Assistant (P.A.).**

Registration of a physician assistant by the Board to perform medical services under the supervision of a physician approved by the Board to supervise the assistant shall be accomplished in the following manner:

(1) A completed application for registration in the form specified in Appendix A to Chapter 7 shall be submitted to the Board;

(2) A registration fee in the amount of \$100.00 shall accompany the application;

(3) A detailed job description in the form specified in Appendix B which sets forth the anticipated functions and activities of the physician assistant and is signed by the physician and the physician assistant shall accompany the application. The job description shall include all legend drugs which are authorized by the supervising physician to be prescribed by the physician assistant and shall include the authorized dosages, quantities and number of refills for each drug type to be prescribed. Also, the job description shall list each practice site, including address and phone number, where the job description shall be utilized and shall list the name and designated working hours of each physician assistant at each practice site.

(4) The physician and the physician assistant may be personally interviewed, at the discretion of the Board, prior to final action on the application for registration.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.15.01 Exemption From Registration Requirement (P.A.).

(1) A P. A. may request in writing an exemption from the requirement of being registered to perform medical services under the supervision of a physician under the limited circumstances designated in this rule.

(2) Requirements necessary to request and obtain an exemption from registration are the following:

(a) The P. A. holds a current Alabama license.

(b) The P. A. is employed as an instructor at a university or college.

(c) The P. A. will be functioning as attending faculty at a school sponsored student-run free clinic which is not a free clinic within the definition of Code of Ala. 1975, §§6-5-660 through 6-5-663, the Volunteer Medical Professional Act.

(d) The attending faculty P. A. will not be performing those medical services contemplated by Code of Ala. 1975, §34-24-292 and Board Rule 540-X-7-.25.

(e) The attending faculty P. A. will have no prescriptive privileges at the student-run free clinic.

(f) The attending faculty P. A. will not diagnose or treat patients at the student-run free clinic.

(g) The student-run free clinic functions as a wellness only clinic which provides health screenings and health education.

(3) Upon review of information provided, the Board may grant an exemption from registration when it determines that the requirements for exemption have been met.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-293(a).

History: New Rule: February 27, 2018; effective April 14, 2018.

540-X-7-.16 Qualifications For Registration - Physician

Assistant (P.A.). To qualify for registration as a physician assistant an individual must meet the following requirements:

(1) Be employed by:

(a) A physician qualified under these rules or by a partnership, medical professional corporation, medical professional association or physician practice foundation that also employs a supervising physician qualified under these rules; or

(b) An entity approved by the Board under Rule 540-X-7-.22;

(2) Be of good moral character;

(3) Submit an application on forms approved by the Board;

(4) Pay the appropriate fee as determined by the Board;

(5) Submit to the Board any other information which the Board deems necessary to evaluate the applicant's qualifications;
Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.
History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed August 2, 2018; effective September 16, 2018.

540-X-7-.17 Qualifications Of The Supervising Physician - Physician Assistants (P.A.). The physician to whom a physician assistant is registered shall:

- (1) Hold a current, unrestricted license to practice medicine in the State of Alabama;
- (2) On the date of the application:
 - (a) Have practiced medicine for at least one year, if the physician is certified by or eligible for board certification by a specialty board approved by the American Medical Association or by the American Osteopathic Association; or
 - (b) Have practiced medicine for at least three years.
- (3) The Board, in its discretion, may waive the practice requirements in (b).

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.
History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.18 Grounds For Denial Of Registration - Physician Assistant (P.A.) And Supervising Physician. Grounds, within the discretion of the Board, to deny an application for registration as a physician assistant shall be the following:

(1) The commission by a physician assistant or a physician of any act, offense or condition stated in Rule 540-X-7-.12

(2) The physician to whom the physician assistant is registered has permitted or required the physician assistant to perform or to attempt to perform tasks which are beyond the assistant's competence or which are not authorized in the job description approved by the Board.

(3) The supervising physician's license to practice medicine has been revoked, suspended, restricted or disciplined in any manner.

(4) Refusal by the physician assistant or supervising physician to appear before the Board after having been formally requested to do so in writing by the Executive Director of the Board.

(5) Failure by the physician assistant or physician to notify the Board in writing of termination of previous employment as required by Rule 540-X-7-.20.

(6) The signing by a physician assistant of any form which is to be authenticated by the supervising physician's signature if the supervising physician has not authorized signing by the assistant or if signing by the assistant is prohibited by Federal or state statutes or regulations or if signing by the assistant is prohibited by the agency governing the form.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.19 Denial Of Registration - Physician Assistant (P.A.) - Hearing.

(1) If after examination of the application for registration and after consideration of any information developed by the Board pursuant to an investigation into the qualifications of the physician or of the physician assistant for registration, the

Board determines that there is probable cause to believe there exist grounds upon which the application for registration may be denied, the Board shall take the following actions:

- (a) Defer final decision on the application for registration; and
 - (b) Notify the physician and the physician assistant of the grounds for possible denial of the application for registration and the procedure for obtaining a hearing before the Board.
- (2) The failure to request a hearing within the time specified in the notice shall be deemed a waiver of such hearing.
- (3) If requested by the physician or the physician assistant, a hearing shall be set before the full Board of Medical Examiners on the application for registration.
- (4) In the event that a hearing is not requested, the Board shall take action to approve or deny the application for registration.

(5) All hearings under this rule shall be conducted in accordance with the Alabama Administrative Procedure Act, §§41-22-1 et seq., Code of Ala. 1975 and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners. A decision rendered by the Board at the conclusion of the hearing shall constitute final administrative action of the Board of Medical Examiners for the purposes of judicial review under §§41-22-20. The physician assistant applicant shall have the burden of demonstrating to the reasonable satisfaction of the Board that he or she meets all qualifications and requirements for registration as a physician assistant. The physician applying for registration of a physician assistant shall have the burden of demonstrating to the reasonable satisfaction of the Board that he or she meets all the requirements of these regulations.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.20 Termination Of Registration - Voluntary - Physician Assistants (P.A.)

When for any reason a physician assistant shall discontinue his or her employment with the employer designated in the application for registration, then registration of such physician assistant to the supervising physician designated in the application is automatically terminated. The physician assistant and the physician shall each inform the Board in writing of the effective date of the termination of employment and the reasons for such termination. Failure to notify the Board of termination may be considered by the Board as a violation of these rules and regulations for the purpose of approval of future applications for registration.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.21 Interim Approval-Physician Assistant (P.A.)

A physician assistant previously approved to practice in a registration agreement under the provisions of Board Rules, Chapter 540-X-7, may obtain interim approval of a supervised practice with an interim supervising physician after confirmed receipt by the Board of Medical Examiners of a registration application and may continue in interim practice until such time as the pending application for registration is approved or denied, provided the interim supervising physician meets the qualifications established in Rule 540-X-7-.17.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed August 2, 2018; effective September 16, 2018.

540-X-7-.22 Physician Assistants (P.A.) Not Employed By Supervising Physician/Physician Not In Full-Time Practice

(1) Under the circumstances where a physician assistant is seeking registration to a physician not regularly engaged in the full-time practice of medicine and/or in the circumstance where the

physician and the physician assistant seeking registration are each employees of a legal entity other than a professional partnership, medical professional corporation, medical professional association or physician practice foundation, the applicant shall have the burden of satisfying the Board that there exists the supervisory relationship between the physician and the physician assistant contemplated by these rules.

(2) Factors to be used by the Board in determining the nature of the relationship shall include but are not limited to the following:

(a) The physician's authority to terminate the employment of the physician assistant;

(b) The physician's authority to determine or recommend levels of compensation for the physician assistant;

(c) The physician's authority to enforce compliance with orders and directives and to initiate suitable disciplinary action for violation of such orders and directives;

(d) The extent to which the physician assistant may be subject to the direction and control in matters relating to patient care of a person other than the physician to whom the assistant is registered;

(e) The extent to which the physician assistant is subject to the supervisory authority of a non-physician.

(3) In considering applications of the type described above, the Board may require that the applicant submit notarized certificates in the form set forth in Appendix C to Chapter 7 from the Chairman, President, Chief Executive Officer or other acceptable authority of any corporation, business firm or other legal entity which employs the physician assistant and the physician to whom the assistant is to be registered.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.23 Requirements For Supervised Practice - Physician Assistants (P.A.).

(1) Physician supervision requires, at all times, a direct, continuing and close supervisory relationship between a physician assistant and the physician to whom the assistant is registered.

(2) There shall be no independent, unsupervised practice by physician assistants.

(3) The supervising physician shall be readily available for direct communication or by radio, telephone or telecommunication.

(4) The supervising physician shall be available for consultation or referrals of patients from the physician assistant.

(5) In the event the physician to whom the physician assistant is registered is not readily available, provisions must be made for medical coverage by a physician pursuant to Rule 540-X-7-.24.

(6) In the event of an unanticipated, permanent absence of a supervising physician, a previously approved covering physician may be designated as a temporary supervising physician for a period of up to sixty (60) days. During the sixty (60) day time period, a new registration agreement designating a new supervising physician should be submitted for approval.

(7) If the physician assistant is to perform duties at a site away from the supervising physician, the application for registration must clearly specify the circumstances and provide written verification of physician availability for consultation and/or referral, and direct medical intervention in emergencies and after hours, if indicated. The Board, at its discretion, may waive the requirement of written verification upon documentation of exceptional circumstances. Employees of state and county health departments and facilities certified by the Alabama Department of Mental Health are exempt from the requirement of written verification of physician availability.

(8) The supervising physician and the physician assistant shall adhere to any written guidelines established by the Board to govern the prescription practices of physician assistants.

(9) If the physician assistant is to perform duties at a site away from the supervising physician, physician supervision requires the following:

(a) The supervising physician receives a daily status report to be made in person, by telephone, or by telecommunications from the assistant on any complications or unusual problems encountered;

(b) The supervising physician will be present ten percent (10%) of the P. A.'s scheduled work hours in an approved remote practice site if:

1. The P. A. has less than two (2) years (4,000 hours) in a registration agreement.

2. The P. A. has entered into a new registration agreement and the new supervising physician has a dissimilar primary specialty than the previous supervising physician.

(c) If the P. A. has at least two (2) years (4,000 hours) in a registration agreement, the supervising physician shall:

1. Visit the remote site no less than twice a year.

2. Meet with the P. A. no less than quarterly.

(d) A pre-approved covering physician is allowed to be present in lieu of the supervising physician.

(e) The supervising physician, during office visits, if applicable, reviews with the assistant case histories of patients with unusual problems or complications.

(f) An appropriate physician personally diagnoses or treats patients requiring physician follow-up.

(10) The mechanism for quality analysis shall be as follows:

(a) A written plan for review of medical records and patient outcomes shall be submitted with the application for registration, with documentation of the reviews maintained.

(b) Countersignature by supervising physician must be pursuant to established policy and/or applicable legal regulations and accreditation standards.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed October 21, 2010; effective November 25, 2010. **Amended:** Filed December 11, 2014; effective January 15, 2015. **Amended:** Filed December 16, 2015; effective January 30, 2016. **Amended:** Filed October 19, 2017; effective December 3, 2017.

540-X-7-.24 **Covering Physicians For Physician Assistants (P.A.).**

(1) When the primary supervising physician is off duty, out of town, or not on call and not readily available to respond to patients medical needs, the physician assistant is not authorized to perform any act or render any treatments unless another qualified physician in the same partnership, group, medical professional corporation or physician practice foundation or with whom the primary supervising physician shares call is on call and is immediately available to supervise the physician assistant and has previously filed with the Board a letter stating that he or she assumes all responsibility for the actions of the physician assistant during the temporary absence of the primary supervising physician.

(2) The covering physician providing the supervision shall also affirm in the letter that he or she is familiar with the current rules regarding physician assistants and the job description filed by the supervising physician and the physician assistant, that he or she is accountable for adequately supervising the medical care rendered pursuant to the job description, and that he or she approves the drug type, dosage, quantity and number of refills of legend drugs which the physician assistant is authorized to prescribe in the job description. The covering physician must meet the same qualifications as the supervising physician as established Rule 540-X-7-.17.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed December 16, 2015; effective January 30, 2016. **Amended:** Filed August 2, 2018; effective September 16, 2018.

540-X-7-.25 Functions And Activities Of A Physician Assistant (P.A.).

(1) There shall be at all times a direct continuing and close supervisory relationship between the physician assistant and the physician to whom that assistant is registered. The supervising physician shall at all times be responsible for the activities of the physician assistant.

(2) The physician assistant shall provide medical services within the education, training, and experience of the physician assistant that are delegated by the supervising physician. These services include, but are not limited to:

(a) Obtaining patient histories and performing physical examinations;

(b) Ordering and/or performing diagnostic and therapeutic procedures;

(c) Formulating a working diagnosis;

(d) Developing and implementing a treatment plan;

(e) Monitoring the effectiveness of therapeutic interventions;

(f) Assisting at surgery;

(g) Offering counseling and education to meet patient needs; and

(h) Making appropriate referrals.

(3) The job description in the form specified in Appendix B to Chapter 7 is approved by the Board as a model job description which shall be acceptable to the Board if submitted by a qualified applicant for registration in compliance with these Rules.

(4) Requests for changes in the job description of the assistant, including addition of specialized duties and tasks, shall be submitted, in writing, by the supervising physician to the Board for prior approval.

(5) Should the supervising physician contemplate a request for additional duties for the assistant for addition to the assistant's Job Description, a written request shall be submitted to and approved by the Board prior to any additional duty or procedure being performed by the assistant.

(6) When any addition of a duty or procedure to the assistant's Job Description is contemplated, a written request for training of the assistant in the duty or procedure shall be submitted to and approved by the Board prior to the assistant actually receiving any training in the duty or procedure.

(7) In the event of a national emergency duly declared by Federal officials or in the event of a natural disaster or state emergency duly declared by the Governor, a physician assistant may provide emergency medical treatment without immediate physician supervision or direction to patients within the affected areas of the state, provided that the treatment is within the scope of the assistant's education, training and approved job description. The physician assistant in such circumstance shall make reasonable efforts to inform his supervising physician of the location and type of emergency medical services being provided and shall act in conformance with the direction of local medical supervisors. The authority granted under this paragraph shall extend only for the duration of the declared national emergency or state emergency or natural disaster.

(8) A physician assistant may write admission orders for inpatients and nursing home patients as directed by the supervising physician and subsequent orders in accordance with established guidelines and institutional policies.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed November 19, 2004; effective December 24, 2004. **Amended:** Filed November 20, 2008; effective December 25, 2008. **Amended:** Filed June 20, 2018; effective August 4, 2018.

540-X-7-.26 Limitations Upon Utilization Of Physician Assistants (P.A.)

(1) A supervising physician must be present in the operating room or be immediately available to that operating room whenever a physician assistant is involved in the care of a patient in the operating room. Whenever a physician assistant performs or assists in performing invasive procedures with involvement deeper than the complete dermis, the supervising physician must be present in the operating room, unless otherwise specifically approved by the Board.

(2) The cumulative work time for all physician assistants being supervised by an individual primary supervising physician shall not exceed one hundred and sixty (160) hours per week.

(3) A physician assistant may be registered to more than one supervising physician at any one time. The number of supervising physicians to whom a physician assistant may be registered shall be restricted by the Board if the Board, in its discretion, determines that such restriction is appropriate to maintain the quality of medical services being provided or to otherwise protect the public health, safety and welfare.

(4) A physician in a registration agreement/ collaboration with a Physician Assistant, Certified Registered Nurse Practitioner or Certified Nurse Midwife totaling one hundred and sixty (160) hours per week four (4) full-time equivalents (FTEs)) may request a transitional allowance increasing the total weekly hours for the purpose of orientation of the incoming Physician Assistant. The transitional allowance shall not exceed forty-five (45) days. The physician shall request the transitional allowance in writing and specify the starting date of this FTE allowance.

(5) Employees of the State Health Department or of a county board of health are specifically exempt from the requirements of paragraph (2) of this rule. The Board of Medical Examiners, in its discretion, may determine how many physician assistants may be registered to and/or supervised by a physician employed by the State Health Department or by a county board of health.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002;

effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed July 22, 2005; effective August 26, 2005. **Amended:** Filed March 20, 2008; effective April 24, 2008. **Amended:** Filed October 22, 2015; effective November 26, 2015.

540-X-7-.27 Prohibited Activities And Functions - Physician Assistants (P.A.).

(1) Notwithstanding any other provision of law, a physician assistant may perform medical service when such services are rendered under the supervision of a licensed physician or physicians approved by the Board; except, that no medical services may be performed except under the supervision of an ophthalmologist in the office in which such physician normally actually practices his profession and nowhere else in any of the following areas:

(a) The measurement of the powers or range of human vision or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of or using any optical device in connection with ocular exercises, visual training or orthoptics.

(c) The prescribing of contact lenses for or the fitting or adaptation of contact lenses to the human eye. Nothing in this section shall preclude the performance of routine visual screening.

(2) There shall be no practice by a Physician Assistant who is not licensed and registered by the Board.

(3) There shall be no independent practice by a physician assistant who is licensed and/or registered by the Board.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed June 20, 2018; effective August 4, 2018.

540-X-7-.28 Prescriptions And Medication Orders - Physician Assistants (P.A.)

(1) A physician assistant may prescribe a legend drug to a patient subject to both of the following conditions being met:

(a) The drug type, dosage, quantity prescribed, and number of refills are authorized in the job description which is signed by the supervising physician to whom the physician assistant is currently registered and which is approved by the Board;

(b) The drug is included in the formulary approved under the guidelines established by the Board for governing the prescription practices of physician assistants.

(2) Subject to any limitations stated in protocols and medical regimens adopted by the Board and subject to any limitations by the supervising physician in the approved formulary, a physician assistant may prescribe any drug, substance or compound which is listed in Schedules III through V of the Alabama Uniform Controlled Substances Act upon being granted a Qualified Alabama Controlled Substances Certificate (QACSC) and upon submission of an approved QACSC formulary.

(3) The supervising physician and the physician assistant shall adhere to and follow all requirements and procedures stated in written guidelines established by the Board to govern the prescribing practices of physician assistants.

(4) A physician assistant who is registered to a physician with prescriptive privileges shall not engage in prescribing for:

(a) Self.

(b) Immediate family members.

(5) A physician assistant may not initiate a call-in prescription in the name of the supervising physician for any drug which the assistant is not authorized to prescribe unless the drug is specifically ordered for the patient by the supervising physician either in writing or by a verbal order reduced to writing and signed

by the physician within the time specified in the guidelines established by the Board.

(6) For any drug which the physician assistant is authorized to prescribe, a written prescription signed by the physician assistant and entered into the patient's chart may be called-in to a pharmacy.

(7) Whenever a physician assistant calls in a prescription to a pharmacy, the physician assistant shall identify his or her supervising physician.

(8) A physician assistant may administer any legend drug or controlled drug which the assistant is authorized to prescribe.

(9) When prescribing legend drugs or controlled drugs a physician assistant shall use a prescription form which includes all of the following:

(a) The name, medical practice site address and telephone number of the physician supervising the physician assistant;

(b) The physician assistant's name printed below or to the side of the physician's name;

(c) The medical practice site address and telephone number of the physician assistant, if different from the address of the supervising physician;

(d) The physician assistant's license number assigned by the Board and the QACSC registration number, when a controlled substance is prescribed;

(e) The words "Product Selection Permitted" printed on one side of the prescription form directly underneath a signature line;

(f) The words "Dispense as written" printed on one side of the prescription form directly underneath a signature line.

(10) For inpatients and nursing home patients, a physician assistant may enter a verbal order from the supervising physician for controlled substances or other medications which the assistant is not authorized to prescribe, provided that the order is co-signed

by the supervising physician in accordance with established guidelines and institutional policies.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed September 11, 2008; effective October 16, 2008. **Amended:** Filed November 20, 2008; effective December 25, 2008. **Amended:** Filed February 17, 2010; effective March 24, 2010. **Amended:** Filed December 16, 2015; effective January 30, 2016. **Amended:** Filed April 15, 2016; effective May 30, 2016.

540-X-7-.29 **Continuing Medical Education - Physician Assistant.**

(1) (a) Every physician assistant licensed by the Board must earn in each calendar year not less than twenty-five (25) hours of AMA PRA Category 1 Credits™ or the equivalent as defined in this rule of continuing medical education as a condition precedent to receiving his or her annual renewal of license, unless he or she is exempt from the minimum continuing medical education requirement.

(b) 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 1 Credit™ continuing medical education shall mean those programs of continuing medical education designated as AMA PRA Category 1 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 1 continuing medical education programs.

(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 1 Credit™ continuing medical education:

(a) Programs of continuing medical education designated as Category 1-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category 1-A continuing medical education for osteopathic physicians.

(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.

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

(d) 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.

(e) Programs of continuing medical education designated as AAPA Category I CME Credits which are sponsored or conducted by those organizations or entities accredited by the Education Council of the American Academy of Physician Assistants to sponsor or conduct AAPA Category I continuing medical education programs.

(f) 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.

(4) Every physician assistant subject to the minimum continuing medical education requirement established in these rules shall maintain records of attendance or certificates of completion demonstrating compliance with the minimum continuing medical education requirement. Documentation adequate to demonstrate compliance with the minimum continuing medical education requirements of these rules shall consist of certificates of attendance, completion certificates, proof of registration, or similar documentation issued by the organization or entity sponsoring or conducting the continuing medical education program. The records shall be maintained by the physician assistant for a period of three (3) years following the year in which the continuing

medical education credits were earned and shall be subject to examination by representatives of the State Board of Medical Examiners upon request. Every physician assistant subject to the continuing medical education requirements of these rules must, upon request, submit a copy of such records to the State Board of Medical Examiners for verification. Failure to maintain records documenting that a physician assistant has met the minimum continuing medical education requirement, and/or failure to provide such records upon request to the Board is hereby declared to be unprofessional conduct and may constitute grounds for discipline of the physician assistant's license to practice as a physician assistant, in accordance with the statutes and regulations governing the disciplining of a physician assistant's license.

(5) Every physician assistant shall certify annually that he or she has met the minimum annual continuing medical education requirement established pursuant to these rules or that he or she is exempt. This certification will be made on a form provided on the annual renewal of license application required to be submitted by every physician assistant on or before December 31st of each year. The Board shall not issue a renewed license to any physician assistant who has not certified that he or she has met the minimum continuing medical education requirement unless the physician assistant is exempt from the requirement.

(6) A physician assistant who is unable to meet the minimum continuing medical education requirement by reason of illness, disability or other circumstances beyond his or her control may apply to the Board for a waiver of the requirement for the calendar year in which such illness, disability or other hardship condition existed. A waiver may be granted or denied within the sole discretion of the Board, and the decision of the Board shall not be considered a contested case and shall not be subject to judicial review under the Alabama Administrative Procedure Act. If a waiver is granted, the physician assistant shall be exempt from the continuing medical education requirement for the calendar year in which the illness, disability or other hardship condition existed.

(7) A physician assistant receiving his or her initial license to practice medicine in Alabama is exempt from the minimum continuing medical education requirement for the calendar year in which he or she receives his or her initial license.

(8) A physician assistant who is a member of any branch of the armed forces of the United States and who is deployed for military service is exempt from the continuing medical education requirement for the calendar year in which he or she is deployed.

(9) If a physician assistant fails to renew his or her license before January 1 and, subsequently, applies to renew the license, then the applicant must submit proof of completion of not less than twenty-five (25) AMA PRA Category 1 Credits™ or the equivalent as defined in this rule of continuing medical education within the preceding twelve (12) months as a condition precedent to the renewal of such license.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed May 21, 2004; effective June 25, 2004. **Amended:** Filed November 18, 2009; effective December 23, 2009. **Amended:** Filed March 11, 2010; effective April 15, 2010. **Amended:** Filed April 12, 2013; effective May 17, 2013. **Amended:** Filed December 12, 2013; effective January 16, 2014.

540-X-7-.30 Physician Assistants' Advisory Committee.

(1) The Physician Assistants' Advisory Committee is established for the purpose of enabling a mechanism for the exchange of information between the Alabama Board of Medical Examiners and the physician assistants through their representative organization on issues related to physician assistant practice.

(2) The Physician Assistants' Advisory Committee shall consist of the following:

(a) Four physicians licensed to practice medicine in the state of Alabama, two of whom shall be current members of the Alabama Board of Medical Examiners. All physician members shall be appointed by the Chairman of the Board; and

(b) Four physician assistants appointed by the Alabama Society of Physician Assistants.

(3) The members of the Physician Assistants' Advisory Committee shall serve for a term of two years and shall be eligible for reappointment.

(4) The Physician Assistants' Advisory Committee may exercise the following functions and responsibilities:

(a) Review and/or recommend changes to the current rules and regulations for physician assistant practice;

(b) Discuss and/or make recommendations regarding changes to the scope of practice privileges of the physician assistant;

(c) Serve in an advisory role regarding issues related to applications for licensure, practice agreements, disciplinary proceedings and renewal requirements;

(d) Discuss issues of mutual concern regarding the education, utilization and scope of practice of the physician assistant.

(5) The Physician Assistant Advisory Committee shall meet on a quarterly basis at the discretion and call of the Chairman of the Board of Medical Examiners. An Advisory Committee meeting may be called upon reasonable notice by a petition of three Board members to the Chairman.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed August 16, 2007; effective September 20, 2007.

540-X-7-.31 Forms Requiring A Physician's Signature - Physician Assistant (P.A.). Unless prohibited by Federal or state statutes or regulations or by the agency governing a specific form, a physician assistant may sign any form which can be authenticated by the supervising physician's signature, if signing by the physician assistant is authorized by the supervising physician.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed

September 19, 2002; effective October 24, 2002. **Amended:** Filed August 2, 2018; effective September 16, 2018.

540-X-7-.32 Grounds For Termination Of Registration -

Involuntary - Physician Assistant (P.A.). The commission by a physician assistant or physician of any act, offense or condition set forth in Rule 540-X-7-.12 or Rule 540-X-7-.18 shall be grounds, within the discretion of the Board, to terminate the registration of a physician assistant to perform medical services under the supervision of a physician.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed August 2, 2018; effective September 16, 2018.

540-X-7-.33 Termination Of Registration - Involuntary -
Physician Assistant (P.A.) - Hearings.

Before terminating the registration of a physician assistant on any of the grounds specified in Rule 540-X-7-.32, the Board shall conduct a hearing under the provisions of the Alabama Administrative Procedure Act, §§34-22-1, et. seq., Code of Ala. 1975, and Chapter 6 of the Rules of the Board.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

540-X-7-.34 Investigations - Physician Assistant (P.A.).

(1) During the course of an investigation, the Board may require that a physician assistant submit to a criminal history background check to include the following:

(a) The provision of fingerprints using forms provided by the Board;

(b) The execution and provision of a criminal history information release using forms provided by the Board; and

(c) The payment of a fee in an amount established in Rule 540-X-3-.09(2).

(2) The fingerprints shall be submitted to the Alabama Bureau of Investigation (ABI), which is responsible for forwarding the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

(3) Information received by the Board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received and relied upon in an investigation by the Board may be disclosed to the Physician Assistant (P.A.).

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq. and Act No. 08-378.

History: New Rule: Filed September 11, 2008; effective October 16, 2008.

540-X-7-.35 Examinations/Evaluations - Physician Assistant (P.A.).

(1) When the issue is whether a physician assistant is physically or mentally capable of practicing as a physician assistant with reasonable skill and safety to patients, then, upon a showing of probable cause to the Board that the physician assistant is not capable of practicing with reasonable skill and safety to patients, the Board may order and direct the physician assistant in question to submit to a physical, mental, or laboratory examination or any combination of such examinations to be performed by a physician designated by the Board. The expense of such examination shall be borne by the physician assistant who is so examined.

(2) Every physician assistant licensed to practice as a physician assistant in the state of Alabama who accepts the privilege of practicing by actually practicing or by the making and filing of an annual registration to practice shall be deemed to have given consent to submit to a mental, physical, or laboratory examination or to any combination of such examinations and to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications.

(3) Upon receipt of credible information that a physician assistant has been evaluated or has received inpatient or outpatient treatment for any physical, psychiatric, or psychological illness or for chemical dependency, drug addiction, or alcohol abuse, the Board may order that the physician assistant execute and deliver to the Board an authorization and release form directed to each and every facility or treatment provider authorizing and directing the release to the Board of any reports of evaluation, mental, or physical, or examination, including psychiatric, psychological, and neuropsychiatric examinations, hospital and treatment provider medical records, reports of laboratory tests for the presence of alcohol or drugs, rehabilitation records, and mental competency evaluations. Any and all expenses incurred in the furnishing of the reports, records, or documents which are the subject of an order issued by the Board shall be borne by the physician assistant who is the subject of the order.

(4) Failure or refusal by the physician assistant to comply with an order of the Board directing the execution and delivery to the Board of an authorization and release form as provided in paragraph (3) herein shall constitute grounds for the summary suspension of the physician assistant's license to practice. The suspension shall continue in effect until such time as the physician assistant complies with the order of the Board or the order is withdrawn by the Board.

(5) All reports, records, and documents released to the Board under the provisions of paragraph (3) herein are privileged and confidential and shall not be public records nor available for court subpoena or for discovery proceedings, but may be used by the Board in the course of its investigation and may be introduced as evidence in administrative hearings conducted by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq. and Act No. 08-378.

History: New Rule: Filed September 11, 2008; effective October 16, 2008.

540-X-7-.36 Voluntary Surrender, Voluntary Restrictions, Reinstatements - Physician Assistant (P.A.).

(1) A physician assistant may surrender his or her license to practice or request in writing to the Board that a restriction be placed upon the license. The Board may accept a

surrender or grant such a request for restriction and shall have the authority, if it deems appropriate, to attach such restrictions to the license.

(2) Removal of a voluntary restriction on the license shall be done only by order of the Board.

(3) If the Board accepts the surrender of a license, any current registration of the physician assistant shall be automatically terminated, and the physician assistant shall not be authorized to practice within the state of Alabama.

(4) Requests for modification or termination of restrictions on a license or for reinstatement of a revoked or surrendered license which are filed with the Board within 24 months of the effective date of the restriction, revocation or surrender may, within the discretion of the Board, be dismissed by the Board as prematurely filed. A request as described above which is filed with the Board more than 24 months following the effective date of the restriction, revocation or surrender may be granted or may be set for a hearing before the Board, and such hearing shall be conducted as a contested case under the Alabama Administrative Procedure Act.

(5) The Board shall be without jurisdiction to reinstate a revoked or voluntarily surrendered license if the request for reinstatement is received by the Board more than five years after the effective date of the revocation or surrender.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq. and Act No. 08-378.

History: New Rule: Filed September 11, 2008; effective October 16, 2008.

540-X-7-.37 **Requirements To Practice As An Anesthesiologist Assistant (A.A.)**. To practice or offer to practice as an anesthesiologist assistant, each person shall be licensed by and registered by the Board in accordance with Chapter 7 of these rules.
Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.
History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed

August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.34 was renumbered to .37 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.38 **Requirements For The Issuance Of A License To Practice As An Anesthesiologist Assistant (A.A.)**. To qualify for a license to practice as an anesthesiologist assistant an individual shall meet the following requirements:

(1) Provide evidence, satisfactory to the Board, of successful completion of a training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), or the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or their successor agencies;

(2) Provide evidence, satisfactory to the Board, of successful completion of the Certifying Examination for Anesthesiologist Assistants (CEAA) as administered by the National Commission for Certification of Anesthesiologist Assistants (NCCAA);

(3) Submit an application on forms approved by the Board; and

(4) Pay the required license application fee as determined by the Board.

(5) Beginning October 1, 2008, submit to a criminal history background check which includes the following:

(a) Provide fingerprints and execute a criminal history information release using forms provided by the Board; and

(b) Pay a criminal history background check fee in an amount established in Rule 540-X-3-.09(2).

Fingerprints provided by an applicant shall be submitted to the Alabama Bureau of Investigation (ABI), which is responsible for forwarding the fingerprints to the Federal Bureau of Investigation

(FBI) for a national criminal history record check. Information received by the Board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received and relied upon in denying the issuance of a license to practice as an anesthesiologist assistant in this state may be disclosed as may be necessary to support the denial.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999;

effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed

August 22, 2002; effective September 26, 2002. **Repealed and New**

Rule: Filed September 19, 2002; effective October 24, 2002.

Amended: Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.35 was renumbered to .38 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.39 Issuance Of License To Practice As An Anesthesiologist Assistant (A.A.).

(1) The Board shall issue a license to practice as an anesthesiologist assistant when all requirements for licensure have been met.

(2) Every license issued shall be dated, shall be numbered in the order of issuance, and shall be signed by the chair of the Board or the chair's designee.

(3) The size and design of the license shall be determined by the Board.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999;

effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed

August 22, 2002; effective September 26, 2002. **Repealed and New**

Rule: Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.36 was renumbered to .39 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.40 License Fee - Anesthesiologist Assistant (A.A.).

(1) All applicants for a license to practice as an anesthesiologist assistant shall submit to the Board an application fee in the amount of \$200.00.

(2) The initial license fee in paragraph (1) shall be waived for any person who was certified as an anesthesiologist assistant on the effective date of these rules.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.37 was renumbered to .40 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.41 License Renewal - Anesthesiologist Assistant (A.A.).

(1) A license to practice as an anesthesiologist assistant shall be renewed annually on or before January 1st of each year. Application for annual renewal shall be received by the Board on or before December 31st and shall be accompanied by a renewal fee in the amount of \$100.00.

(2) The Board shall not renew the license to practice of any anesthesiologist assistant against whom an administrative fine has been assessed by the Board until such fine is paid in full. In the event that the fine is subsequently reduced or set aside on judicial review as provided in the Alabama Administrative Procedure

Act, the anesthesiologist assistant shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(3) If an anesthesiologist assistant fails to renew his license before January 1, he may subsequently renew his license as follows:

(a) Between January 1 and January 31, submit a completed renewal application, pay the renewal fee of \$100, and certify completion of the continuing medical education hours required by this Chapter.

(b) February 1 and thereafter, submit a completed renewal application, pay the renewal fee of \$100, and submit proof of completion of the continuing medical education hours required by this Chapter.

Author: Alabama Board of Medical Examiners; Patricia E. Shaner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended: Filed May 21, 2004; effective June 25, 2004. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008. **Amended:** Filed November 16, 2018; effective December 31, 2018.

Ed. Note: Previous Rule 540-X-7-.38 was renumbered to .41 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.42 Temporary License - Anesthesiologist Assistant (A.A.)

(1) The Board may, in its discretion, grant a temporary license to an applicant who meets the qualifications for licensure as an anesthesiologist assistant, except that the applicant has not yet taken the Certifying Examination for Anesthesiologist Assistants (CEAA) for the first time or the applicant has taken the NCEAA for the first time and is awaiting the results.

- (2) A temporary license is valid:
- (a) For one year from the date issued, or
- (b) Until the results of an applicant's examination are available, or
- (c) Until the Board makes a final decision on the applicant's request for licensure as an anesthesiologist assistant, whichever comes first.

(3) Anesthesiologist assistants granted a temporary license will not be allowed to practice without direct, on-site physician supervision and will not be approved for additional duties in the Job Description.

(4) An anesthesiologist assistant who is granted a temporary license shall not practice or offer to practice unless he or she is registered by the Board to a licensed physician in accordance with these rules and applicable statutes.

(5) There shall be no independent unsupervised practice by an anesthesiologist assistant who is granted a temporary license.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008. **Amended:** Filed May 16, 2013; effective June 20, 2013.

Ed. Note: Previous Rule 540-X-7-.39 was renumbered to .41 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.43 Grounds For Denial Of License - Anesthesiologist Assistant (A.A.). The commission by an anesthesiologist assistant of any act, offense or condition set forth in Rule 540-X-7-.44 shall

be grounds, within the discretion of the board, to deny an application for a license to practice as an anesthesiologist assistant.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended: Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.40 was renumbered to .43 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.44 Denial Of Application For License To Practice As An Anesthesiologist Assistant (A.A.) - Hearing.

(1) If, after examination of the application for a license to practice as an anesthesiologist assistant and after consideration of any information developed by the Board pursuant to an investigation into the qualifications of the anesthesiologist assistant for licensure, the Board determines that there is probable cause to believe there exist grounds upon which the application for licensure may be denied, the Board shall take the following actions:

(a) Defer final decision on the application for licensure; and

(b) Notify the anesthesiologist assistant of the grounds for possible denial of the application for licensure and the procedure for obtaining a hearing before the Board.

(2) The failure to request a hearing within the time specified in the notice shall be deemed a waiver of such hearing.

(3) If requested by the anesthesiologist assistant, a hearing shall be set before the full Board of Medical Examiners on the application for licensure.

(4) In the event that a hearing is not requested, the Board shall take action to approve or deny the application for licensure.

(5) All hearings under this rule shall be conducted in accordance with the Alabama Administrative Procedure Act, §§41-22-1, et. seq., Code of Alabama 1975 and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners. A decision rendered by the Board at the conclusion of the hearing shall constitute final administrative action of the Board of Medical Examiners for the purposes of judicial review under §§41-22-20. The anesthesiologist assistant applicant shall have the burden of demonstrating to the reasonable satisfaction of the Board that he or she meets all qualifications and requirements for licensure as an anesthesiologist assistant.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999;

effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed

August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.41 was renumbered to .44 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.45 Discipline Of License - Anesthesiologist Assistant (A.A.) - Grounds. After notice and hearing, the Board, within its discretion, shall suspend, revoke, place on probation or otherwise discipline the license of an anesthesiologist assistant who is found guilty on the basis of substantial evidence of any of the following acts or offenses:

(1) Conviction of a felony;

(2) Conviction of any crime or other offense, felony or misdemeanor, reflecting on the ability of the individual to render patient care in a safe manner;

(3) Conviction of any violation of state or federal laws relating to controlled substances;

(4) Termination, restriction, suspension, revocation, or curtailment of licensure, registration or certification by another state or other licensing jurisdiction on grounds similar to those stated in these rules;

(5) The denial of a registration, a certification, or a license to practice by another state or other licensing jurisdiction;

(6) Being unable to render patient care with reasonable skill and safety by reason of illness, inebriation, addiction to or excessive use of alcohol, narcotics, chemicals, drugs or any other substance or by reason of a mental or physical condition or disability;

(7) Revocation, termination, suspension or restriction of hospital privileges;

(8) Knowingly submitting or causing to be submitted any false, fraudulent, deceptive or misleading information to the Board of Medical Examiners in connection with an application for licensure or registration;

(9) That the anesthesiologist assistant has represented himself or herself or permitted another to represent him or her as a physician;

(10) That the anesthesiologist assistant has performed otherwise than at the direction and under the supervision of an anesthesiologist approved by the Board;

(11) That the anesthesiologist assistant has been delegated and/or has performed or attempted to perform tasks and functions beyond his or her competence;

(12) That the anesthesiologist assistant has performed or attempted to perform tasks beyond those authorized in the approved job description;

(13) Practicing or permitting another to practice as an anesthesiologist assistant without the required license and registration by the Board of Medical Examiners;

(14) Prescribing in violation of statutory authority and/or Board rules and/or Board guidelines;

(15) Intentional falsification of a certification of compliance with the continuing medical education requirement for anesthesiologist assistants established in these rules; and

(16) Unprofessional conduct for failing to maintain or provide to the Board records documenting compliance with the minimum continuing medical education requirement.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed May 21, 2004; effective June 25, 2004. **Amended:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.42 was renumbered to .45 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.46 **Administrative Fines-Anesthesiologist Assistant (A.A.)**. In addition to any other penalty authorized by Ala. Code §34-24-302, the Board may in its discretion assess administrative fines not to exceed ten thousand dollars (\$10,000) for each violation of the provisions of §34-24-302, Board Rule 540-X-7-.45 or any of the Board rules concerning anesthesiologist assistants.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed September 19, 2002; effective October 24, 2002. **Amended:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.43 was renumbered to .46 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.47 **Discipline Of License - Anesthesiologist Assistant (A.A.) - Hearings**. Before revoking, suspending, placing on probation, assessing administrative fines against, or otherwise disciplining the license of an anesthesiologist assistant on any of the grounds specified in Rule 540-X-7-.45, the Board shall conduct a hearing pursuant to the provisions of the Alabama Administrative Procedure Act, §§41-22-1, et seq., Code of Ala. 1975, and Chapter 6 of the Rules of the Board.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended: Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.44 was renumbered to .47 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.48 **Registration - Anesthesiologist Assistant (A.A.)**. Registration of an anesthesiologist assistant by the Board to perform medical services under the supervision of an anesthesiologist approved by the Board to supervise the assistant shall be accomplished in the following manner:

(1) A completed application for registration in the form specified in Appendix E to Chapter 7 shall be submitted to the Board;

(2) A registration fee in the amount of \$100.00 shall accompany the application;

(3) A detailed job description in the form specified in Appendix F which sets forth the anticipated functions and activities of the anesthesiologist assistant and is signed by the anesthesiologist and the anesthesiologist assistant shall accompany the application. The job description shall list each practice site, including address and phone number, where the job description shall be utilized;

(4) The anesthesiologist and the anesthesiologist assistant may be personally interviewed, at the discretion of the Board, prior to final action on the application for registration.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999;

effective August 27, 1999. **Amended:** Filed November 22, 1999;

effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New**

Rule: Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.45 was renumbered to .48 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.49 Qualifications For Registration - Anesthesiologist Assistant (A.A.). To qualify for registration as an anesthesiologist assistant an individual must meet the following requirements:

(1) Be employed by:

(a) An anesthesiologist who practices in the medical specialty of anesthesiology and who is qualified under these rules or by a partnership, medical professional corporation, medical professional association or anesthesiologist practice foundation that also employs a supervising anesthesiologist who practices in the medical specialty of anesthesiology and who is qualified under these rules; or

(b) An entity approved by the Board under Rule 540-X-7-.54;

(2) Be of good moral character;

(3) Submit an application on forms approved by the Board;

(4) Pay the appropriate fee as determined by the Board;
and

(5) Submit to the Board any other information which the Board deems necessary to evaluate the applicant's qualifications.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended: Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.46 was renumbered to .49 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.50 **Qualifications Of The Supervising Anesthesiologist - Anesthesiologist Assistants (A.A.)**. The anesthesiologist to whom an anesthesiologist assistant is registered shall:

(1) Hold a current, unrestricted license to practice medicine in the State of Alabama and practice in the medical specialty of anesthesiology;

(2) On the date of the application, be eligible for board certification or be board certified by the American Board of Anesthesiology (ABA) or by the American Osteopathic Board of Anesthesiology.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.47 was renumbered to .50 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.51 Grounds For Denial Of Registration - Anesthesiologist Assistant (A.A.) And Supervising Anesthesiologist.
Grounds, within the discretion of the Board, to deny an application for registration as an anesthesiologist assistant shall be the following:

(1) The commission by an anesthesiologist assistant or an anesthesiologist of any act, offense or condition stated in Rule 540-X-7-.45.

(2) The anesthesiologist to whom the anesthesiologist assistant is registered has permitted or required the anesthesiologist assistant to perform or to attempt to perform tasks which are beyond the assistant's competence or which are not authorized in the job description approved by the Board.

(3) The supervising anesthesiologist's license to practice medicine has been revoked, suspended, restricted or disciplined in any manner.

(4) Refusal by the anesthesiologist assistant or supervising anesthesiologist to appear before the Board after having been formally requested to do so in writing by the Executive Director of the Board.

(5) Failure by the anesthesiologist assistant or anesthesiologist to notify the Board in writing of termination of previous employment as required by Rule 540-X-7-.53.

(6) The signing by an anesthesiologist assistant of any form which is to be authenticated by the supervising anesthesiologist's signature if the supervising anesthesiologist has not authorized signing by the assistant or if signing by the assistant is prohibited by Federal or state statutes or regulations or if signing by the assistant is prohibited by the agency governing the form.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed

August 22, 2002; effective September 26, 2002. **Repealed and New**

Rule: Filed September 19, 2002; effective October 24, 2002.

Amended: Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.48 was renumbered to .51 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.52 Denial Of Registration - Anesthesiologist Assistant (A.A.) - Hearing.

(1) If after examination of the application for registration and after consideration of any information developed by the Board pursuant to an investigation into the qualifications of the anesthesiologist or of the anesthesiologist assistant for registration, the Board determines that there is probable cause to believe there exist grounds upon which the application for registration may be denied, the Board shall take the following actions:

(a) Defer final decision on the application for registration; and

(b) Notify the anesthesiologist and the anesthesiologist assistant of the grounds for possible denial of the application for registration and the procedure for obtaining a hearing before the Board.

(2) The failure to request a hearing within the time specified in the notice shall be deemed a waiver of such hearing.

(3) If requested by the anesthesiologist or the anesthesiologist assistant, a hearing shall be set before the full Board of Medical Examiners on the application for registration.

(4) In the event that a hearing is not requested, the Board shall take action to approve or deny the application for registration.

(5) All hearings under this rule shall be conducted in accordance with the Alabama Administrative Procedure Act, §§41-22-1, et. seq., Code of Ala. 1975 and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners. A decision rendered by the Board

at the conclusion of the hearing shall constitute final administrative action of the Board of Medical Examiners for the purposes of judicial review under §§41-22-20. The anesthesiologist assistant applicant shall have the burden of demonstrating to the reasonable satisfaction of the Board that he or she meets all qualifications and requirements for registration as an anesthesiologist assistant. The anesthesiologist applying for registration of an anesthesiologist assistant shall have the burden of demonstrating to the reasonable satisfaction of the Board that he or she meets all the requirements of these regulations.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.49 was renumbered to .52 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.53 **Termination Of Registration - Voluntary - Anesthesiologist Assistants (A.A.)**.

When for any reason an anesthesiologist assistant shall discontinue his or her employment with the employer designated in the application for registration, then registration of such anesthesiologist assistant to the supervising anesthesiologist designated in the application is automatically terminated. The anesthesiologist assistant and the anesthesiologist shall each inform the Board in writing of the effective date of the termination of employment and the reasons for such termination. Failure to notify the Board of termination may be considered by the Board as a violation of these rules and regulations for the purpose of approval of future applications for registration.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999;

effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.50 was renumbered to .53 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.54 Interim Approval - Anesthesiologist Assistant (A.A.). If the registration of an anesthesiologist assistant is terminated pursuant to Rule 540-X-7-.53, an anesthesiologist assistant previously approved to practice under the provisions of these rules may continue in a supervised practice with an interim supervising anesthesiologist after confirmed receipt by the Board of Medical Examiners of re-application for approval and may continue until such time as the new application for registration is approved or denied, provided the interim supervising anesthesiologist meets the qualifications established in Rule 540-X-7-.50.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended: Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.51 was renumbered to .54 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.55 Anesthesiologist Assistants (A. A.) Not Employed By Supervising Anesthesiologist/Anesthesiologist Not In Full-Time Practice.

(1) Under the circumstances where an anesthesiologist assistant is seeking registration to an anesthesiologist not regularly engaged in the full-time practice of medicine and/or in the circumstance where the anesthesiologist and the anesthesiologist

assistant seeking registration are each employees of a legal entity other than a professional partnership, medical professional corporation, medical professional association or physician practice foundation, the applicant shall have the burden of satisfying the Board that there exists the supervisory relationship between the anesthesiologist and the anesthesiologist assistant contemplated by these rules.

(2) Factors to be used by the Board in determining the nature of the relationship shall include but are not limited to the following:

(a) The anesthesiologist's authority to terminate the employment of the anesthesiologist assistant;

(b) The anesthesiologist's authority to determine or recommend levels of compensation for the anesthesiologist assistant;

(c) The anesthesiologist's authority to enforce compliance with orders and directives and to initiate suitable disciplinary action for violation of such orders and directives;

(d) The extent to which the anesthesiologist assistant may be subject to the direction and control in matters relating to patient care of a person other than the anesthesiologist to whom the assistant is registered;

(e) The extent to which the anesthesiologist assistant is subject to the supervisory authority of a non-physician.

(3) In considering applications of the type described above, the Board may require that the applicant submit notarized certificates in the form set forth in Appendix G to Chapter 7 from the Chairman, President, Chief Executive Officer or other acceptable authority of any corporation, business firm or other legal entity which employs the anesthesiologist assistant and the anesthesiologist to whom the assistant is to be registered.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999; effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed August 22, 2002; effective September 26, 2002. **Repealed and New**

Rule: Filed September 19, 2002; effective October 24, 2002.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.52 was renumbered to .55 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.56 Requirements For Supervised Practice - Anesthesiologist Assistants (A.A.).

(1) Anesthesiologist supervision requires, at all times, a direct, continuing and close supervisory relationship between an anesthesiologist assistant and the supervising anesthesiologist to whom the assistant is registered or an anesthesiologist who is acting in a Board-approved supervisory role to the anesthesiologist assistant.

(2) Supervision does not, necessarily, require the constant physical presence of the supervising anesthesiologist or an anesthesiologist who is acting in a Board-approved supervisory role to the anesthesiologist assistant; however, the anesthesiologist must remain readily available in the facility.

(3) Except in life-threatening situations, the supervising anesthesiologist shall be readily available for personal supervision and shall be responsible for pre-operative, intra-operative and post-operative care.

(4) The supervising anesthesiologist shall insure that, with respect to each patient, all activities, functions, services and treatment measures are immediately and properly documented in written form by the anesthesiologist assistant. All written entries shall be reviewed, countersigned, and dated by the supervising anesthesiologist. The supervising anesthesiologist's signature on the anesthetic record will fulfill this requirement for all written entries on the anesthetic record.

(5) All of the above is to emphasize that there shall be no independent, unsupervised practice by anesthesiologist assistants.

(6) In the event of an unanticipated, permanent absence of a supervising anesthesiologist, a previously approved covering anesthesiologist may be designated as a temporary supervising

anesthesiologist for a period of up to sixty (60) days. During the sixty (60) day time period, a new registration agreement designating a new supervising anesthesiologist should be submitted for approval.

(7) In the event of a national emergency duly declared by Federal officials or in the event of a natural disaster or state emergency duly declared by the Governor, an anesthesiologist assistant may provide emergency medical without immediate physician supervision or direction to patients within the affected areas of the state, provided that the treatment is within the scope of assistant's education, training and approved job description. In the administration of anesthetic agents during the course of surgery, the assistant shall be directed by a licensed physician. The anesthesiologist assistant in such circumstance shall make reasonable efforts to inform his supervising physician of the location and type of emergency medical services being provided and shall act in conformance with the direction of local medical supervisors. The authority granted under this paragraph shall extend only for the duration of the declared national emergency or state emergency or natural disaster.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. **Repealed and Replaced:** Filed July 23, 1999;

effective August 27, 1999. **Amended:** Filed November 22, 1999; effective December 27, 1999. **Repealed and New Rule:** Filed

August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002.

Amended: Filed November 19, 2004; effective December 24, 2004.

Amended (Rule Number Only): Filed September 11, 2008; effective October 16, 2008. **Amended:** Filed October 19, 2017; effective December 3, 2017.

Ed. Note: Previous Rule 540-X-7-.53 was renumbered to .56 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.57 **Covering Anesthesiologists For Anesthesiologist Assistants (A.A.).**

(1) When the primary supervising anesthesiologist is off duty, out of town, not on call, or not immediately available to respond to patients' medical needs, the anesthesiologist assistant is not authorized to perform any act or render any treatments unless another qualified anesthesiologist in the same partnership, group,

medical professional corporation or anesthesiologist practice foundation or with whom the primary supervising anesthesiologist shares call is on call and is immediately available to supervise the anesthesiologist assistant and has previously filed with the Board a letter stating that he or she assumes all responsibility for the actions of the anesthesiologist assistant during the temporary absence of the primary supervising anesthesiologist.

(2) The covering anesthesiologist providing the supervision shall also affirm in the letter that he or she is familiar with the current rules regarding anesthesiologist assistants and the job description filed by the primary supervising anesthesiologist and the anesthesiologist assistant and that he or she is accountable for adequately supervising the medical care rendered pursuant to the job description.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.54 was renumbered to .57 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.58 Functions And Activities Of An Anesthesiologist Assistant (A.A.).

(1) There shall be a direct, continuing and close supervisory relationship between the anesthesiologist assistant and the anesthesiologist to whom the assistant is registered. The supervising anesthesiologist shall, at all times, be responsible for the activities of the anesthesiologist assistant.

(2) The anesthesiologist assistant shall provide medical services within the education, training, and experience of the anesthesiologist assistant that are delegated by the supervising anesthesiologist. These services include, but are not limited to:

(a) Administers anesthesia under the supervision of an anesthesiologist.

(b) Performs initial acute cardio-pulmonary resuscitation in life-threatening situations as directed by a physician.

(c) Establishes multi-parameter monitoring of patients prior to, during and after anesthesia or in other acute care situations. This may include invasive/non-invasive monitoring under the direct supervision of an anesthesiologist. Also, other monitoring as may be developed for anesthesia and intensive care use may be incorporated.

(d) Manages perioperative anesthetic care, including ventilatory support and other respiratory care parameters as directed by an anesthesiologist.

(e) Assists in research projects as carried out by an anesthesiologist.

(f) Instructs others in principles and practices of anesthesia, respiratory care and cardiopulmonary resuscitation as directed by the anesthesiologist.

(g) Assists an anesthesiologist in gathering routine perioperative data.

(h) The choice of anesthesia and drugs to be employed are prescribed by anesthesiologist for each patient except:

1. where standard orders for the conduct of a specified anesthetic are prescribed; and

2. where life-threatening emergencies arise necessitating the utilization of standard therapeutic or resuscitation procedures. An anesthesiologist will be immediately available for consultation regarding changes from standard procedures.

(3) The job description in the form specified in Appendix F to Chapter 7 is approved by the Board as a model job description which shall be acceptable to the Board if submitted by a qualified applicant for registration in compliance with Rule 540-X-7-.48.

(4) An anesthesiologist assistant is prohibited from performing any medical service, procedure, function, or activity which is not listed in the job description approved by the Board.

(5) Requests for changes in the job description of the assistant, including addition of specialized duties and tasks, shall be submitted, in writing, by the supervising anesthesiologist to the Board for prior approval.

(6) Should the supervising anesthesiologist contemplate a request for additional duties for the assistant for addition to the assistant's Job Description, a written request shall be submitted to and approved by the Board prior to any additional duty or procedure being performed by the assistant.

(7) When any addition of a duty or procedure to the assistant's Job Description is contemplated, a written request for training of the assistant in the duty or procedure shall be submitted to and approved by the Board prior to the assistant actually receiving any training in the duty or procedure.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed

September 19, 2002; effective October 24, 2002. **Amended:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.55 was renumbered to .58 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.59 Limitations Upon Utilization Of Anesthesiologist Assistants (A.A.).

(1) An anesthesiologist may have registered to him or her not more than four (4) anesthesiologist assistants.

(2) An anesthesiologist assistant may be registered to more than one supervising anesthesiologist at any one time. The number of supervising anesthesiologists to whom an anesthesiologist assistant may be registered shall be restricted by the Board if the Board, in its discretion, determines that such restriction is

appropriate to maintain the quality of medical services being provided or to otherwise protect the public health, safety and welfare.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290 thru 34-24-303.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.56 was renumbered to .59 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.60 **Prohibited Activities And Functions - Anesthesiologist Assistants (A.A.)**. Any medical service, procedure, activity or function not specifically enumerated in the job description approved by the Board is prohibited.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.57 was renumbered to .60 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.61 **Medication Orders - Anesthesiologist Assistants (A.A.)**. An anesthesiologist assistant may administer drugs commonly used in anesthesia practice, by protocol (i.e., routine or urgent/emergent) or as directed by the supervising anesthesiologist who formulates the anesthetic plan and maintains continual supervision.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners.

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed September 19, 2002; effective October 24, 2002. **Amended (Rule Number Only):** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.58 was renumbered to .61 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.62 Continuing Medical Education - Anesthesiologist Assistant (A.A.).

(1) (a) Every anesthesiologist assistant licensed by the Board must earn or accrue in each calendar year not less than twenty-five (25) hours of AMA PRA Category 1 Credits™ or the equivalent as defined in this rule of continuing medical education as a condition precedent to receiving his or her annual renewal of license, unless he or she is exempt from the minimum continuing medical education requirement.

(b) 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 1 Credit™ continuing medical education shall mean those programs of continuing medical education designated as AMA PRA Category 1 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 1 continuing medical education programs.

(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 1 Credit™ continuing medical education:

(a) Programs of continuing medical education designated as Category 1-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category 1-A continuing medical education for osteopathic physicians.

(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.

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

(d) 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.

(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.

(4) Every anesthesiologist assistant subject to the minimum continuing medical education requirement established in these rules shall maintain records of attendance or certificates of completion demonstrating compliance with the minimum continuing medical education requirement. Documentation adequate to demonstrate compliance with the minimum continuing medical education requirements of these rules shall consist of certificates of attendance, completion certificates, proof of registration, or similar documentation issued by the organization or entity sponsoring or conducting the continuing medical education program. The records shall be maintained by the anesthesiologist assistant for a period of three (3) years following the year in which the continuing medical education credits were earned and shall be subject to examination by representatives of the State Board of Medical Examiners upon request. Every anesthesiologist assistant subject

to the continuing medical education requirements of these rules must, upon request, submit a copy of such records to the State Board of Medical Examiners for verification. Failure to maintain records documenting that an anesthesiologist assistant has met the minimum continuing medical education requirement, and/or failure to provide such records upon request to the Board is hereby declared to be unprofessional conduct and may constitute grounds for discipline of the anesthesiologist assistant's license to practice as an anesthesiologist assistant, in accordance with the statutes and regulations governing the disciplining of an anesthesiologist assistant's license.

(5) Every anesthesiologist assistant shall certify annually that he or she has met the minimum annual continuing medical education requirement established pursuant to these rules or that he or she is exempt. This certification will be made on a form provided on the annual renewal of license application required to be submitted by every anesthesiologist assistant on or before December 31st of each year. The Board shall not issue a renewed license to any anesthesiologist assistant who has not certified that he or she has met the minimum continuing medical education requirement unless the anesthesiologist assistant is exempt from the requirement.

(6) An anesthesiologist assistant who is unable to meet the minimum continuing medical education requirement by reason of illness, disability or other circumstances beyond his control may apply to the Board for a waiver of the requirement for the calendar year in which such illness, disability or other hardship condition existed. A waiver may be granted or denied within the sole discretion of the Board, and the decision of the Board shall not be considered a contested case and shall not be subject to judicial review under the Alabama Administrative Procedure Act. If a waiver is granted, the anesthesiologist assistant shall be exempt from the continuing medical education requirement for the calendar year in which the illness, disability or other hardship condition existed.

(7) An anesthesiologist assistant receiving his or her initial license to practice medicine in Alabama is exempt from the minimum continuing medical education requirement for the calendar year in which he or she receives his initial license.

(8) A anesthesiologist assistant who is a member of any branch of the armed forces of the United States and who is deployed for military service is exempt from the continuing medical education requirement for the calendar year in which he or she is deployed.

(9) If an anesthesiologist assistant fails to renew his or her license before January 1 and, subsequently, applies to renew the license, then the applicant must submit proof of completion of not less than twenty-five (25) AMA PRA Category 1 Credits™ or the equivalent as defined in this rule of continuing medical education within the preceding twelve (12) months as a condition precedent to the renewal of such license.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed

September 19, 2002; effective October 24, 2002. **Amended:** Filed

May 21, 2004; effective June 25, 2004. **Amended (Rule Number Only):**

Filed September 11, 2008; effective October 16, 2008. **Amended:**

Filed November 18, 2009; effective December 23, 2009. **Amended:**

Filed March 11, 2010; effective April 15, 2010. **Amended:** Filed

April 12, 2013; effective May 17, 2013. **Amended:** Filed

December 12, 2013; effective January 16, 2014.

Ed. Note: Previous Rule 540-X-7-.59 was renumbered to .62 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.63 Forms Requiring An Anesthesiologist's Signature - Anesthesiologist Assistant (A.A.).

(1) Unless prohibited by Federal or state statutes or regulations or by the agency governing a specific form, an anesthesiologist assistant may sign any form which can be authenticated by the supervising anesthesiologist's signature, if signing by the anesthesiologist assistant is authorized by the supervising anesthesiologist.

(2) Anesthesiologist assistants are prohibited from signing prescriptions for controlled substances.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners.

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed

September 19, 2002; effective October 24, 2002. **Amended (Rule**

Number Only): Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.60 was renumbered to .63 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.64 Grounds For Termination Of Registration Involuntary - Anesthesiologist Assistant (A.A.)

The commission by an anesthesiologist assistant or anesthesiologist of any act, offense or condition set forth in Rule 540-X-7-.45 or Rule 540-X-7-.51 shall be grounds, within the discretion of the Board, to terminate the registration of an anesthesiologist assistant to perform medical services under the supervision of an anesthesiologist.

Author: Patricia E. Shiner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed

September 19, 2002; effective October 24, 2002. **Amended:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.61 was renumbered to .64 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.65 Termination Of Registration - Involuntary - Anesthesiologist Assistant (A.A.) - Hearings

Before terminating the registration of an anesthesiologist assistant on any of the grounds specified in Rule 540-X-7-.64, the Board shall conduct a hearing under the provisions of the Alabama Administrative Procedure Act, §§341-22-1, et. seq., Code of Alabama 1975, and Chapter 6 of the Rules of the Board.

Author: Patricia E. Shaner, Attorney for the Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq.

History: New Rule: Filed July 23, 1999; effective August 27, 1999.

Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and New Rule: Filed August 22, 2002; effective September 26, 2002. **Repealed and New Rule:** Filed

September 19, 2002; effective October 24, 2002. **Amended:** Filed September 11, 2008; effective October 16, 2008.

Ed. Note: Previous Rule 540-X-7-.39 was renumbered to .41 as per certification filed September 11, 2008; effective October 16, 2008.

540-X-7-.66 Investigations - Anesthesiologist Assistant (A.A.).

(1) During the course of an investigation, the Board may require that an anesthesiologist assistant submit to a criminal history background check to include the following:

(a) The provision of fingerprints using forms provided by the Board;

(b) The execution and provision of a criminal history information release using forms provided by the Board;

(c) The payment of a fee in an amount established in Rule 540-X-3-.09(2).

(2) The fingerprints shall be submitted to the Alabama Bureau of Investigation (ABI), which is responsible for forwarding the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

(3) Information received by the Board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received and relied upon in an investigation by the Board may be disclosed to the anesthesiologist assistant.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq. and Act No. 08-378.

History: New Rule: Filed October 15, 2008; effective November 19, 2008.

540-X-7-.67 Examinations/Evaluations - Anesthesiologist Assistant (A.A.).

(1) When the issue is whether an anesthesiologist assistant is physically or mentally capable of practicing as an

anesthesiologist assistant with reasonable skill and safety to patients, then, upon a showing of probable cause to the Board that the anesthesiologist assistant is not capable of practicing with reasonable skill and safety to patients, the Board may order and direct the anesthesiologist assistant in question to submit to a physical, mental or laboratory examination or any combination of such examinations to be performed by a physician designated by the Board. The expense of such examination shall be borne by the anesthesiologist assistant who is so examined.

(2) Every anesthesiologist assistant licensed to practice as an anesthesiologist assistant in the state of Alabama who accepts the privilege of practicing by actually practicing or by the making and filing of an annual registration to practice shall be deemed to have given consent to submit to a mental, physical or laboratory examination or to any combination of such examinations and to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications.

(3) Upon receipt of credible information that an anesthesiologist assistant has been evaluated or has received inpatient or outpatient treatment for any physical, psychiatric or psychological illness or for chemical dependency, drug addiction or alcohol abuse, the Board may order that the anesthesiologist assistant execute and deliver to the Board an authorization and release form directed to each and every facility or treatment provider authorizing and directing the release to the Board of any reports of evaluation, mental or physical, or examination, including psychiatric, psychological, and neuropsychiatric examinations, hospital and treatment provider medical records, reports of laboratory tests for the presence of alcohol or drugs, rehabilitation records and mental competency evaluations. Any and all expenses incurred in the furnishing of the reports, records, or documents which are the subject of an order issued by the Board shall be borne by the anesthesiologist assistant who is the subject of the order.

(4) Failure or refusal by the anesthesiologist assistant to comply with an order of the Board directing the execution and delivery to the Board of an authorization and release form as provided in paragraph (3) herein shall constitute grounds for the summary suspension of the anesthesiologist assistant's license to practice. The suspension shall continue in effect until such time as the anesthesiologist assistant complies with the order of the Board or the order is withdrawn by the Board.

(5) All reports, records, and documents released to the Board under the provisions of paragraph (3) herein are privileged and confidential and shall not be public records nor available for court subpoena or for discovery proceedings, but may be used by the Board in the course of its investigation and may be introduced as evidence in administrative hearings conducted by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, et. seq. and Act No. 08-378.

History: New Rule: Filed October 15, 2008; effective November 19, 2008.

540-X-7-.68 Voluntary Surrender, Voluntary Restrictions, Reinstatements - Anesthesiologist Assistant (A.A.).

(1) An anesthesiologist assistant may surrender his or her license to practice or request in writing to the Board that a restriction be placed upon the license. The Board may accept a surrender or grant such a request for restriction and shall have the authority, if it deems appropriate, to attach such restrictions to the license.

(2) Removal of a voluntary restriction on the license shall be done only by order of the Board.

(3) If the Board accepts the surrender of a license, any current registration of the anesthesiologist assistant shall be automatically terminated, and the anesthesiologist assistant shall not be authorized to practice within the state of Alabama.

(4) Requests for modification or termination of restrictions on a license or for reinstatement of a revoked or surrendered license which are filed with the Board within 24 months of the effective date of the restriction, revocation or surrender may, within the discretion of the Board, be dismissed by the Board as prematurely filed. A request as described above which is filed with the Board more than 24 months following the effective date of the restriction, revocation or surrender may be granted or may be set for a hearing before the Board, and such hearing shall be conducted as a contested case under the Alabama Administrative Procedure Act.

(5) The Board shall be without jurisdiction to reinstate a revoked or voluntarily surrendered license if the request for

reinstatement is received by the Board more than five years after the effective date of the revocation or surrender.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-290, *et. seq.* and Act No. 08-378.

History: New Rule: Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Due to the agency making such drastic changes (moving rules around, changing titles, repealing and adding new rules) in this chapter, it was difficult to accurately post the history. The changes that were made to the complete chapter prior to the July 23, 1999, are: Existing Chapter 540-X-7 Physician's Assistants and Surgeon's Assistants was repealed and new Chapter 540-X-7, Assistants to Physicians was filed November 16, 1995; effective December 16, 2004. Rules 540-7-1-.01 and .02 were amended and New Rules 540-X-7-.43 - .60 were added filed September 22, 1995; effective October 27, 1995. Chapter 540-X-7 and Appendices C, D, and L were amended filed December 20, 1996; effective January 24, 1997.