

ALABAMA BOARD OF MEDICAL EXAMINERS
ADMINISTRATIVE CODECHAPTER 540-X-3
CERTIFICATE OF QUALIFICATION

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540-X-3-.01 General Requirements That Apply To All Applicants For A Certificate Of Qualification. All applicants for a certificate of qualification must satisfy the requirements of rule 540-X-3-.01 to 540-X-3-.10, inclusive.

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.02 Medical Education Requirement.

(1) All applicants for a certificate of qualification shall present a diploma or evidence of graduation from any of the following institutions:

(a) A college of medicine or school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association.

(b) A college of osteopathy accredited by the American Osteopathic Association.

(c) A college of medicine or school of medicine not accredited by the Liaison Committee on Medical Education which is approved by the Board of Medical Examiners and whose graduates are eligible for examination by the Education Commission for Foreign Medical Graduates (ECFMG) for its certificate. The Education Commission for Foreign Medical Graduates (ECFMG) and its sponsoring organizations define a "graduate of a foreign medical school" as a physician whose basic medical degree or qualification was conferred by a medical school located outside the United States, Canada, and Puerto Rico. The medical school must be listed, at the time of an applicant's graduation, in the *World Directory of Medical Schools* published by the World Health Organization or in the International Medical Education Directory published by the Foundation for Advancement of International Medical Education and Research.

(2) The Board may, within its discretion, withhold approval of any college of medicine designated in (1)(c) above which:

(a) Has had its accreditation withdrawn by a national or regional accreditation organization; or

(b) Has had its authorization, certification, or licensure revoked or withdrawn by a national or regional governmental supervisory agency; or

(c) Has been denied approval or has had its approval withdrawn by any national, state, or territorial licensing jurisdiction based upon an evaluation of the college of medicine or upon a finding of misconduct by the college; or

(d) The Board has determined has engaged in fraudulent, criminal, or other practices which are inconsistent with quality medical education.

1. A college of medicine which allows graduation from its medical school program, issues diplomas, or confers medical degrees based on course work offered via the Internet or online programs, and which is deemed by the Board to be a college of medicine which engages in practices which are inconsistent with quality medical education, will not be an approved college of medicine for the purpose of fulfilling the medical education requirement of Code of Ala. 1975, §34-24-70 and this rule.

(3) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with subparagraphs (1)(a), (1)(b) and (1)(c) above.

(4) If the diploma of the applicant is based in any part upon clinical rotations, clerkships or training which was completed at hospitals which are not located within the same country where the medical school is principally located or where the director of the clinical rotation, clerkship or training is not directly responsible to the administration of the medical school, the applicant shall have the director of the clinical rotation, clerkship or training at the hospital where the clinical rotation, clerkship or training was undertaken send an original letter to the Board outlining the dates of the training, the exact type of training completed and an evaluation of the applicant's performance in the clinical rotation, clerkship or training undertaken.

(5) In the event that the Alabama Board of Medical Examiners shall, after careful consideration, determine that there exists substantial credible evidence to indicate that a college of medicine or a college of osteopathy located outside of the United States may have issued or is issuing diplomas to individuals who have not in fact acquired such diploma by actual attendance at and participation in a residency program of medical instruction and clinical rotations then in such event the Board may require that an applicant holding a diploma from such college submit the following additional documentation in conjunction with his or her application:

(a) That the applicant document to the satisfaction of the Board actual attendance in residence at all portions of the program of medical instruction designed to be taken in residence on the premises of the college of medicine or college of osteopathy issuing the diploma.

(b) That the applicant document to the satisfaction of the Board actual attendance and participation in clinical programs of instruction, or clinical rotations at a hospital facility actually affiliated with the college of medicine or college of osteopathy and offered as a part of the overall program of medical education.

(c) The foregoing requirements shall apply to applicants for a certificate of qualification by endorsement under Code of Ala. 1975, §34-24-73, or by examination under Code of Ala. 1975, §34-24-70, or for limited licensure under Code of Ala. 1975, §34-24-75.

(d) The Board shall publish and maintain a list of any colleges of medicine or colleges of osteopathy which it determines to be within the scope of this rule.

(e) The documentation which the Board of Medical Examiners will deem to be acceptable for the purposes of this rule shall include, but is not limited to, passport data showing entry to and exit from the country in which the college of medicine or college of osteopathy is located; other travel or immigration documents issued by the United States Government, or the government of the country in which the college of medicine or college of osteopathy is located reflecting residence in that country; the sworn and notarized certification of the department or division director of any clinical program affiliated with the college of medicine or college of osteopathy attesting to the attendance and residency of the applicant; or any other impartial documents as would be considered trustworthy by a reasonably prudent person in the conduct of his most important affairs. Failure of the applicant to document actual attendance as specified above will result in a denial of the application for certificate of qualification. The requirements set forth in this rule shall be in addition to all of the other requirements set forth in the rules and regulations of the State Board of Medical Examiners.

(6) The following Colleges of Medicine or Schools of Medicine are not approved by the Board for applicants for certificates of qualification pursuant to the authority of Code of Ala. 1975, §34-24-70(a)(1)c. and Rule 540-X-3-.02(2):

(a) Universidad Tecnoglica de Santiago, Dominican Republic (UTESA)

(b) Universidad Eugenio Maria de Hostos, Dominican Republic (UNIREMHOS)

(c) St. Christopher's College, Dakar, Senegal

(d) University of Health Sciences Antigua, St. Johns (Antigua), Dominican Republic

(7) Graduates of the following colleges of medicine or schools of medicine are required to submit the additional documentation required by Rule 540-X-3-.02(5)(a) through (d) in conjunction with an application for a certificate of qualification:

(a) Kigezi International School of Medicine, Uganda, Africa

(b) Universidad Centro de Estudios Tecnologicos, Dominican Republic (CETEC)

(c) Universidad Fedrico Henriquez Carajal, Dominican Republic (UFHEC)

(d) Universidad Centro de Investigacion Formacion Asesona Social, Dominican Republic (CIFAS)

(e) Spartan University (A.K.A. St. Lucia Health Sciences University), Dominican Republic

(f) Universidad Autonoma de Ciudad Juarez, Mexico

(g) Universidad Mexico American Del Norte, Mexico

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.03 Post-Graduate Education Requirement.

(1) Applicants for a certificate of qualification who graduated from a college of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association or a college of osteopathy accredited by the American Osteopathic Association shall present evidence satisfactory to the Board that the applicant has completed one (1) year of post-graduate or residency training in any of the following programs:

(a) A program listed in the directory of approved residency training programs published by the American Medical Association.

(b) A program accredited by the American Osteopathic Association.

(c) A program accredited by the Accreditation Committee of Royal College of Physicians and Surgeons of Canada

(d) A program accredited by the College of Family Physicians of Canada.

(e) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with subparagraphs (a), (b), (c), and (d) above.

(2) Applicants for a certificate of qualification who graduated from a college of medicine not accredited by the Liaison Committee on Medical Education of the American Medical Association or a college of osteopathy not accredited by the American Osteopathic Association shall present evidence satisfactory to the Board that the applicant has completed three (3) years of post-graduate or residency training in any of the following programs:

(a) A program listed in the directory of approved residency training programs published by the American Medical Association.

(b) A program accredited by the American Osteopathic Association.

(c) A program accredited by the Accreditation Committee of Royal College of Physicians and Surgeons of Canada.

(d) A program accredited by the College of Family Physicians of Canada.

(e) Documentation submitted through the Federation Credentials Verification Service (FCVS) may be accepted to demonstrate compliance with subparagraphs (a), (b), (c), and (d) above.

(3) The terms "has completed one (1) year of post-graduate or residency training" and "has completed three (3) years of post-graduate or residency training" shall mean that the applicant has successfully completed or met the program's established criteria, standards or requirements which are necessary for promotion to the next level of post-graduate training or that the applicant has successfully completed or met the program's established criteria, standards or requirements which are necessary for completion of the program.

(4) Merely accumulating twelve (12) months of post-graduate or residency training or thirty-six (36) months of post-graduate or residency training shall not be evidence satisfactory to the Board that the applicant has fulfilled the post-graduate education requirement necessary for qualifying for the issuance of a certificate of qualification for a license to practice medicine in Alabama.

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540-X-3-.04 Examination Requirements.

(1) Applicants for a certificate of qualification shall achieve a passing score as determined by the Board of Medical Examiners on any of the examinations listed below:

(a) The United States Medical Licensing Examination (USMLE).

1. Applicants who are not dual degree candidates as specified in subparagraph (1)(a)3. below, shall have achieved a passing score on Step 3 in not more than three administrations. These applicants shall have passed Steps 1, 2 and 3 within a seven-year period. The time period for completion of Steps 1, 2 and 3 begins when the applicant initially passes his or her first Step. The Board shall not accept scores from a re-examination of a previously passed Step of the USMLE. The seven-year period is determined on a calendar year to calendar year basis. These applicants shall not have attempted to pass Steps 1, 2 and 3 a combined total of more than ten (10) times.

2. Applicants who are not dual degree candidates as specified in subparagraph (1)(a)3. below and who are currently board certified by one or more of the specialty boards recognized by the American Board of Medical Specialties or the American Osteopathic Association shall not be required to pass Steps 1, 2 and 3 within the seven-year period specified in subparagraph (1)(a)1. above; however, these applicants shall be limited to a

combined total of ten (10) attempts to pass Steps 1, 2 and 3 as set forth in subparagraph (1)(a)1.

3. Applicants who are dual degree candidates as defined in these rules shall have achieved a passing score on Step 3 in not more than three administrations, and shall have completed Steps 1, 2 and 3 within a ten (10)-year period, except that the Board may approve, within its discretion and at the request of the applicant, a longer period not to exceed 15 years. The time period for completion of Steps 1, 2, and 3 begins when the applicant initially passes his or her first step. The time period for completion is determined on a calendar year to calendar year basis. The Board shall not accept scores from a re-examination of a previously passed step of the USMLE.

4. For purposes of the United States Medical Licensing Examination, dual degree candidates are defined as the following:

(i) The applicant is pursuing the M. D. or D. O. degree and the Ph.D. degree in an institution or program accredited by the LCME and a regional university accrediting body; and

(ii) The applicant is a student in good standing, enrolled in the institution or program; and

(iii) The Ph.D. studies are in a field of biological sciences tested in the USMLE Step 1 content, including, but not limited to anatomy, biochemistry, physiology, microbiology, pharmacology, pathology, genetics, neuroscience and molecular biology.

5. If an applicant fails to achieve a passing score on Step 3 in three administrations, the Board may approve one additional attempt to pass Step 3 after demonstration by the applicant of additional education, experience, or training acceptable to the Board.

(b) The Federation Licensing Examination.

(c) The National Board of Medical Examiners Examination.

(d) The National Board of Osteopathic Medical Examiners Examination or its successor examination.

(e) The Licensing Medical Council of Canada Examination.

(f) Any other examination which is currently approved or which may later be approved by the Board of Medical Examiners and which examines in the following branches of medical learning: general medicine, surgery, obstetrics, gynecology, preventive medicine, jurisprudence, and any other branches as the Board may require. The Board of Medical Examiners does not approve the Florida State Board Examination given prior to June, 1979, and the Board of Medical Examiners does not approve the Puerto Rican Board Examinations given prior to the FLEX and the NBME being used as licensing examinations in Puerto Rico.

(g) The combination of examinations as established in Rule 540-X-3-.04(3) below.

(2) Beginning January 1, 2000, the following requirements shall apply:

(a) All applicants for initial licensure by examination shall achieve a passing score, as determined by the Board of Medical Examiners, on the United States Medical Licensing Examination or the National Board of Osteopathic Medical Examiners Examination or its successor examination.

(b) Applicants by endorsement licensed in another state, the District of Columbia, a territory of the United States, or a province of Canada who completed any one of the licensing examinations listed above prior to January 1, 2000, are eligible for licensure upon proof of a passing score of such examination.

(c) Applicants by endorsement licensed in another state or the District of Columbia, or a territory of the United States, or a province of Canada whose licensing examination was completed after January 1, 2000, shall achieve a passing score, as determined by the Board of Medical Examiners, on the United States Medical Licensing Examination or the National Board of Osteopathic Medical Examiners Examination or its successor examination.

(3) The Board has established that the successful completion of certain combinations of the Federation Licensing Examination, National Board of Medical Examiners Examination and/or United States Medical Licensing Examinations, which are listed herein, are acceptable through January 1, 2000, in satisfaction of the examination requirement for a certificate of qualification. Those combinations and the passing score for each examination component are as follows:

(a) NBME Part 1 (passing score=75) or USMLE Step 1 (passing score=75); plus NBME Part 11 (passing score=75) or USMLE

Step 2 (passing score=75); plus NBME Part III (passing score=75) or USMLE Step 3 (passing score=75); or

(b) FLEX Component 1 (passing score=75); plus USMLE Step 3 (passing score=75); or

(c) NBME Part 1 (passing score=75 or USMLE Step 1 (passing score=75); plus NBME Part 11 (passing score=75) or USMLE Step 2 (passing score=75); plus FLEX Component 2 (passing score=75).

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

Author: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.05 Criminal History Background Check.

(1) Beginning October 1, 2008, all applicants for a certificate of qualification shall submit to a criminal history background check by providing fingerprints and executing a criminal history information release using forms provided by the Board.

(2) Fingerprints provided by each 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.

(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 by and relied upon by the Board in denying the issuance of a certificate of qualification may be disclosed as may be necessary to support the denial.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 08-397.

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

540-X-3-.06 Education Council For Foreign Medical Graduates (ECFMG) Certification Requirement.

(1) All applicants who graduated from a college of medicine not accredited by the Liaison Committee of Medical Education or the American Osteopathic Association shall achieve certification given by the Education Council for Foreign Medical Graduates or shall achieve a Fifth Pathway Certification and pass the examination administered by the Education Council For Foreign Medical Graduates. For the purposes of this rule, Fifth Pathway Certification and passage of the examination administered by the Education Council For Foreign Medical Graduates is hereby deemed equivalent to certification given by the Education Council For Foreign Medical Graduates. Proof of certification or passage of the examination must be sent directly from the Education Council for Foreign Medical Graduates to the Alabama State Board of Medical Examiners. Proof of Fifth Pathway Certification must be sent directly from the certifying agency to the Alabama State Board of Medical Examiners.

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

Author: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.07 Additional Requirements For Examination For Certain Applicants.

(1) All applicants who have not passed a written state licensing examination, the examination given by the National Board of Medical Examiners, the United States Medical Licensing Examination, the National Board of Osteopathic Medical Examiners Examination, the examination given by the Licensing Medical Council of Canada, the Special Purpose Examination, or the Federation Licensing Examination within ten (10) years immediately preceding the date of the application shall either:

(a) Achieve a minimum score of 75 on the Special Purpose Examination; or

(b) Be certified by or achieve a passing score on a recertification examination given by one of the specialty boards approved by the American Board of Medical Specialties or one of the specialty boards approved by the American Osteopathic Association within ten (10) years immediately preceding the date of the application.

(2) The SPEX shall be administered at dates and times to be established by the Examination Board of the Federation of State Medical Boards of the United States, Inc. pursuant to policies and procedures established by the Federation of State Medical Boards of the United States, Inc.

(3) SPEX Eligibility:

(a) The following individuals are eligible to take the Special Purpose Examination in Alabama:

1. Applicants who are applying for licensure in Alabama who are required to take the examination under another provision of this section.

2. Individuals required to take the examination pursuant to an order or directive of the State Board of Medical Examiners or the Medical Licensure Commission.

(b) All applicants for a certificate of qualification who are required to achieve a passing score on the SPEX shall have achieved a passing score in not more than three (3) administrations. Applicants who have not achieved a passing

score within three (3) administrations shall no longer be eligible to take the SPEX.

(c) Individuals required to take the SPEX pursuant to a Board order or directive shall have achieved a passing score in not more than three (3) administrations, and those individuals who have not achieved a passing score within three (3) administrations shall no longer be eligible to take the SPEX.

(4) Endorsement applicants who are required to take the SPEX and who choose to take the SPEX through a licensing jurisdiction other than the State of Alabama must have proof of passage of the SPEX sent directly from the Federation of State Medical Boards of the United States, Inc. to the Alabama Board of Medical Examiners. Applicants may request that a certified transcript of their SPEX score be forwarded by the Federation of State Medical Boards of the United States, Inc. to the Alabama Board of Medical Examiners. An application will not be deemed complete until such proof of passage of the SPEX is received by the Alabama State Board of Medical Examiners.

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

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.08 Interview Requirements. The Board may, within its discretion, require that an applicant attend a personal interview with the Credentials Committee of the Board or, at its direction, a representative of the Board in the following circumstances:

(a) When the applicant's answer to any question on the application is incomplete or requires additional explanation;

(b) When the Board is in receipt of any information from any source concerning the applicant that would require additional information or explanation;

(c) When it appears that the applicant may have committed any of the acts constituting grounds for denial of a license.

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.09 Fees Payable For Applicants For Certificates Of Qualification For Licensure To Practice Medicine In Alabama.

(1) All applicants for a certificate of qualification whether by examination, endorsement, or without examination (limited license) shall submit an application fee in the amount of One Hundred and Seventy-five (\$175.00) Dollars.

(2) Beginning October 1, 2008, all applicants for a certificate of qualification shall pay a criminal history background check fee which shall include the following:

(a) That fee stated in the agreement between the Board and the Alabama Bureau of Investigation which is in effect at the time the application for a certificate of qualification is filed with the Board; and

(b) A fee for administrative costs to be set and adopted by the Board and to continue on an annual basis until modified by action of the Board, to include costs for necessary contract services.

(3) In addition to the application fee stated above, those applicants for a certificate of qualification by examination (USMLE) and/or those applicants for a certificate of

qualification who are required by these rules to take and pass the SPEX examination shall submit examination fees according to the following schedule:

(a) Those applicants for a certificate of qualification by USMLE examination shall pay an examination fee which shall include the following:

1. That fee which, pursuant to an Official Notice from the United States Medical Licensing Examination, is in effect at the time the application for a certificate of qualification by examination is filed with the Alabama Board of Medical Examiners.

2. A fee for administration cost to be set on an annual basis. All Official Notices regarding USMLE fees and any administration fee shall be kept on file in the office of the Executive Director of the Alabama State Board of Medical Examiners.

(b) Those applicants who are required to take and pass the SPEX examination and who choose to sit for the SPEX in the State of Alabama shall pay that fee which, pursuant to an Official Notice from the Federation of State Medical Boards of the United States, is in effect at the time the application to take the SPEX is filed with the Alabama Board of Medical Examiners. All Official Notices regarding SPEX fees from the Federation of State Medical Boards of the United States shall be kept on file in the office of the Executive Director of the Alabama State Board of Medical Examiners.

Author: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

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540-X-3-.10 Policy Of The Board Of Medical Examiners For Referral Of Applications For A Certificate Of Qualification Which Reflect Treatment Or Aftercare For Chemical Dependency And Substance Abuse Or Psychiatric Illness To The Alabama Physicians

Health Program For Evaluation And Recommendation To The Board Of Medical Examiners.

(1) The Contract between the Alabama Board of Medical Examiners and the Medical Association of the State of Alabama, Physicians Health Program (PHP) permits the Board to refer physicians with a history of treatment for chemical dependency and substance abuse to the Alabama PHP for evaluation and a recommendation back to the Board of Medical Examiners. It is the Board's policy that staff for the Board of Medical Examiners will refer to the Medical Director of the PHP the names of any applicants for a certificate of qualification who has disclosed in his or her application a history of addiction to alcohol or drugs and/or treatment, monitoring or aftercare for chemical dependency and substance abuse or psychiatric illness preceding the date of application. Referral will be accomplished under the following steps:

(a) A notice to applicants will be included in the package of application forms sent to a prospective applicant informing them of the Board's policy on referral to the PHP for evaluation. The notice will be in the following form: NOTICE: ALL PROSPECTIVE APPLICANTS ARE HEREBY NOTIFIED THAT IT IS THE POLICY OF THE ALABAMA BOARD OF MEDICAL EXAMINERS TO REFER ANY APPLICANT WHO HAS BEEN ADDICTED TO THE USE OF ALCOHOL OR CONTROLLED SUBSTANCES AND/OR WHO HAS RECEIVED ANY TREATMENT, MONITORING OR AFTERCARE FOR CHEMICAL DEPENDENCY OR SUBSTANCE ABUSE OR PSYCHIATRIC ILLNESS WITHIN TWO (2) YEARS PRECEDING THE DATE OF THE APPLICATION TO THE PHYSICIANS HEALTH PROGRAM FOR EVALUATION BY THE PHP AND A RECOMMENDATION TO THE BOARD OF MEDICAL EXAMINERS ON THE LICENSE APPLICATION. AS A PART OF THE APPLICATION PROCESS, APPLICANTS WILL BE EXPECTED TO COOPERATE FULLY WITH REQUESTS FOR INFORMATION AND/OR EVALUATIONS WHICH MAY BE RECOMMENDED BY THE MEDICAL DIRECTOR OF THE PHYSICIANS HEALTH PROGRAM IN CONSULTATION WITH THE BOARD'S PHYSICIAN MONITORING COORDINATOR. AN APPLICATION SHALL NOT BE DEEMED TO BE COMPLETE AND SHALL NOT BE PLACED ON THE AGENDA OF THE BOARD OF MEDICAL EXAMINERS UNTIL THE BOARD HAS RECEIVED A RECOMMENDATION FROM THE PHYSICIANS HEALTH PROGRAM. THIS POLICY APPLIES TO APPLICANTS FOR A CERTIFICATE OF QUALIFICATION BY ENDORSEMENT OR BY EXAMINATION OR WITHOUT EXAMINATION (LIMITED LICENSE).

(b) Upon receipt of an application for a certificate of qualification by examination or by endorsement or without examination (limited license) the staff of the Alabama Board of Medical Examiners will immediately provide a copy of the application and any accompanying materials submitted by the applicant to the Medical Director of the Physicians Health Program. Referral to the PHP will not be delayed pending receipt of other elements of the application such as verifications of

medical school and residency qualifications, license verifications in other states and tests results.

(c) Upon receipt of a referral for evaluation and recommendation from the Board of Medical Examiners, the Medical Director of the PHP will cause an evaluation and examination to be made of the information available and will determine what, if any, further information and/or evaluations are required in order for the PHP to make a recommendation to the Board of Medical Examiners on the application for a certificate of qualification. The Medical Director is authorized to communicate directly with the applicant to secure any additional information which may be required by the PHP in order to complete the evaluation. In the event that the Medical Director is unable to obtain the necessary information or in the event that the applicant is uncooperative with the PHP by failing or refusing to comply with the requests for information and/or evaluation, then in such event the Medical Director will notify the staff of the Board of Medical Examiners who will in turn notify the applicant in writing that his or her application will not be further considered by the Board unless and until a recommendation is received from the PHP.

(d) Upon completion of an evaluation, the Medical Director of the PHP will provide the staff of the Board of Medical Examiners a written recommendation stating whether in the opinion of the Medical Director the applicant can practice medicine with reasonable safety to patients and will specify any restrictions which he recommends should be placed on the applicants certificate of qualification.

(e) The Board of Medical Examiners' staff will provide a copy of the recommendation of the Medical Director to the applicant. If the Medical Director has recommended any restrictions on the certificate of qualification, the Board of Medical Examiners' Legal Department will prepare the necessary voluntary restriction and/or agreement as appropriate.

(f) When the other elements of the application have been received and the application is considered complete, the Board of Medical Examiners' staff will have the option to schedule the applicant for an interview with the Credentials Committee in accordance with the Committee's directive. The application will then be processed in the regular course of business.

(g) In any circumstances not specifically outlined by this Policy, the Executive Director and the Board of Medical Examiners' staff shall seek and obtain guidance from the Chairman of the Credentials Committee.

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

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Ed. Note: Rule 09 was renumber to .10 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.11 Application Forms Required For A Certificate Of Qualification.

(1) The application for a certificate of qualification by examination is contained in Appendix A to Chapter 3.

(2) The application for a certificate of qualification by endorsement is contained in Appendix B to Chapter 3.

(3) The application form for a certificate of qualification for a limited license is contained in Appendix C to Chapter 3.

(4) The application form for renewal of limited certificate of qualification is contained in Appendix G to Chapter 3.

(5) The application form for reinstatement of a certificate of qualification is contained in Appendix H to Chapter 3.

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

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Amended: Filed December 17, 1997; effective January 21, 1998.

Amended: Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Rule 10 was renumber to .11 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.12 Applicants For Certificate Of Qualification By Endorsement.

(1) The State Board of Medical Examiners may issue a certificate of qualification by endorsement on behalf of a person who presents evidence satisfactory to the Board of successful completion of one of the following:

- (a) The Federation Licensing Examination.
- (b) The National Board of Medical Examiners Examination.
- (c) The National Board of Osteopathic Medical Examiners Examination or its successor examinations.
- (d) The United States Medical Licensing Examination.
- (e) The Licensing Medical Council of Canada Examination.
- (f) Any other examination which is currently approved or which may later be approved by the Board of Medical Examiners and which examines in the following branches of medical learning: general medicine, surgery, obstetrics, gynecology, preventive medicine, jurisprudence, and any other branches as the Board may require. The Board of Medical Examiners does not approve the Florida State Board Examination given prior to June, 1979, and the Board of Medical Examiners does not approve the Puerto Board Examinations given prior to the FLEX and the NBME being used as licensing examinations in Puerto Rico.

(2) Endorsement applicants who are required to take the SPEX must submit an endorsement application and a Federation of State Medical Boards of the United States, Inc. application for SPEX.

(3) Applicants requesting licensure by the FLEX, NBME, NBOME, USMLE, or LMCC examination shall request and cause the respective agency to furnish the Alabama Board of Medical Examiners an official transcript of the applicant's scores on or before the deadline for application.

(4) An applicant holding a limited license who qualifies for certification by the Board within one year from the

end of the month when the limited license was issued, shall have the application fee waived.

(5) Beginning January 1, 2000, the following requirements shall apply:

(a) Applicants by endorsement who completed any one of the licensing examinations listed in Rule 540-X-3-.04(1) prior to January 1, 2000, are eligible for licensure upon proof of a passing score of such examination.

(b) Applicants by endorsement whose licensing examination was completed after January 1, 2000, shall achieve a passing score, as determined by the Board of Medical Examiners, on the United States Medical Licensing Examination or the National Board of Osteopathic Examiners Examination or its successor examination.

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

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

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Ed. Note: Rule 11 was renumber to .12 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.13 Requirements For Applicants For A Certificate Of Qualification By Examination To Be Administered By The Board.

(1) Requirements relating to the administration of Step 3 of the United States Medical Licensing Examination by the Board:

(a) The Board will administer USMLE Step 3 to applicants for a certificate of qualification who are applying for initial licensure in the State of Alabama and who meet all qualifications for administration of Step 3 of the USMLE. The Board will not administer the examination to physicians other than qualified applicants for licensure in Alabama.

(b) To be eligible to sit for USMLE Step 3, an applicant must have obtained the M.D. or D.O. degree, as provided in Rule 540-X-3-.02.

(c) To be eligible to sit for USMLE Step 3:

1. An applicant who graduated from a college of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association or a college of osteopathy accredited by the American Osteopathic Association must either be currently enrolled in a post-graduate/residency training program or have completed one (1) year of post-graduate/residency training, as provided in Rule 540-X-3-.03(1).

2. An applicant who graduated from a college of medicine not accredited by the Liaison Committee on Medical Education of the American Medical Association or a college of osteopathy not accredited by the American Osteopathic Association must either have completed two (2) years of post-graduate/residency training and be currently enrolled in the third year of post-graduate/residency training or have completed three (3) years of post-graduate/residency training, as provided in Rule 540-X-3-.03(2).

(d) To be eligible to sit for USMLE Step 3, an applicant must:

1. Have successfully completed both USMLE Steps 1 and 2; or

2. Have successfully completed combinations of FLEX components, NBME parts and/or USMLE Steps, as established in Rule 540-X-3-.04(4).

(e) To be eligible to sit for USMLE Step 3, an applicant must otherwise possess the qualifications for licensure as a physician in Alabama.

(f) An examinee who fails USMLE Step 3 may be re-examined at any subsequent examination upon payment of the required fee and submission of any required applications.

(g) A failure of any USMLE Step, regardless of the jurisdiction in which the examination was administered, shall be considered a failure of that step for purposes of Alabama licensure.

(h) Examination scores will be reported using a two digit scaled score. A score of 75 or better on each Step (1, 2 or 3) shall constitute a passing score on that Step. Rounding up of scores shall not be allowed.

(i) Each USMLE Step must be passed individually in order to successfully complete the USMLE examination. Individual Step scores shall not be averaged to complete an overall score.

(j) Step 3 of the USMLE will be administered as designated by the USMLE program.

Author: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated 5/20/93 repealing existing Chapter 3.

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Amended: Filed March 22, 2002; effective April 26, 2002.

Amended: Filed October 17, 2003; effective November 21, 2003.

Amended: Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Rule 12 was renumber to .13 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.14 Administrative Requirements For Examination By The Board.

(1) Each applicant shall pay an examination fee as established by the Board for each administration of the required examination. The examination fee is not returnable to an unsuccessful applicant.

(2) Examinations administered by the Board may be given in Montgomery or at any other location in the state determined by the Board on those dates and at those times as set by the Board.

(3) Applicants who are required to take the Special Purpose Examination or the United States Medical Licensing Examination administered by the Board shall, in addition to the other requirements of this section, be eligible to sit for and take the examination under the rules established by the organization which created the examination.

(4) The Board may enter into personal service contracts with individuals, firms, or corporations for the administration of any examination required by this section.

(5) The Board shall keep complete records of all examinations conducted, giving the name, age, residence, college, date of graduation of the applicant examined, and the results of the examination. These records shall be open to public inspection.

(6) Applicants will be expected to conduct themselves in a professional manner during all phases of the examination. Any applicant whose conduct is deemed to be unprofessional by a representative of the Alabama Board of Medical Examiners will be dismissed from the examination, provided however, that the applicant shall be allowed to take the examination at a future test date. For the purpose of this rule unprofessional conduct shall include, but shall not be limited to, the following types of conduct or behavior:

(a) Appearing for the examination while intoxicated or under the influence of drugs or both;

(b) The use of profanity or abusive language during the course of the examination;

(c) Failure to cooperate and/or follow the instructions of examiners or Board of Medical Examiners;

(d) Any and all actions on the part of applicant and/or examinees, or by others when solicited by an applicant and/or examinee, that subvert or attempt to subvert the examination process, including but are not limited to, the following: seeking and/or obtaining access to examination materials prior to the examination; falsification of information on application or registration of information on application or registration forms; impersonation of an examinee or engaging a proxy to take the examination; copying answers from another examinee; allowing answers to be copied; possessing unauthorized materials during an examination, altering or misrepresenting examination scores; theft or other unauthorized possession of examination materials; memorizing and reproducing test items and

any unauthorized reproduction by any means and/or dissemination of copyrighted examinations materials.

Author: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

Amended: July 21, 1993; effective August 25, 1993. **Amended:** Filed July 21, 1995; effective August 25, 1995. **Amended:** Filed July 26, 1999; effective August 30, 1999. **Amended (Rule Number**

Only): Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Rule 13 was renumber to .14 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.15 Certificate Of Qualification Issued Without Examination (Limited License).

(1) Certificates of qualification without examination may, within the discretion of the Board, be issued for a period of up to one year to the following applicants:

(a) Individuals enrolled in an American Medical Association approved residency training program;

(b) Individuals enrolled in residency training programs in LCME accredited schools or Colleges of Medicine in Alabama approved by the Board as set forth in Section 540-X-3-.16.

(c) Visiting professors, subject to a time limit specified by the Board, and distinguished professors at medical colleges, and specialty professors at medical colleges,

(d) Physicians employed full-time at a state penal institution or a state mental institution.

(e) Physicians employed full-time at any other state institution approved by the Board.

(2) The Board may issue a certificate of qualification without examination to practice medicine to the Medical Licensure Commission when the below listed requirements have been met.

(a) Graduates of medical schools accredited by the LCME or schools of osteopathy accredited by the American Osteopathic Association must comply with the following:

1. Applicant must have received a diploma from a college of medicine or osteopathy approved by the Board;
2. Applicant must have served or be serving a one year internship (residency) approved by the American Medical Association or by the Board;
3. Applicant must submit a letter from the Dean, Chief Medical Officer, or Program Director certifying applicant's training or employment at that institution;
4. Applicant must submit the application fee as set by Rule No. 540-X-3-.09;
5. Applicant must submit completed application with required certification and attachments.

(b) Graduates of medical schools not accredited by the LCME must comply with the following:

1. Applicant must have received a diploma from a college of medicine or osteopathy and be eligible for examination by the Education Commission for Foreign Medical Graduates (ECFMG) for its certificate. The educational Commission for Foreign Medical Graduates (ECFMG) and its sponsoring organizations define a "graduate of a foreign medical school" as a physician whose basic medical digress or qualification was conferred by a medical school located outside of the United States, Canada, and Puerto Rico. The medical school must be listed at the time of an applicant's graduation in the *World Directory of Medical Schools* by the World Health Organization.
2. Applicant must have served or be serving one year of internship (residency) approved by the American Medical Association or the Board.
3. Applicant must be certified by the ECFMG unless the applicant has received his medical training from a primarily English speaking medical school, meets with the Credentials Committee of the Board, and receives a favorable recommendation from that Committee except that for the purposes of this rule, Fifth Pathway Certification and passage of the examination administered by the Education Council For Foreign Medical Graduates is hereby deemed equivalent to certification given by the Education Council For Foreign Medical Graduates. The Board may, within its discretion, waive the requirement of ECFMG certification for an applicant for distinguished professor or an applicant for specialty professor.

4. Applicant must submit application fee as set by Rule 540-X-3-.07.

5. Applicant must submit completed application with required certification and attachments.

(3) The Board may, within its discretion, require that an applicant attend a personal interview with the Credentials Committee of the Board or, at its direction, a representative of the Board in the following circumstances:

(a) When the applicant's answer to any question on the application is incomplete or requires additional explanation;

(b) When the Board is in receipt of any information from any source concerning the applicant that would require additional information or explanation;

(c) When it appears that the applicant may have committed any of the acts constituting grounds for denial of a license.

(4) Any physician granted a limited license by this Board prior to December 31, 1969, which license has been renewed each year, shall be entitled to the annual renewal of such limited license, upon proper application, any other rule, regulation or policy notwithstanding; unless and until such limited license is revoked or suspended in accordance with §§34-24-360 and 34-24-361, Code of Ala. 1975, and these rules.

(5) For an applicant pursuant to Code of Ala. 1975, §34-24-75(b) who is a physician employed full-time at a state penal institution or a state mental institution, the following applies:

(a) Applicants qualify for a certificate of qualification without examination in circumstances which are the following:

1. The applicant does not qualify to take a licensing examination listed in Ala. Code §34-24-70(a)(3); or

2. The applicant has not met the additional requirements for examination for certain applicants stated in Code of Ala. 1975, §34-24-70(a)(6)a.; or

3. The applicant has achieved a passing score on Step 1 and on Step 2 and on Step 3 of the USMLE, but the applicant did not complete Steps 1, 2 and 3 within a seven (7) year period; or

4. The applicant has achieved a passing score on Step 3 of the USMLE, but the applicant achieved the passing score in more than three administrations.

(b) An applicant does not qualify for a certificate of qualification without examination if the applicant is eligible to meet the examination requirements stated in Code of Ala. 1975, §34-24-70(a)(3).

(6) Physicians employed full-time at regional mental health programs and facilities created pursuant to Code of Ala. 1975, §§22-51-1 through 22-51-14 are deemed to be employed full-time at state mental institutions and are subject to the requirements of paragraph (5) of this rule for the purposes of certificates of qualification issued without examination.

Authors: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated 5/20/93 repealing existing Chapter 3.

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Amended: Filed March 20, 1995; effective April 24, 1995.

Amended: Filed August 21, 1996; effective September 26, 1996.

Amended: Filed July 26, 1999; effective August 30, 1999.

Amended: Filed May 19, 2006; effective June 23, 2006. **Amended:** Filed March 22, 2007; effective April 26, 2007. **Amended:** Filed September 20, 2007; effective October 25, 2007. **Amended:** Filed October 15, 2008; effective November 19, 2008. **Amended:** Filed November 18, 2009; effective December 23, 2009.

Ed. Note: Rule 14 was renumber to .15 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.16 Training Programs Approved By The Board - Certificate Of Qualification Issued Without Examination (Limited License).

(a) For purposes of issuing a certificate of qualification without examination (limited license) to an applicant under rule 540-X-3-.15(1)(b), the Alabama Board of Medical Examiners may approve training programs not accredited by the Accreditation Council for Graduate Medical Education (ACGME) in schools or Colleges of Medicine accredited by the Liaison Committee on Medical Education (LCME) in Alabama that meet the following criteria:

(1) Enroll individuals holding the degree of Doctor of Medicine or equivalent degree from the individual's country of origin;

(2) have a structured curricula;

(3) require a licensed physician preceptor for each individual enrolled in the program; and

(4) Have a formal evaluation process.

(b) In the initial application for a certificate of qualification without examination, the Dean of the College of Medicine shall certify and present written documentation demonstrating that the training program meets the criteria in this section and shall set forth the duration of the training program, which shall be subject to the approval of the Board at their discretion, but which shall normally not exceed a period of twenty-four months.

(c) A training program approved by the Board under Rule 540-X-3-.16 does not qualify as a post graduate or residency training program for the purpose of Rule 540-X-3-.03.

Author: Wendell R. Morgan, Attorney for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: New Rule: Filed August 21, 1996; effective September 26, 1996. **Amended:** Filed October 15, 2008; effective November 19, 2008.

Ed. Note: The old Rule 540-X-3-.15 has been renumbered Rule 540-X-3-.16 as of the certification filed August 21, 1996. Previous rule 15 was renumber to .16 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.17 Renewal Of Certificate Of Qualification Without Examination (Limited License). Physicians must apply to the Board to renew their limited certificate of qualification by January 1 of each year. The Board shall have full discretion to accept or reject the application for renewal. Physicians must pay a renewal fee of \$15.00, or as is otherwise set by law.
Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

Amended: July 21, 1993; effective August 25, 1993. **Amended**

(Rule Number Only): Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Rule 540-X-3-.16 was previously numbered Rule 540-X-3-.15 as of the certification filed August 21, 1996. Previous rule 16 was renumbered to .17 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.18 **Grounds For Denial Of A Certificate Of**

Qualification. The Board may deny an application for a certificate of qualification on any of the following grounds:

(1) Failure of the applicant to achieve a passing score on any examination according to statutory and regulatory requirements.

(2) Failure of the applicant to complete the application form as specified by the Board or to provide additional information requested by the Board in connection with the application.

(3) A finding that the applicant has submitted or caused to be submitted false, misleading, or untruthful information to the Board in connection with an application for a certificate of qualification.

(4) Failure to appear before the Board or a committee of the Board if formally requested to appear in connection with an application for a certificate of qualification.

(5) A finding by the Board that the applicant has committed any of the acts or offenses constituting grounds to discipline the licensee to practice medicine in this state pursuant to, but not limited to, Sections 16-47-128, 34-24-360, and 34-24-57.

(6) Failure of the applicant to comply with any of the requirements or rules for the issuance of a certificate of qualification.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 07-402.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

Amended: July 21, 1993; effective August 25, 1993. **Amended:**

Filed November 13, 2007; effective December 18, 2007. **Amended (Rule Number Only):** Filed October 15, 2008; effective November 19, 2008.

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540-X-3-.19 Non-Disciplinary Citation With Administrative Charge.

(1) When the Board has determined that a ground for denial of an application for a certificate of qualification exists based upon the submission of false, misleading or untruthful information to the Board in connection with the application, the Board, in its discretion, may allow an applicant to submit a written request that a non-disciplinary citation with administrative charge be assessed against the applicant in lieu of a decision by the Board to deny the application.

(2) The Board may grant, if deemed appropriate, the request for an assessment of the citation with administrative charge and issue a certificate of qualification to the applicant.

(3) The written request to be submitted by the applicant shall be on a form approved by the Board and signed by the applicant.

(4) Submission of a written request form to the Board shall be accompanied by payment to the Board of the administrative charge in an amount determined by the Board which shall not exceed Ten Thousand Dollars (\$10,000).

(5) Payment of the administrative charge shall be made to the Board prior to the issuance of a certificate of qualification.

(6) Upon receipt of a properly executed request form and payment of the administrative charge, the Board may issue the non-disciplinary citation and the certificate of qualification.

(7) If a certificate of qualification is issued by the Board after the payment of an administrative charge in a non-disciplinary citation and the Medical Licensure Commission does not issue a license to practice medicine to an applicant,

then the amount of the administrative charge shall be returned by the Board to the applicant.

(8) The imposition of a non-disciplinary citation with administrative charge shall not be considered a disciplinary action against the applicant, a restriction against the certificate of qualification or an adverse encumbrance against the certificate of qualification.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act No. 07-402.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

Amended: July 21, 1993; effective August 25, 1993. **Repealed and**

New Rule: Filed November 13, 2007; effective December 18, 2007.

Amended (Rule Number Only): Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Rule 540-X-3-.18 was previously numbered Rule 540-X-3-.17 as of the certification filed August 21, 1996. Previous rule 18 was renumber to .19 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.20 Appeal From Denial Of Application For Certificate Of Qualification. An applicant may appeal the decision of the Board denying an application for a certificate of qualification or an application for reinstatement of a certificate of qualification or an application for removal of voluntary restrictions on a certificate of qualification to the Medical Licensure Commission of the State of Alabama. An appeal from a denial of an application for an initial certificate of qualification shall be governed by Rule 540-X-5-.08. An appeal from a denial of an application for reinstatement of a certificate of qualification or an application for removal of a voluntary restriction on a certificate of qualification shall be governed by Rule 540-X-5-.07

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; 34-24-330, 34-24-361(g)

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

Amended: July 21, 1993; effective August 25, 1993. **Amended**

(Changed Rule Number Only): Filed November 13, 2007; effective December 18, 2007. **Amended:** Filed August 21, 2008; effective September 25, 2008. **Amended:** Filed October 15, 2008; effective

November 19, 2008.

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540-X-3-.21 Outgoing Reciprocity. Physicians and osteopaths receiving their original license to practice medicine in the State of Alabama, who seek licensure in another state or district may apply to the Board for certification of their licensure by way of outgoing reciprocity at a cost of \$10.00, or as is otherwise set by law.

Authors: Wendell R. Morgan and Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53 and Act No. 93-148.

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated May 20, 1993 repealing existing Chapter 3.

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Ed. Note: Rule 540-X-3-.20 was previously numbered Rule 540-X-3-.19 as of the certification filed August 21, 1996. Previous rule 20 was renumber to .21 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.22 Withdrawal Of Application For Certificate Of Qualification And Certificate Of Qualification.

(1) An applicant for a certificate of qualification shall have six (6) months from the date the initial signed application form is received by the Board to complete the application, except that an applicant for a certificate of qualification who is required to pass an examination as part of the application process shall have twelve (12) months from the date the initial signed application form is received to complete the application. After the expiration of the deadline for completing an application established in the preceding sentence, an incomplete application shall be withdrawn by the Board.

(2) A certificate of qualification issued by the Board shall be withdrawn by the Board after a period of six (6) months from the date of issuance unless the applicant has filed an

application for a license to practice medicine with the Medical Licensure Commission of Alabama and paid the required fee.

(3) If either an application for a certificate of qualification or a certificate of qualification is withdrawn by the Board, the applicant, to reapply, shall submit a new application form including a new application fee.

Authors: Wendell R. Morgan, Patricia E. Shaner, Attorneys for the Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53 and Act No. 99-103.

History: New Rule: Filed July 26, 1999; effective August 30, 1999. **Amended (Rule Number Only):** Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Previous rule 21 was renumber to .22 as per certification filed October 15, 2008; effective November 19, 2008.

540-X-3-.23 Certificate And Limited License Under Retired Senior Volunteer Program.

(1) (a) The State Board of Medical Examiners may, at its discretion and subject to these rules, issue a certificate of qualification in behalf of physicians meeting the requirements for participation in the Retired Senior Volunteer Program. The Retired Senior Volunteer Program (RSVP) is created for the purpose of permitting doctors of medicine and doctors of osteopathy who are fully retired from the active practice of medicine to obtain a limited license without cost which would permit the provision of outpatient health care services at established free clinics operated pursuant to the Volunteer Medical Professional Act, §6-5- 660, et seq.

(b) Physicians having certificates issued under this section must perform no fewer than 100 hours of voluntary service annually and must limit their practice to the confines of an established free medical clinic, as that term is defined in §6-5-662, or such other nonprofit organizations or facilities located in Alabama which are approved by the board and which provide outpatient medical care to individuals unable to pay for it.

(c) Certificates issued under this section and licenses based thereon shall state on their faces that they are issued under the RSVP and are subject to restrictions.

(d) Any physician in whose behalf a certificate of qualification is issued under this section shall be subject to having his license suspended or revoked by the Medical Licensure Commission for the same causes or reasons and in the same manner as provided by law in the case of other physicians.

(e) Certificates of qualification issued under this section shall expire annually and physicians may apply to the board for renewal of their certificate, but the board shall have full discretion to accept or reject the application for renewal.

(2) (a) A physician is eligible to receive a certificate of qualification issued under subsection (a) if he meets the following qualifications:

1. The applicant currently has or has had a full and unrestricted license to practice medicine in the State of Alabama or in any other state of the United States or the District of Columbia, which license is or was at the time of expiration unrestricted and in good standing with no pending disciplinary actions or investigations at the time of expiration.

2. The applicant certifies, on a form prescribed by the board, that he is fully retired from the active practice of medicine.

3. The applicant is in good health and is not currently undergoing treatment for a physical or mental condition which would impair the individual's ability to practice medicine with reasonable skill and safety to patients.

4. The applicant certifies, on a form prescribed by the board, that he intends to limit his or her medical practice to the provision of outpatient services at an established free medical clinic as that term is defined in §6-5-662 or such other nonprofit organization or facility that has been approved by the board and that furnishes outpatient medical care to patients unable to pay for it.

5. The applicant certifies, on a form prescribed by the board, that his license to practice medicine in any state or the District of Columbia has never been revoked, suspended, placed on probation, or otherwise subject to disciplinary action and that the applicant has not had his hospital medical staff privileges revoked, suspended, curtailed, limited, or surrendered while under investigation.

6. The applicant acknowledges, on a form prescribed by the board, that he is subject to the continuing medical education requirements for physicians as specified in Chapter 14

of the rules and regulations of the State Board of Medical Examiners.

7. The applicant furnishes a certification of the employment arrangements or agreement with the qualified clinic or nonprofit organization.

(b) A certificate of qualification issued under subsection (a) shall be issued at no cost to the applicant.

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Statutory Authority: §§34-24-75.1; 34-24-53

History: New Rule: Filed January 21, 2005; effective February 25, 2005. **Amended (Rule Number Only):** Filed October 15, 2008; effective November 19, 2008.

Ed. Note: Previous rule 22 was renumber to .23 as per certification filed October 15, 2008; effective November 19, 2008.