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-.70ER, 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.

REC'D & FILED
JUL 20 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 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-.70ER Temporary Emergency Registration and Supervision

(1) There shall be no independent, unsupervised practice by physician assistants. All physician assistants who are issued an emergency license under Rule 540-X-7-.69 must be registered and supervised by a physician.

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

(4) A physician assistant may provide emergency medical treatment without immediate physician supervision 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 physician assistant in such circumstance shall make reasonable efforts to inform his or her supervising physician 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.