

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 February, 2020, and filed with the agency secretary on the 19th day of February, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-4-.01(2)

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

Rule Title: Registration for Alabama Controlled Substances Certificate

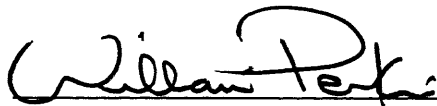
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. Rule adopted without substantive changes from the proposal. Non-substantive changes made to correct numbering/lettering.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVIII, ISSUE NO. 3, AAM, DATED December 31, 2019.

Statutory Rulemaking Authority: Ala. Code §§ 34-24-53 and 20-2-51

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

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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-4-.01 Registration for Alabama Controlled Substances Certificate.

(1) Every physician licensed to practice in Alabama who distributes, prescribes, or dispenses any controlled substance within Alabama or who proposes to engage in the distributing, prescribing or dispensing of any controlled substance within Alabama must obtain annually a registration certificate. The fee for such certificate is \$150.00, which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217, or as otherwise set by law.

(2) The requirement stated in paragraph (1) of obtaining a registration certificate is waived for the following physicians:

(a) Physicians employed by and working exclusively for the United States Department of Veteran's Affairs; and

(b) Medical residents for a period of eighteen months from the start date of the first year of the residency program.

1. At the end of the eighteenth month, the requirement stated in paragraph (1) shall apply.

2. Medical resident shall mean those medical residents in residency programs who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine, the University of South Alabama College of Medicine, or such other medical schools or colleges, hospitals, or institutions in Alabama which may be approved by the Board of Medical Examiners.

3. A medical resident for whom the requirement of obtaining a registration certificate is waived shall perform his or her work within the facilities of the University of

Alabama School of Medicine, the University of South Alabama College of Medicine, or such other institutions in Alabama which may be approved by the Board of Medical Examiners and as an adjunct to his or her course of study or training.

(3) Persons registered by the Board to distribute, prescribe, dispense or conduct research with controlled substances may possess, distribute, dispense or conduct research with those substances to the extent authorized by their registration and in conformity to any Board regulations and statutes governing controlled substances.

(4) A physician who applies for a waiver for exemption from the mandatory continuing education requirement under Rule 540-X-14-.04 shall, as a condition precedent to the granting of such waiver, surrender his or her controlled substance registration certificate to the Board of Medical Examiners.

(5) A physician who applies for annual renewal of his or her license to practice medicine under Section 34-24-337, Code of Alabama 1975 and in connection with that application claims exemption from the continuing medical education requirement by virtue of a waiver granted under Rule 540-X-14-.04 is ineligible to receive a controlled substance registration certificate so long as the waiver remains in effect.

(6) A physician who applies to the Board of Medical Examiners for termination of a waiver granted due to retirement status and who applies for a registration certificate shall, as a condition precedent to the issuance of the certificate, submit proof that he or she has satisfied the continuing medical education requirement established under Rule 540-X-14-.02.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama 1975, § 20-2-51(d).

History: Filed February 8, 1983. Rules reorganized--rule number changed to 540-X-4-.01 (see conversion table at end of code): Filed June 14, 1984 (without publication in AAM). Emergency adoption: Filed August 2, 1986. Amended: Filed October 17, 1986. Amended/Approved for Publication: March 20, 1996. Approved/Adopted: May 15, 1996. Effective Date: June 21, 1996. Amended/Approved for Publication July 21, 1999. Effective Date: November 29, 1999. Amended/Approved: April 11, 2007. Effective date: August 23, 2007. Amended/Approved for Publication: May 20, 2009. Effective Date: August 17, 2009. Amended/Approved: November 18, 2009. Effective Date: March 24, 2010. Amended/Approved: May 19, 2010. Effective Date: August 26, 2010. Amended/Approved: December 11, 2019. Certified Filed: February 19, 2020. Effective Date: April 13, 2020.