

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-9-.06(1), (2), (3), (4), and (5)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Limited Liability Companies Formed by Physicians or Osteopaths

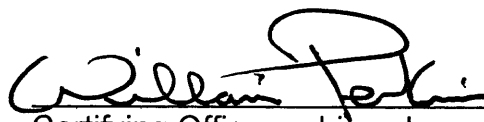
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

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

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

Statutory Rulemaking Authority: Ala. Code §§ 34-24-53 and 10A-5A-1.01 et seq

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

REC'D & FILED

FEB 19 2020

LEGISLATIVE SERVICES 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-9-.06 Limited Liability Companies Formed by Physicians or Osteopaths.

(1) This rule is promulgated pursuant to the Alabama Limited Liability Company Law of 2014, § 10A-5A-1.01, et. seq., Code of Alabama 1975, as amended. This rule is applicable to limited liability companies formed for the purposes of rendering medical professional services by physicians and osteopaths licensed to practice medicine in the State of Alabama.

(2) Physicians and osteopaths licensed to practice medicine in the State of Alabama who desire to render medical professional services as a limited liability company shall comply with the provisions of the Alabama Limited Liability Company Law and these rules and regulations.

(3) The names of limited liability companies formed by physicians and osteopaths shall be governed by the provisions of § 10A-1-5.06, Code of Alabama 1975, as amended. In addition, if the name of the limited liability company utilizes the name or names of the physicians or osteopaths who are members or employees of the limited liability company, then such name shall also include the designation "M.D." or "D.O." whichever is appropriate. In addition, other generally recognized designations or descriptions of specialized branches of the practice of medicine or the practice of osteopathy may be included.

(4) Every limited liability company organized for the rendering of medical professional services shall file with the Alabama Board of Medical Examiners a copy of the certificate of formation required to be filed with the judge of probate pursuant to § 10A-5A-2.01(e), Code of Alabama 1975, as amended. The report shall be filed with the Board within thirty (30) days after the report is filed with the judge of probate. In

addition, the limited liability company shall file with the Alabama Board of Medical Examiners a copy of any certificate of amendment or restated certificate of formation required to be filed with the Office of the Secretary of State or judge of probate pursuant to § 10A-5A-2.02(g), Code of Alabama 1975, as amended within thirty (30) days after the statement is filed with the Office of the Secretary of State or judge of probate. Failure to file with the Board of Medical Examiners the reports required by this section shall not invalidate the limited liability company.

(5) Physicians and osteopaths licensed to practice medicine who render medical professional services as a limited liability company shall comply with the conditions, requirements, and restrictions of § 10A-5A-8.01, Code of Alabama 1975, as amended. A limited liability company organized to render medical professional services, foreign or domestic, may render medical professional services in Alabama only through individuals licensed to practice medicine by the Medical Licensure Commission of Alabama. A physician or osteopath employed by a limited liability company must exercise independent judgment in matters related to the practice of medicine, and that physician's or osteopath's actions with respect to the practice of medicine shall not be subject to the control of an individual not licensed to practice medicine. This rule does not prevent a physician licensed to practice medicine in another state or the District of Columbia from exercising the temporary practice privilege afforded under § 34-24-74, Code of Alabama 1975, as amended.

(6) Documents required by these rules to be filed with the Alabama Board of Medical Examiners should be addressed to Alabama Board of Medical Examiners, 848 Washington Avenue, Post Office Box 946, Montgomery, Alabama 36101-0946.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama 1975, § 34-24-53 and § 10A-5A-1.01.

History: Approved for Publication: October 20, 1993. Approved/Adopted: December 15, 1993. Effective Date: January 20, 1994. Amended/Approved: December 11, 2019. Certified Filed: February 19, 2020. Effective Date: April 13, 2020.