

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-12-.03

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

Rule Title: Requirements for the Issuance of a Qualified Alabama Controlled Substances Registration Certificate (QACSC)

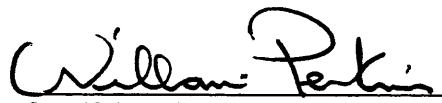
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

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 20-2-60 et seq

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

FEB 19 2020

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-12-.03 Requirements for the Issuance of a Qualified Alabama Controlled Substances Registration Certificate (QACSC).

To qualify for a QACSC, an individual must meet the following requirements:

- (1) Be a Physician Assistant (P.A.) who holds a current and unrestricted license issued by the Board and who is registered by the Board to perform medical services under the supervision of a physician who holds and maintains a valid, current and unrestricted Alabama Controlled Substances Registration Certificate (ACSC);
- (2) Be a P.A. who is practicing with appropriate physician supervision and in accordance with all statutes and rules governing P.A.s;
- (3) Submit proof of successful completion of twelve (12) hours of AMA PRA Category 1 credits™ or the equivalent continuing medical education (CME), which shall include the following:
 - (a) “Prescribing Controlled Drugs; Critical Issues and Common Pitfalls,” a continuing medical education course jointly sponsored by the Board and the Medical Association of the State of Alabama (8 AMA PRA Category 1™ credits).
 - (b) Four (4) AMA PRA Category 1™ credits or equivalent through a Board approved course or courses that include advanced pharmacology and prescribing trends relating to controlled substances.
- (4) Complete the required twelve (12) credits within one (1) year preceding the filing of an application for a QACSC.
- (5) Provide accurate and complete documentation of a minimum of twelve (12) months of active clinical employment with physician supervision following National Commission on Certification of Physician Assistants (NCCPA) certification.

- (6) Submit an application on forms provided by the Board.
- (7) Pay the required application fee required by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489

History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Amended/Approved: December 11, 2019. Certified Rule Filed: February 19, 2020. Effective Date: April 13, 2020.

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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-12-.08

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

Rule Title: Utilization of Qualified Alabama Controlled Substances Registration Certificate (QACSC) - Limitations

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

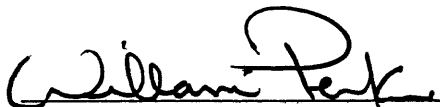
No comments received. Rule adopted without changes from the proposal.

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 20-2-60 et seq

(Date Filed)
(For LRS Use Only)

FEB 19 2020



Certifying Officer or his or her
Deputy

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-12-.08 Utilization of Qualified Alabama Controlled Substances

Registration Certificate (QACSC) - Limitations.

- (1) The authority of a P.A. to prescribe, administer, authorize for administration or dispense pursuant to a QACSC is limited to those controlled substances enumerated in Schedules III, IV and V.
- (2) A P.A. shall not prescribe, administer, authorize for administration, or dispense any controlled substance enumerated in Schedule I or Schedule II.
- (3) A P.A. shall prescribe, administer, authorize for administration or dispense controlled substances in accordance with the requirements of Ala. Code §§ 20-2-60 through 20-2-69; any other applicable sections of the Alabama Uniform Controlled Substances Act (Ala. Code § 20-2-1, *et. seq.*); Board rules; protocols and medical regimens established by the Board for regulation of a QACSC; and any requirements or limitations established in an approved formulary by the supervising physician to whom the Physician Assistant is registered.
- (4) A P.A. shall not utilize his or her QACSC for the purchasing, obtaining, maintaining or ordering of any stock supply or inventory of any controlled substance in any form.
- (5) A P.A. who has been issued a valid and current QACSC may accept from pharmaceutical representatives prepackaged samples or starter packs in their original packages or containers for controlled substances enumerated in Schedules III, IV or V, subject to any restriction or limitations on the P.A.'s approved formulary and subject to any protocols or medical regimens established by the Board.

(6) A P.A. shall not prescribe, administer, authorize for administration or dispense any controlled substance to his or her own self, spouse, child or parent.

(7) If the Alabama Controlled Substances Certificate of the supervising physician under whose supervision the P.A. utilizes a QACSC becomes inactive, revoked, suspended, restricted, or placed on probation, then the QACSC of the P.A. shall be administratively terminated by operation of law.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489

History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Amended/Approved: December 11, 2019. Certified Rule Filed: February 19, 2020. Effective Date: April 13, 2020.

**CERTIFICATION OF ADMINISTRATIVE RULES
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(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-18-.03

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

Rule Title: Requirements for the Issuance of a Qualified Alabama Controlled Substances Registration Certificate (QACSC)


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 20-2-250 et seq

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

FEB 19 2020

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-18-.03 Requirements for the Issuance of a Qualified Alabama Controlled Substances Registration Certificate (QACSC).

To qualify for a QACSC, an individual must meet the following requirements:

(1) Be a CRNP or CNM who is practicing in accordance with § 34-21-5, Code of Alabama 1975, as amended, and all Alabama Board of Nursing and Alabama Board of Medical Examiners rules governing collaboration between a qualified physician and a qualified CRNP or CNM and who is in a collaborative practice with a physician who holds and maintains a valid, current and unrestricted ACSC;

(2) Submit proof of successful completion of twelve (12) hours of AMA PRA Category 1 credits™ or the equivalent continuing medical education (CME), which shall include the following:

(a) “Prescribing Controlled Drugs; Critical Issues and Common Pitfalls,” a continuing medical education course jointly sponsored by the Board and the Medical Association of the State of Alabama (8 AMA PRA Category 1™ credits).

(b) Four (4) AMA PRA Category 1™ credits or equivalent through a Board approved course or courses that include advanced pharmacology and prescribing trends relating to controlled substances;

(3) Complete the required twelve (12) credits within one (1) year preceding the filing of an application for a QACSC;

(4) Provide accurate and complete documentation of a minimum of twelve (12) months of active clinical practice pursuant to one or more collaborative practice agreements approved by the Alabama Board of Nursing and the Alabama Board of

Medical Examiners. Temporary approval practice and provisional approval practice shall not be considered or used to meet this requirement;

- (5) Submit an application on forms provided by the Board; and
- (6) Pay the required application fee required by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-250, et. seq.; Act 2013-223

History: Approved for publication: June 12, 2013. Approved for final adoption: August 21, 2013. Effective Date: October 1, 2013. Amended/Approved: December 11, 2019. Certified Rule Filed: February 19, 2020. Effective Date: April 13, 2020.

**CERTIFICATION OF ADMINISTRATIVE RULES
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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-18-.08

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

Rule Title: Utilization of Qualified Alabama Controlled Substances Registration Certificate (QACSC) - Limitations

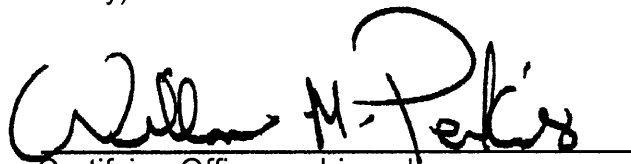
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

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 20-2-250 et seq

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

FEB 19 2020

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-18-.08 Utilization of Qualified Alabama Controlled Substances Registration Certificate (QACSC) - Limitations.

(1) The authority of a CRNP or CNM to prescribe, administer, authorize for administration or dispense pursuant to a QACSC is limited to those controlled substances enumerated in Schedules III, IV and V.

(2) A CRNP or CNM shall not use the authority of his or her QACSC to prescribe, administer, authorize for administration, or dispense any controlled substance enumerated in Schedule I or Schedule II; however, a CRNP or CNM may administer a Schedule II controlled substance which has been ordered, prescribed or dispensed by a collaborating or covering physician.

(3) A CRNP or CNM shall prescribe, administer, authorize for administration or dispense controlled substances in accordance with the requirements of §§ 20-2-250 through 20-2-259, Code of Alabama 1975, as amended; any other applicable sections of the Alabama Uniform Controlled Substances Act (§ 20-2-1, et. seq., Code of Alabama 1975, as amended); Board rules; protocols, formularies, and medical regimens established by the Board for regulation of a QACSC; and any requirements or limitations established in an approved formulary by the collaborating physician.

(4) A CRNP or CNM shall not utilize his or her QACSC for the purchasing, obtaining, maintaining or ordering of any stock supply or inventory of any controlled substance in any form.

(5) A CRNP or CNM who has been issued a valid and current QACSC may accept from pharmaceutical representatives prepackaged samples or starter packs in their original packages or containers for controlled substances enumerated in Schedules

III, IV or V, subject to any restriction or limitations on the CRNP's or CNM's approved formulary and subject to any protocols or medical regimens established by the Board.

(6) A CRNP or CNM shall not prescribe, administer, authorize for administration or dispense any controlled substance to his or her own self, spouse, child or parent.

(7) If the Alabama Controlled Substances Certificate of the collaborating physician under whose supervision the CRNP or CNM utilizes a QACSC becomes inactive, revoked, suspended, restricted, or placed on probation, then the QACSC of the CRNP or CNM shall be administratively terminated by operation of law.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-250, et. seq.; Act 2013-223

History: Approved for publication: June 12, 2013. Approved for final adoption: August 21, 2013. Effective Date: October 1, 2013. Amended/Approved: December 11, 2019. Certified Rule Filed: February 19, 2020. Effective Date: April 13, 2020.

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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-20-.06

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

Rule Title: Limitations on Utilization of a Limited Purpose Schedule II Permit (LPSP)

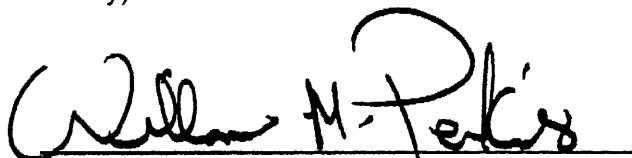
ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

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 20-2-260

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

RECEIVED
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-20-.06 Limitations on Utilization of a Limited Purpose Schedule II Permit (LPSP).

(1) The authority of a PA, a CRNP, or a CNM to prescribe, administer or authorize for administration a Schedule II controlled substance pursuant to an LPSP shall be practice specific.

(2) Only those Schedule II controlled substances which are generally and customarily used in the specialty practice of the supervising physician with whom the PA is registered or the specialty practice of the collaborating physician with whom the CRNP/CNM has a collaborative agreement will be approved by the Board to be prescribed, administered or authorized for administration pursuant to the LPSP.

(3) A specific practice formulary listing the specific Schedule II controlled substances to be prescribed, administered or authorized for administration by the PA, CRNP, or CNM shall be submitted with the application for the LPSP and shall be approved by the Board prior to issuance of the LPSP. The authority of the PA, CRNP, or CNM to prescribe, administer, or authorize for administration a Schedule II controlled substance shall be limited to the Schedule II controlled substances which are listed in the specific practice formulary and approved by the Board.

(4) A PA, CRNP or CNM shall not utilize the LPSP for the purchasing, obtaining, maintaining, or ordering of any stock supply or inventory of any controlled substance in any form.

(5) A PA, CRNP or CNM is prohibited from utilizing an LPSP to prescribe, administer or authorize for administration a controlled substance to his or her own self, spouse, child or parent.

(7) If the Alabama Controlled Substances Certificate of the supervising or collaborating physician under whose supervision the PA, CRNP, or CNM utilizes an LPSP becomes inactive, revoked, suspended, restricted, or placed on probation, then the LPSP of the PA, CRNP, or CNM shall be administratively terminated by operation of law.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014. Effective Date: November 20, 2014. Amended/Approved: December 11, 2019. Certified Rule Filed: February 19, 2020. Effective Date: April 13, 2020.