

MEDICAL LICENSURE COMMISSION OF ALABAMA
ADMINISTRATIVE CODE

CHAPTER 545-X-1
ORGANIZATION AND ADMINISTRATION

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545-X-1-.01 Composition Of The Commission.

(1) The Commission shall be composed of seven physicians, each of whom must be either a doctor of medicine or a doctor of osteopathy and be licensed to practice medicine or osteopathy in Alabama, and one public member, who shall not be a licensee of the Commission or hold a professional degree in any health care field or practice as a licensed health care professional.

(2) The members shall be appointed as follows:

(a) Two physicians shall be appointed by the lieutenant governor;

(b) Two physicians shall be appointed by the speaker of the house of representatives; and

(c) The three remaining physicians and the public member shall be appointed by the Governor.

(3) The members shall serve a five-year term with no limit as to the number of terms a member can serve. In order to stagger the terms, the initial appointment shall be as follows:

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(a) The two members appointed by the lieutenant governor shall serve a five-year term;

(b) The two members appointed by the speaker of the house of representatives shall serve a four-year term;

(c) One member appointed by the Governor shall serve a three-year term, one member appointed by the Governor shall serve a two-year term, and the other member appointed by the Governor shall serve a one-year term.

Author: Wayne P. Turner

Statutory Authority: Code of Ala. 1975, §34-24-310.

History: Filed May 6, 1983. **Amended:** Filed March 4, 2003; effective April 8, 2003.

545-X-1-.02 Officers Of The Commission.

(1) The Commission shall elect from its members a chairman and a vice chairman. The election of officers shall be held annually.

(2) The duties of the officers shall be as follows:

(a) The chairman shall preside at meetings of the Commission and appoint members to serve on such committees as may be created.

(b) The vice chairman shall preside in the absence of the chairman and shall assume the duties of the chairman when necessary.

Author:

Statutory Authority: Code of Ala. 1975, §34-24-311.

History: Filed May 6, 1983.

545-X-1-.03 Meetings Of The Commission.

(1) The Commission shall meet each month, usually the fourth Wednesday of each month.

(2) Special meetings may be called at the request of the chairman.

(3) At least four members of the Commission shall constitute a quorum for a regular meeting and as such shall be competent to act, except that the Commission shall not order the

suspension or the revocation of a license unless at least five members of the Commission are present and a majority of those present vote for such suspension or revocation.

(4) The executive officer or his designee shall keep a record of all meetings. The place of each meeting of the Commission, names of the members present, all official acts of the Commission, and tally of votes cast shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next regular meeting, which upon approval will be signed and each page initialed by the chairman. The minutes, not including any section relating to the good name or character of an individual, shall be open to public inspection.

(5) All meetings of the Commission, not including any part relating to the good name or character of an individual, shall be open and public. Reports of investigation; documents subpoenaed by the Commission; reports of any investigative committee appointed by the chairman and/or Commission; memoranda of the Commission's counsel relating to investigations, statements of persons interviewed by the Commission or any committee of the Commission unless made at a public hearing shall be considered privileged and confidential and shall not be disclosed except to an agent, attorney or employee of the Commission. The foregoing nonpublic records of the Commission shall not be subject to subpoena except upon the express order of a court of competent jurisdiction.

(6) Meetings of the Commission are governed by Sturgis Standard Code of Parliamentary Procedure and/or any amendments adopted by the Commission.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-311, 34-24-366.

History: Filed May 6, 1983. **Amended:** Filed January 28, 1988.

545-X-1-.04 Executive Officer. The Commission may designate an executive officer to act on behalf of the Commission between regular meetings and may designate his duties and responsibilities.

Author:

Statutory Authority: Code of Ala. 1975, §34-24-311.

History: Filed May 6, 1983.

545-X-1-.05 Information. Members of the general public may obtain information or make submissions or requests to the

Executive Officer, Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama 36104.

Author:

Statutory Authority: Code of Ala. 1975, §34-24-311.

History: Filed May 6, 1983.

545-X-1-.06 **Powers And Duties Of The Commission.** The Commission is authorized to:

(a) issue, revoke, suspend and reinstate all licenses authorizing doctors of medicine and doctors of osteopathy to practice in the State of Alabama.

(b) promulgate rules and regulations as it deems proper for implementing and carrying out the provisions of Article 8, Title 34, Code of Ala. 1975.

(c) receive and consider, but not be bound by, the recommendation of the Board of Medical Examiners.

(d) request the Board of Medical Examiners to furnish all personnel and facilities necessary to administer and enforce Article 8, Title 34, Code of Ala. 1975.

(e) call upon the attorney general, district attorney or other prosecuting attorneys of this state to assist in any request.

(f) either affirm the action of the Board of Medical Examiners in denying a certificate of qualification to an applicant or order the Board of Medical Examiners to issue a certificate of qualification to an applicant who has been denied certification by the Board.

(g) approve the action by the Board of Medical Examiners in certifying applications of Alabama license for reciprocity in other states.

(h) issue a new license to applicant, whose license has been lost or destroyed or whose name is changed by marriage or court order, upon receipt of an amended/corrected certificate of qualification issued by the Board.

(i) determine the size and artistic design of both full and limited licenses.

(j) renew the certificate of registration each calendar year for all physicians applying for renewal of their certificate of registration.

(k) issue certificates of registration to applicants who have renewed their license for the calendar year.

(l) file an action in the nature of quo warranto pursuant to Code of Ala. 1975, §6-6-590, in any circuit court, having jurisdiction, against any person, within this state, who is practicing without a license or to whom a license or certificate of qualification has been denied, or to whom a license has been suspended or revoked, to order such person to cease and desist from continuing to practice medicine or osteopathy within Alabama.

(m) suspend for a specified time, or revoke, any license to practice medicine or osteopathy whenever the licensee shall be found guilty by the Commission of any of the acts or offenses specified by law.

(n) order or direct a physician, when there is a question of physical or mental inability to practice medicine or osteopathy with reasonable skill and safety, to submit to either a physical, mental or laboratory examination or any combination of such examinations to be performed by a physician designated by the Commission.

(o) promulgate rules and regulations defining immoral, unprofessional or dishonorable conduct.

(p) suspend or revoke the certificate of qualification of a physician or osteopath if the individual refuses to appear before the Board of Medical Examiners for a formal interview, after having been formally requested to do so in writing by the executive director of the Board.

(q) temporarily suspend the license of a doctor of medicine or doctor of osteopathy without a hearing simultaneously with the institution of proceedings for a hearing on the request of the Board of Medical Examiners, if the Board finds evidence in its possession which indicates that the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public.

(r) withdraw the license of a physician or osteopath if the certificate of qualification of that physician or osteopath is surrendered to the Board of Medical Examiners or place restrictions on the license of a physician or osteopath if

the certificate of qualification has restrictions placed on it by the Board.

(s) subpoena witnesses and cause depositions of witnesses to be taken in the manner prescribed by law.

(t) adopt and promulgate rules and regulations regarding the practice of acupuncture as a branch of the practice of medicine.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-311, et seq.

History: Filed May 6, 1983.

545-X-1-.07 Rules And Regulations.

(1) All rules and regulations of the Commission shall be adopted, amended or repealed in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §§41-22-1 through 41-22-27.

(2) Prior to adoption, amendment or repeal of any rule the Commission shall:

(a) give at least thirty-five days notice of its intended action -- the notice shall include a statement of either the terms of substance of the intended action or a description of the subject of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon; and the notice shall be published in the **Alabama Administrative Monthly**; and

(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The Board shall consider fully all written and oral submissions respecting the proposed rule.

(3) Subject to the limitations of Code of Ala. 1975, §41-22-5(b), if the Commission finds that an imminent peril to the public health, safety, or welfare requires adoption of rule upon fewer than thirty-five days notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing it finds practical to adopt an emergency rule. The rules may be effective for a period of not longer than one hundred twenty days.

(4) After adoption by the Commission, each rule shall be filed with the Legislative Reference Service, becoming effective thirty-five days thereafter.

Author:

Statutory Authority: Code of Ala. 1975, §41-22-5.

History: Filed May 6, 1983.

545-X-1-.08 Petition For Adoption, Amendment Or Repeal Of A Rule.

(1) Any interested person may petition the Commission requesting the adoption, amendment, or repeal of a rule. The petition shall:

(a) be submitted in writing;

(b) include an exact statement of the proposed rule, amendment or identification of a rule to be repealed;

(c) include the pertinent facts, data, opinions or arguments in support of the petitioner's position.

(2) Within sixty days after submission of a petition, the Commission shall initiate rule-making proceedings or shall deny the petition in writing on the merits, stating its reasons for the denial.

(3) A petition requesting adoption, amendment, or repeal of a rule shall not be considered by the Commission if the subject of the petition is the same or similar to the subject presented in another petition considered by the Commission within the previous twelve months.

Author:

Statutory Authority: Code of Ala. 1975, §41-22-8.

History: Filed May 6, 1983.

545-X-1-.09 Declaratory Rulings.

(1) Any persons substantially affected by a rule may petition the Commission for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Commission.

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(2) The petition shall be in writing and shall include:

(a) the name and address of the petitioner;

(b) a statement of facts sufficient to show that the person seeking relief is substantially affected by the rule;

(c) the rule, statute or order and the reasons for the questions.

(3) The petition will be considered and answered in writing by the Commission within forty-five days unless the Commission is unable to reach a decision on the facts presented.

(4) Circumstances in which rulings shall not be issued include but are not necessarily limited to:

(a) lack of jurisdiction;

(b) lack of clarity of the issues presented;

(c) no clear answer determinable.

(5) In the event the Commission declines to issue a ruling, the petitioner shall be notified in writing that the request for a declaratory ruling was denied and the reasons therefor shall be specified.

Author:

Statutory Authority: Code of Ala. 1975, §41-22-1.

History: Filed May 6, 1983.

545-X-1-.10 Public Inspection Of Rules.

(1) All rules and other written statements of policy or interpretations formulated, adopted or used by the Commission in the discharge of its functions shall be made available for public inspection and copying, at cost.

(2) All final orders, decisions and opinions of the Commission shall be available for public inspection and copying, at cost, except those expressly made confidential or privileged by statute or order of the court.

Author:

Statutory Authority: Code of Ala. 1975, §41-22-4.

History: Filed May 6, 1983.