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 (amendment, **new rule**, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the **3rd** day of April, 2020.

AGENCY NAME: Medical Licensure Commission of Alabama

RULE NO. AND TITLE: 545-X-2-.09ER Joint Emergency Rule for Expedited Reinstatement

EFFECTIVE DATE OF RULE: Upon filing with Legislative Services 4/6/2020

EXPIRATION DATE (If less than 120 days): 120 days 08/04/2020

NATURE OF EMERGENCY:

To allow for expedited reinstatement of physician's licenses to practice medicine in Alabama in response to the Coronavirus 2019 (COVID -19) Pandemic.

STATUTORY AUTHORITY: Sections 34-24-311, 337 Ala. Code(1975)

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:

Karen Silas
848 Washington Avenue
Montgomery, AL 36104

REC'D & FILED
APR 6 2020
LEGISLATIVE SVC AGENCY

George C. Smith Sr MD

George C. Smith, Sr., M.D.
Alabama Medical Licensure Commission

FILING DATE
(For APA Use Only)

**545-X-2-.09ER Joint Emergency Rule for Expedited Reinstatement - COVID-19.** In accordance with the Proclamation of the Governor of the state of Alabama issued on April 2, 2020, a physician whose license 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 Medical Examiners of such application.

(2) Once notified, the Board of Medical Examiners, or its designee, shall search its records, the National Practitioner's Databank, 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 last 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 section 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 where possible. In the event that any of the criteria set out in section 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 is reinstated by operation of this rule shall practice only to provide health care 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 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**: Wallace Mills, Wilson Hunter, Virginia Reeves, Matt Hart, Dr. Jorge Alsip
**Statutory Authority**: Ala. Code §§ 34-24-337, 311; Governor Kay Ivey's Fifth Supplemental Emergency Proclamation, April 2, 2020, Ala. Code § 31-9-1 et. seq.
**Effective**: April 6, 2020