

APA-3
Revised 1/2018

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 19th day of August, 2020, and filed with the agency secretary on the 19th day of August, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-17-.03(1)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Schedule III, IV and V Controlled Substances

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. Rule adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVIII, ISSUE NO. 9, AAM, DATED JUNE 30, 2020.

Statutory Rulemaking Authority: Ala. Code §§ 34-24-53, 34-24-53.1, 34-24-360.1, and 20-2-54.1

(Date Filed)
(For LRS Use Only)


Certifying Officer or his or her
Deputy

REC'D & FILED
AUG 20 2020
LEGISLATIVE SVC AGENCY

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-17-.03 Schedule III, IV and V Controlled Substances.

(1) Only a doctor of medicine or doctor of osteopathy licensed by the Medical Licensure Commission of Alabama may order, prescribe, dispense, supply, administer or otherwise distribute a controlled substance in Schedule III, IV or V to a person for the purpose of weight control, weight loss, weight reduction, or treatment of obesity, except that a Physician Assistant, Certified Registered Nurse Practitioner or Certified Nurse Midwife may prescribe non-controlled drugs for such purpose. If a Physician Assistant, Certified Registered Nurse Practitioner or Certified Nurse Midwife prescribes non-controlled drugs for weight reduction or the treatment of obesity, the prescriber shall comply with the guidelines and standards of this Chapter which apply to M.D.s and D.O.s.

(2) A written prescription or a written order for any controlled substance for a patient for the purpose of weight reduction or treatment of obesity shall be signed by the prescribing physician on the date the medication is to be dispensed or the prescription is provided to the patient. If an electronic prescription is issued for any controlled substance for a patient for the purpose of weight reduction or treatment of obesity, the prescribing physician must sign and authorize the transmission of the electronic controlled substance prescription in accordance with federal law and must comply with all applicable requirements for Electronic Prescriptions for Controlled Substances (See 21 CFR Parts 1300, 1304, 1306 and 1311, as amended effective June 1, 2010). Such prescriptions or orders shall not be called in to a pharmacy by the physician or an agent of the physician.

(3) The prescribing/ordering physician shall be present at the facility when he or she prescribes, orders or dispenses a controlled substance for a patient for the purpose of weight reduction or treatment of obesity.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 34-24-53

History: Approved for publication: October 19, 2011. Effective Date: January 20, 2012. Amended/Approved: April 16, 2015. Effective Date: July 23, 2015. Amended/Approved: June 17, 2020. Certified Rule Filed August 19, 2020; effective October 15, 2020.