APA-4
Revised 1/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency new rule is a correct copy as promulgated and adopted on the 15th day of July, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-7-.72ER, Temporary Emergency Registration and Supervision

EFFECTIVE DATE OF RULE: July 20, 2020

EXPIRATION DATE (If less than 120 days):

NATURE OF EMERGENCY: See attached Statement of Reasons for Issuing Emergency Rules Pursuant to Ala. Code § 41-22-5(b)(1)

STATUTORY AUTHORITY: Code of Alabama 1975, § 34-24-337

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES __X__ NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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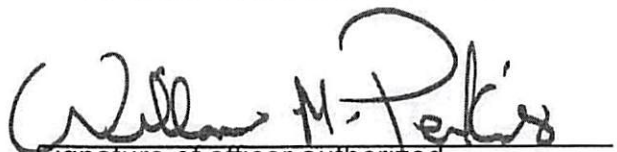
Text of rule and application forms are available at the Board of Medical Examiners' web site, www.albme.org.



Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED

JUL 20 2020

LEGISLATIVE SVC AGENCY

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Statement of Reasons for Issuing Emergency Rules
Pursuant to Ala. Code § 41-22-5(b)(1)

On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the Severe Adult Respiratory Syndrome-Coronavirus-2 (SARS-CoV-2) and the disease known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant the implementation of extraordinary measures and relief during the existing state health emergency to guard public health and protect human life. The Governor extended the state of emergency on May 8, 2020, and again on July 2, 2020. The state of emergency is currently set to expire on September 9, 2020.

Notably, the Governor's Thirteenth Supplemental State of Emergency Proclamation found that the "continuing impact of COVID-19" has created "conditions of disaster or extreme peril to the safety of persons and property" that justifies the extension of the state of emergency. The Governor further stated that "it is impossible to predict how long the COVID-19 pandemic will require the existence of a state of emergency." The State Board of Medical Examiners agrees with this finding and assessment of the pandemic. Further, the State Board of Medical Examiners finds that the disruption to Alabama's healthcare system by COVID-19 is unprecedented and unforeseeable; accordingly, the State Board of Medical Examiners finds that the need to reissue these emergency rules was not foreseeable when they were originally issued in March 2020.

The State Board of Medical Examiners hereby finds that the continued need for qualified physicians, physician assistants, and anesthesiologist assistants to provide medical services in Alabama warrants the emergency adoption of these rules to provide for the issuance of emergency certificates of qualification to physicians licensed in other states and emergency licenses to physician and anesthesiologist assistants licensed in other states who may assist with this health emergency. The intent of these rules is to provide for the expedited issuance of certificates of

qualification to qualified physicians and licenses to qualified physician and anesthesiologist assistants who desire to provide health care to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19. The State Board of Medical Examiners hereby finds that physician applicants who satisfy the requirements of Ala. Admin. R. 540-X-3-.25 are eligible for emergency certificates of qualification by endorsement; physician assistant applicants who satisfy the requirements of Ala. Admin. R. 540-X-7-.69 and .70 are eligible for emergency licenses; and anesthesiologist assistant applicants who satisfy the requirements of Ala. Admin. R. 540-X-7-.71 and .72 are eligible for emergency licenses.

Before promulgating these rules, Board leadership consulted with Dr. Scott Harris, State Health Officer, and members of the Medical Licensure Commission, reviewed similar measures implemented by other states and state medical boards, and received input from interested stakeholders, including institutions representing license holders. As a result, the Board determined that relaxing the licensure process for physicians, physician assistants, and anesthesiologist assistants during this state of emergency is necessary to protect the imminent threat to the health, safety, or welfare of the citizens of Alabama.

NEW

540-X-7-.72ER Temporary Emergency Registration and Supervision

(1) There shall be no independent, unsupervised practice by anesthesiologist assistants. All anesthesiologist assistants who are issued an emergency license under Rule 540-X-7-.71 must be registered and supervised by an anesthesiologist.

(2) The chief of staff, or his or her designee, of a licensed health care facility may serve as the supervising physician for an unlimited number of anesthesiologist assistants, provided that the anesthesiologist assistant registrations are specifically entered to provide health care to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19. Anesthesiologist assistants practicing under a registration with and under the supervision of a hospital's chief of staff shall be authorized to perform all skills as authorized under the hospital's protocols and to prescribe all drugs listed in the hospital's formulary as may be necessary to provide health care to patients suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(3) Anesthesiologist assistants who apply for an emergency license shall identify a supervising anesthesiologist, if known, simultaneously with the submission of the application. An anesthesiologist assistant may be issued an emergency license without having identified a supervising an anesthesiologist; provided, the anesthesiologist assistant must identify a supervising anesthesiologist within fourteen days (14) of licensure.

(4) An anesthesiologist assistant may provide emergency medical treatment without immediate supervision by an anesthesiologist or direction to patients suffering from and affected by SARS-CoV-2 and the disease known as COVID-19, provided that the treatment is within the scope of the assistant's education and training. The anesthesiologist assistant in such circumstance shall make reasonable efforts to inform his or her supervising anesthesiologist 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 one hundred twenty (120) days after the effective date of this rule. The effectiveness of this rule may be extended by order of the Governor.

Author: Alabama Board of Medical Examiners.
Statutory Authority: Code of Alabama 1975, § 34-24-290, et seq.
History: Emergency New Rule Pursuant to Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, as supplemented. Approved: July 15, 2020. Effective Date of Emergency Rule: July 21, 2020.