



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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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 State Board of Medical Examiners hereby finds that the 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

Governor Kay Ivey
March 21, 2020
Page 2

implemented by other states and state medical boards, and received input from interested stakeholders. 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.

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 19th day of March, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-7-.69ER, Applicants for Emergency License to Practice as a Physician Assistant

EFFECTIVE DATE OF RULE: March 23, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner

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, § 34-24-290, et seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Carla H. Kruger
PO Box 946
Montgomery AL 36101-0946
(334) 242-4116

Text of rule and application forms are available at the Board of Medical Examiners' web site, www.albme.org.



Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

NEW

540-X-7-.69ER Applicants for Emergency License to Practice as a Physician Assistant.

(1) Preamble. 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). 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 State Board of Medical Examiners hereby finds that the need for qualified physician assistants to provide medical services in Alabama warrants the emergency adoption of this rule to provide for the issuance of an emergency license to practice as a physician assistant to physician assistants licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of a license to practice as a physician assistant to qualified physician 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 assistant applicants who satisfy the requirements of this rule are eligible for an emergency license to practice as a physician assistant.

(2) The State Board of Medical Examiners may issue an emergency license to practice as a physician assistant on behalf of a person who presents evidence satisfactory to the Board showing all of the following:

(a) Possession of a full and unrestricted license to practice as a physician

assistant issued by the appropriate licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Completion of a training program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), or its successor agency;

(c) Completion of the Physician Assistant National Certification Examination (PANCE) as administered by the National Commission on Certification of Physician Assistants (NCCPA);

(d) Has never been convicted, received adjudication, community supervision, or deferred disposition of any felony offense or any crime related to fraud, violence, sexual violations, or related to health care;

(e) Has never had his or her license to practice as a physician assistant subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

(f) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;

(g) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction; and

(h) Is a United States citizen, a national of the United States, or an alien lawfully present in the United States.

(3) An emergency license to practice as a physician assistant issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule, or when the Governor proclaims the termination of the state's public health emergency,

whichever is sooner. The effectiveness of this rule, and any licenses issued under it, may be extended by order of the Governor.

(4) A physician assistant who is issued an emergency license shall also be issued a restricted Qualified Alabama Controlled Substances Certificate for the purpose of treating patients suffering from and affected by SARS-CoV-2 and the disease known as COVID-19. The certificate shall not authorize the physician assistant to prescribe controlled substances via telemedicine.

(5) A physician assistant applying for an emergency license shall certify to the State Board of Medical Examiners that he or she intends to provide health care to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(6) Applicants for an emergency license to practice as a physician assistant shall not be required to pay a fee.

(7) Applicants shall be entitled to the expedited issuance of an emergency license to practice as a physician assistant upon certification of the applicant's satisfaction of this rule by the Executive Director or Associate Executive Director of the State Board of Medical Examiners, or his or her designee.

(8) The emergency license to practice as a physician assistant shall clearly indicate that it is an emergency license.

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, Approved: March 19, 2020. Effective Date of Emergency Rule: March 23, 2020.

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 19th day of March, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-7-.70ER, Temporary Emergency Registration and Supervision - Physician Assistant

EFFECTIVE DATE OF RULE: March 23, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner

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, § 34-24-290, et seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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Signature of officer authorized
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regulations or his or her deputy

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, or when the Governor proclaims the termination of the state's public health emergency, whichever is sooner. 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, Approved: March 19, 2020. Emergency Rule Effective Date: March 23, 2020.

APA-4
Revised 1/2018

**CERTIFICATION OF EMERGENCY RULES
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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 19th day of March, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-7-.71ER, Applicants for Emergency License to Practice as an Anesthesiologist Assistant

EFFECTIVE DATE OF RULE: March 23, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner

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, § 34-24-290, et seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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NEW

540-X-7-.71ER Applicants for Emergency License to Practice as an Anesthesiologist Assistant.

(1) Preamble. 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). 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 State Board of Medical Examiners hereby finds that the need for qualified anesthesiologist assistants to provide medical services in Alabama warrants the emergency adoption of this rule to provide for the issuance of an emergency license to practice as an anesthesiologist assistant to anesthesiologist assistants licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of a license to practice as an anesthesiologist assistant to qualified 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 anesthesiologist assistant applicants who satisfy the requirements of this rule are eligible for an emergency license to practice as an anesthesiologist assistant.

(2) The State Board of Medical Examiners may issue an emergency license to practice as an anesthesiologist assistant on behalf of a person who presents evidence satisfactory to the Board showing all of the following:

(a) Possession of a full and unrestricted license to practice as an anesthesiologist assistant issued by the appropriate licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Provide evidence, satisfactory to the Board, of successful completion of a training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), or the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or their successor agencies;

(c) Completion of the Certifying Examination for Anesthesiologist Assistants (CEAA) as administered by the National Commission for Certification of Anesthesiologist Assistants (NCCAA);

(d) Has never been convicted, received adjudication, community supervision, or deferred disposition of any felony offense or any crime related to fraud, violence, sexual violations, or related to health care;

(e) Has never had his or her license to practice as an anesthesiologist assistant subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

(f) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;

(g) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction; and

(h) Is a United States citizen, a national of the United States, or an alien lawfully present in the United States.

(3) An emergency license to practice as an anesthesiologist assistant issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule, or when the Governor proclaims the termination of the state's public health emergency, whichever is sooner. The effectiveness of this rule, and any licenses issued under it, may be extended by order of the Governor.

(4) An anesthesiologist assistant applying for an emergency license shall certify to the State Board of Medical Examiners that he or she intends to provide health care to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(5) Applicants for an emergency license to practice as an anesthesiologist assistant shall not be required to pay a fee.

(6) Applicants shall be entitled to the expedited issuance of an emergency license to practice as an anesthesiologist assistant upon certification of the applicant's satisfaction of this rule by the Executive Director or Associate Executive Director of the State Board of Medical Examiners, or his or her designee.

(7) The emergency license to practice as an anesthesiologist assistant shall clearly indicate that it is an emergency license.

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, Approved: March 19, 2020. Effective Date of Emergency Rule: March 23, 2020.

APA-4
Revised 1/2018

**CERTIFICATION OF EMERGENCY RULES
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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 19th day of March, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-7-.72ER, Temporary Emergency Registration and Supervision - Anesthesiologist Assistant

EFFECTIVE DATE OF RULE: March 23, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner

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, § 34-24-290, et seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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NEW

540-X-7-.72ER Temporary Emergency Registration and Supervision

(1) There shall be no independent, unsupervised practice by anesthesiologist assistants. All anesthesiologist assistants who are issued an emergency license under Rule 540-X-7-.71 must be registered and supervised by an anesthesiologist.

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

(4) An anesthesiologist assistant may provide emergency medical treatment without immediate supervision by an anesthesiologist 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 anesthesiologist assistant in such circumstance shall make reasonable efforts to inform his or her supervising anesthesiologist 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, or when the Governor proclaims the termination of the state's public health emergency, whichever is sooner. 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, Approved: March 19, 2020. Effective Date of Emergency Rule: March 23, 2020.