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 6th day of April, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-14-.13.1ER, Applicants for Emergency Certificate of Qualification by Endorsement

EFFECTIVE DATE OF RULE: April 6, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner

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:

Carla H. Kruger
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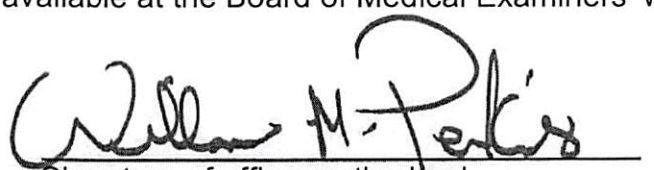
Montgomery AL 36101-0946
(334) 242-4116

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

RECD & FILED
APR 6 2020
LEGISLATIVE SVC AGENCY



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

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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 State Board of Medical Examiners hereby finds that the need for qualified physicians to provide medical services in Alabama warrants the emergency adoption of these rules to provide for the emergency reinstatement of medical licenses to physicians who may assist with this health emergency. The intent of these rules is to provide for the expedited reinstatement of inactive medical licenses to physicians who held an active license in any of the years 2017, 2018, and 2019 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 Ala. Admin. R. 540-X-14-13.1ER are eligible for emergency reinstatement of their medical 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. As a result, the Board determined that relaxing the licensure reinstatement process for qualified physicians 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-14-.13.1ER Joint Emergency Rule of the State Board of Medical Examiners and Medical Licensure Commission for Expedited Reinstatement – SARS-CoV-2.

In accordance with the Proclamation of the Governor of the state of Alabama issued on April 2, 2020, a physician whose license to practice medicine has become inactive by operation of Ala. Code § 34-24-337, but who held a certificate of registration for any of the years 2017, 2018, or 2019, may apply to the Commission for the reinstatement of his or her license to practice medicine in the state of Alabama for the purpose of treating those suffering from or affected by the SARS-CoV-2/COVID-19 pandemic.

(1) Upon receipt of an application for reinstatement under this rule, the Commission shall verify that a certificate of registration of the applicant's medical license was issued for any of the years 2017, 2018, or 2019. Upon verification, the Commission shall notify the Board of such application.

(2) Once notified, the Board, or its designee, shall search its records, the National Practitioner Data Bank, and any other resource available to determine whether the applicant:

(a) Has ever had his or her medical license subjected to discipline by any licensing agency in any state, federal, or foreign jurisdiction for any reason other than the non-payment or late payment of licensing fees;

(b) Has ever had a controlled substance license or permit suspended or revoked by any state or federal agency;

(c) Was under investigation by a licensing agency at the time their Alabama medical license lapsed;

(d) Has had any complaints filed with the Board of Medical Examiners against him or her since their Alabama medical license lapsed;

(e) Has, to the extent the Board's resources will allow discovery, ever been convicted, adjudicated, or received deferred disposition of or for a felony offense, or any criminal offense related to fraud, violence, sexual violations, or the practice of medicine, or for any crime which would be a felony if committed in the state of Alabama;

(f) Is, to the extent the Board's resources will allow discovery, under investigation by any agency responsible for medical licensing or controlled substance permitting/licensing; and/or

(g) Is otherwise determined by the Board not to be acceptable for temporary reinstatement under this rule.

(3) In the event that the Board, or its designee, determines that none of the criteria set out in paragraph 2 above exist, the Board shall notify the Commission that the applicant is acceptable for temporary reinstatement under this rule. The Board shall notify the Commission of such acceptance within one business day when possible. In the event that any of the criteria set out in paragraph 2 above do exist, the Board shall notify the Commission that the applicant does not qualify for temporary reinstatement under this rule.

(4) Upon receipt of notice from the Board that the applicant is acceptable for temporary reinstatement, the Commission, or its designee, shall reinstate the applicant's license to practice medicine in the state of Alabama subject to the following:

(a) Any physician whose license to practice medicine is temporarily reinstated by operation of this rule shall practice only to provide health care services to individuals who are suffering from SARS-CoV-2 or individuals whose access to medical care has been adversely affected by the drain on medical resources occasioned by the COVID-19 pandemic;

(b) Any license temporarily reinstated by operation of this rule shall expire on December 31, 2020;

(c) A physician whose license has been temporarily reinstated by operation of this rule shall not be subject to continuing medical education requirements for the reinstatement or maintenance of the temporary license provided for in this rule;

(d) Applicants for the temporary reinstatement of a medical license under this rule shall not be required to pay a fee for the application or licensure.

(5) The Board may issue an Alabama Controlled Substances Certificate without fee to a physician whose license to practice medicine is temporarily reinstated under this rule, provided:

(a) The physician shall have a current registration to access the controlled substances prescription database established and maintained by the Alabama Department of Public Health; and

(b) The physician shall have or be eligible for an unrestricted registration issued by the United States Drug Enforcement Administration.

Author: Alabama Board of Medical Examiners.
Statutory Authority: Code of Alabama 1975, §§ 34-24-53, 34-24-336
History: Emergency New Rule Pursuant to Governor Kay Ivey's Fifth Supplemental State of Emergency April 2, 2020. Approved: April 5, 2020. Emergency Rule Effective Date: April 6, 2020.