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 15th day of July, 2020.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-3-.25ER, Applicants for Emergency Certificate of Qualification by Endorsement

EFFECTIVE DATE OF RULE: July 20, 2020

EXPIRATION DATE (If less than 120 days):


STATUTORY AUTHORITY: Code of Alabama 1975, § 34-24-337

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES __X__NO

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

Carla H. Kruger
PO Box 946
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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
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 Governor extended the state of emergency on May 8, 2020, and again on July 2, 2020. The state of emergency is currently set to expire on September 9, 2020.

Notably, the Governor’s Thirteenth Supplemental State of Emergency Proclamation found that the “continuing impact of COVID-19” has created “conditions of disaster or extreme peril to the safety of persons and property” that justifies the extension of the state of emergency. The Governor further stated that “it is impossible to predict how long the COVID-19 pandemic will require the existence of a state of emergency.” The State Board of Medical Examiners agrees with this finding and assessment of the pandemic. Further, the State Board of Medical Examiners finds that the disruption to Alabama’s healthcare system by COVID-19 is unprecedented and unforeseeable; accordingly, the State Board of Medical Examiners finds that the need to reissue these emergency rules was not foreseeable when they were originally issued in March 2020.

The State Board of Medical Examiners hereby finds that the continued 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 implemented by other states and state medical boards, and received input from interested stakeholders, including institutions representing license holders. 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.
NEW

540-X-3-.25ER Applicants for Emergency Certificate of Qualification by Endorsement.

(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. On July 2, 2020, the Governor extended the state of emergency for a second time to last until September 9, 2020. The Governor found that “it is impossible to predict how long the COVID-19 pandemic will require the existence of a state of emergency.” Accordingly, the State Board of Medical Examiners hereby finds that the continued need for qualified physicians to provide medical services in Alabama warrants the emergency adoption of this rule to provide for the issuance of an emergency certificate of qualification to physicians 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 certificate of qualification to qualified physicians 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 this rule are eligible for an emergency certificate of qualification by endorsement.
(2) The State Board of Medical Examiners may issue an emergency certificate of qualification by endorsement 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 medicine issued by the appropriate medical licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Graduation from a medical school accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation, or a medical school listed on the International Medical Education Directory or its equivalent;

(c) Passage of each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) or any of their predecessor examinations accepted by the applicant’s licensing board as an equivalent examination for licensure purposes;

(d) Successful completion of graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(e) 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 the practice of medicine;

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

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

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

(3) An emergency certificate of qualification issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule. The effectiveness of this rule, and any licenses issued under it, may be extended by order of the Governor.

(4) A physician who is issued an emergency certificate of qualification shall also be issued a restricted 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 to prescribe controlled substances via telemedicine.

(5) A physician applying for an emergency certificate of qualification shall certify to the State Board of Medical Examiners that the physician intends to practice medicine 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 certificate of qualification shall not be required to pay a fee.
(7) Applicants shall be entitled to the expedited issuance of an emergency certificate of qualification 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 certificate of qualification shall clearly indicate that it is an emergency certificate.

**Author:** Alabama Board of Medical Examiners.

**Statutory Authority:** Code of Alabama 1975, § 34-24-53, § 34-24-73(b).

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 (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 17th day of July, 2020.

AGENCY NAME: Medical Licensure Commission of Alabama

RULE NO. AND TITLE: 545-X-2-.08ER

EFFECTIVE DATE OF RULE: Upon filing with Legislative Services 7/20/2020

EXPIRATION DATE (If less than 120 days): 120 days 11/17/2020

NATURE OF EMERGENCY:
To allow for expedited licensure of physicians to practice medicine in Alabama and to extend the expiration date for any current emergency licenses that have been issued in response to the Coronavirus 2019 (COVID -19) Pandemic.

STATUTORY AUTHORITY: Sections 34-24-311, 333, 334 Ala. Code (1975)

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES X NO

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

Karen Silas (ksilas@almlc.org) 848 Washington Avenue Montgomery, AL 36104 (334-833-0174)

George C. Smith, Sr., M.D. Alabama Medical Licensure Commission

(For APA Use Only)
Legislative Services Agency,

The Commission finds that the immediate danger to the public health, safety, or welfare requires adoption of this rule on less than 35 days' notice.

Thank you

Alabama Medical Licensure Commission
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848 Washington Avenue, Montgomery, Alabama 36104
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545-X-2-.08-ER Emergency License.

(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 2019 novel coronavirus known as SARS Cov-2 which causes 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 Governor of the State of Alabama has promulgated several supplemental proclamations culminating most recently with her proclamation of June 30, 2020, which extends the state of emergency originally declared on March 13, 2020. That June 30 proclamation specifically sets out the need for the extension of emergency rule making authority during the current state of emergency and declares that any state law contrary to the provisions of the said declaration are thereby suspended. The Medical Licensure Commission of Alabama promulgated an emergency rule, which was effective March 23, 2020, allowing for the temporary issuance of emergency licenses to qualified physicians. That rule and the licenses issued under its authority are due to expire on July 21, 2020. The Medical Licensure Commission of Alabama hereby finds that the need for qualified physicians to provide medical services in Alabama due to the COVID-19 pandemic has not abated
and warrants the emergency adoption of this rule to provide for the continued issuance of emergency licenses to physicians licensed in other states who may assist with this health emergency and for the continuation for an additional one hundred twenty (120) days of emergency licenses which have already been issued to physicians under the previous emergency rule. The Commission finds that the continued need for emergency licensure of physicians to meet the demands of the COVID-19 pandemic beyond the one hundred twenty (120) days originally provided for by the emergency rule which was effective March 23, 2020 was not reasonably foreseeable. The intent of this rule is to provide for the expedited issuance of medical licenses to qualified physicians who desire to provide health care to citizens of Alabama suffering from and affected by the 2019 novel coronavirus known as COVID-19 and the continuation of those emergency licenses which have heretofore been issued under the authority of the previous emergency rule. The Medical Licensure Commission hereby finds that physicians who obtain an emergency certificate of qualification by endorsement from the State Board of Medical Examiners are eligible for an emergency medical license.

(2) Upon the receipt of an emergency certificate of qualification and all applicable forms from the State Board of Medical Examiners, the Executive Secretary of the Medical
Licensure Commission, or his or her designee, shall issue an expedited emergency license to the applying physician.

(3) An emergency license issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule. An emergency license shall not be renewed.

(4) Applicants for an emergency license shall not be required to pay a fee.

(5) All emergency licenses issued by the Medical Licensure Commission of Alabama pursuant to the authority of its emergency rule which became effective March 23, 2020 shall be and are hereby continued in effect for a period of one hundred twenty (120) days from the effective date hereof.

Author: Medical Licensure Commission of Alabama
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-3-.25ER, Applicants for Emergency Certificate of Qualification by Endorsement

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


SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES __X__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
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
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.
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 physicians to provide medical services in Alabama warrants the emergency adoption of this rule to provide for the issuance of an emergency certificate of qualification to physicians 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 certificate of qualification to qualified physicians 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 this rule are eligible for an emergency certificate of qualification by endorsement.

The State Board of Medical Examiners may issue an emergency certificate of qualification by endorsement 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 medicine issued by the appropriate medical licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Graduation from a medical school accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation, or a medical school listed on the International Medical Education Directory or its equivalent;

(c) Passage of each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) or any of their predecessor examinations accepted by the applicant’s licensing board as an equivalent examination for licensure purposes;

(d) Successful completion of graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(e) 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 the practice of medicine;

(f) Has never had his or her medical license 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;

(g) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;
(h) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction; and

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

(3) An emergency certificate of qualification 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 who is issued an emergency certificate of qualification shall also be issued a restricted 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 to prescribe controlled substances via telemedicine.

(5) A physician applying for an emergency certificate of qualification shall certify to the State Board of Medical Examiners that the physician intends to practice medicine 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 certificate of qualification shall not be required to pay a fee.

(7) Applicants shall be entitled to the expedited issuance of an emergency certificate of qualification 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 certificate of qualification shall clearly indicate that it is an emergency certificate.

**Author:** Alabama Board of Medical Examiners.
**Statutory Authority:** Code of Alabama 1975, § 34-24-53, § 34-24-73(b).
545-X-2-.08 Emergency License.

(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 2019 novel coronavirus 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 Medical Licensure Commission of Alabama hereby finds that the need for qualified physicians to provide medical services in Alabama warrants the emergency adoption of this rule to provide for the issuance of an emergency license to physicians licensed in other states who may assist with this health emergency. The intent of this rule is to provide for the expedited issuance of medical licenses to qualified physicians who desire to provide health care to citizens of Alabama suffering from and affected by the 2019 novel coronavirus known as COVID-19. The Medical Licensure Commission hereby finds that physicians who obtain an emergency certificate of qualification by endorsement from the State Board of Medical Examiners are eligible for an emergency medical license.

(2) Upon the receipt of an emergency certificate of qualification and all applicable forms from the State Board of Medical Examiners, the Executive Secretary of the Medical Licensure Commission, or his or her designee, shall issue an expedited emergency license to the applying physician.

(3) An emergency license issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule, or when the Governor of Alabama proclaims the termination of the state’s public health emergency, whichever is sooner.
An emergency license shall not be renewed.

(4) Applicants for an emergency license shall not be required to pay a fee.

**Author:** Medical Licensure Commission of Alabama


**History:**