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 **amended** rule is a correct copy as promulgated and adopted on the 19th day of December, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-3-.25ER, Applicants for Emergency Certificate of Qualification by Endorsement

EFFECTIVE DATE OF RULE: December 21, 2020

EXPIRATION DATE (If less than 120 days): April 13, 2020

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

Emergency Rule is being amended to clarify the areas of practice of a temporary emergency licensee and to remove the restriction prohibiting the prescribing of controlled substances via telehealth.

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

DEC 21 2020

LEGISLATIVE SVC AGENCY

540-X-3-.25ER Applicants for Emergency Certificate of Qualification by Endorsement.

(1) Preamble. 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). 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 has continued to extend the state public health emergency and on December 9, 2020, she extended the state of emergency through March 8, 2021. The State Board of Medical Examiners hereby finds that the state public health emergency caused by SARS-CoV-2 has not abated, that the number of persons suffering from and affected by SARS-CoV-2 has been rapidly rising, and that the rapid increase in patients requiring hospital-based care has strained the state's healthcare system. Accordingly, the State Board of Medical Examiners finds that an emergency need exists for qualified physicians to provide medical services in Alabama, and that this need warrants the emergency adoption of this rule to provide for the issuance of an emergency certificate of qualification to physicians licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of a certificate of qualification to qualified physicians 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 this rule are eligible for an emergency certificate of qualification by

endorsement.

(2) The State Board of Medical Examiners may issue an emergency certificate of qualification by endorsement on behalf of a person who presents evidence satisfactory to the Board showing all of the following:

(a) Possession of a full and unrestricted license to practice medicine issued by the appropriate medical licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Graduation from a medical school accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation, or a medical school listed on the International Medical Education Directory or its equivalent;

(c) Passage of each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) or any of their predecessor examinations accepted by the applicant's licensing board as an equivalent examination for licensure purposes;

(d) Successful completion of graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(e) Has never been convicted, received adjudication, community supervision, or deferred disposition of any felony offense or any crime related to fraud, violence, sexual violations, or related to the practice of medicine;

(f) Has never had his or her medical license subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

(g) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;

(h) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction;

(i) Is a United States citizen, a national of the United States, or an alien lawfully present in the United States; and

(j) Has obtained and provides to the Board written verification from the hospital administrator or chief of the medical staff of a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health ~~showing~~ stating that the applicant will provide ~~in-patient~~ medical care to patients in inpatient units, emergency departments, or other acute care units and that the facility is providing care to persons suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(3) An emergency certificate of qualification issued under this rule shall expire one hundred eighty (180) days after the initial effective date of this rule, or when the Governor proclaims the termination of the state's public health emergency, whichever is sooner. The effectiveness of this rule, and any licenses issued under it, may be extended by specific order of the Governor.

(4) A physician who is issued an emergency certificate of qualification shall be restricted to providing medical care to ~~inpatients~~ patients in inpatient units, emergency departments, or other acute care units at the general acute care hospital, critical access hospital, or specialized hospital identified in his or her application. A physician who is issued an emergency certificate of qualification may designate a new or additional

practice site by providing to the Board written verification from the hospital administrator or chief of the medical staff of the general acute care hospital, critical access hospital, or specialized hospital licensed as such by the Alabama Department of Public Health ~~showing~~ stating that the physician will provide ~~in-patient~~ medical care to patients in inpatient units, emergency departments, or other acute care units and that the facility is providing care to persons suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(5) A physician who is issued an emergency certificate of qualification shall also be issued a restricted Alabama Controlled Substances Certificate for the purpose of ~~treating~~ providing medical care to patients in inpatient units, emergency departments, or other acute care units in a facility that is providing care to persons suffering from and affected by SARS-CoV-2 and the disease known as COVID-19. ~~The certificate shall not authorize the physician to prescribe controlled substances via telemedicine.~~

(6) A physician applying for an emergency certificate of qualification shall certify to the State Board of Medical Examiners that the physician intends to practice medicine to provide health care to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(7) Applicants for an emergency certificate of qualification and restricted Alabama Controlled Substance Certificate under this rule shall not be required to pay a fee.

(8) Applicants shall be entitled to the expedited issuance of an emergency certificate of qualification upon certification of the applicant's satisfaction of this rule by the Executive Director or Associate Executive Director of the State Board of Medical

Examiners, or his or her designee.

(9) The emergency certificate of qualification shall clearly indicate that it is an emergency certificate.

Author: Alabama Board of Medical Examiners.
Statutory Authority: Code of Alabama 1975, § 34-24-53, § 34-24-73(b).
History: Emergency Rule Adopted December 12, 2020. Filed/Effective Date: December 14, 2020.