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 amended rule is a correct copy as promulgated and adopted on the 19th day of December, 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: December 21, 2020

EXPIRATION DATE (If less than 120 days): April 13, 2020


Emergency Rule is being amended to clarify the areas of practice of a temporary emergency licensee and to remove the restriction prohibiting the prescribing of controlled substances via telehealth.

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

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
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Text of rule and application forms are available at the Board of Medical Examiners' website, www.albme.org.
(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 Governor has continued to extend the state public health emergency and on December 9, 2020, she extended the state of emergency through March 8, 2021. The State Board of Medical Examiners hereby finds that the state public health emergency caused by SARS-CoV-2 has not abated, that the number of persons suffering from and affected by SARS-CoV-2 has been rapidly rising, and that the rapid increase in patients requiring hospital-based care has strained the state's healthcare system. Accordingly, the State Board of Medical Examiners finds that an emergency need exists for qualified physicians to provide medical services in Alabama, and that this need 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;

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

(j) Has obtained and provides to the Board written verification from the hospital administrator or chief of the medical staff of a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health stating that the applicant will provide in-patient medical care to patients in inpatient units, emergency departments, or other acute care units and that the facility is providing care to persons suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(3) An emergency certificate of qualification issued under this rule shall expire one hundred eighty (180) days after the initial 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 specific order of the Governor.

(4) A physician who is issued an emergency certificate of qualification shall be restricted to providing medical care to inpatients in inpatient units, emergency departments, or other acute care units at the general acute care hospital, critical access hospital, or specialized hospital identified in his or her application. A physician who is issued an emergency certificate of qualification may designate a new or additional
practice site by providing to the Board written verification from the hospital administrator
or chief of the medical staff of the general acute care hospital, critical access hospital, or
specialized hospital licensed as such by the Alabama Department of Public Health
showing stating that the physician will provide in-patient medical care to patients in
inpatient units, emergency departments, or other acute care units and that the facility is
providing care to persons suffering from and affected by SARS-CoV-2 and the disease
known as COVID-19.

(5) 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 providing medical care to patients in inpatient units, emergency departments,
or other acute care units in a facility that is providing care to persons 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.

(6) 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.

(7) Applicants for an emergency certificate of qualification and restricted
Alabama Controlled Substance Certificate under this rule shall not be required to pay a
fee.

(8) 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.

(9) The emergency certificate of qualification shall clearly indicate that it is an emergency certificate.

Author: Alabama Board of Medical Examiners.
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 21st day of December, 2020.

AGENCY NAME: Medical Licensure Commission of Alabama

RULE NO. AND TITLE: 545-X-2-.09ER Emergency License

EFFECTIVE DATE OF RULE: December 22, 2020

EXPIRATION DATE (If less than 120 days):

NATURE OF EMERGENCY:

To clarify that expedited licensees are allowed to practice medicine under the emergency license in inpatient units, emergency departments, or other acute care units at general acute care hospitals, critical access hospitals, and specialized hospitals in order to help the said health care facilities cope with the recent surge in COVID-19 cases.


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
848 Washington Avenue
Montgomery, AL 36104
(334) 833-0174

Signature of officer authorized to promulgate and adopt rules and regulations or his or her deputy
545-X-2-.09ER 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 Governor has continued to extend the state public health emergency and on November 8, 2020, she extended the state of emergency through March 8, 2021. The Medical Licensure Commission hereby finds that the state public health emergency caused by SARS-CoV-2 has not abated, that the number of persons suffering from and affected by SARS-CoV-2 has been rapidly rising, and that the rapid increase in patients requiring hospital-based care has strained the state’s healthcare system. 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 eighty (180) days after the initial effective date of this rule, when the Governor of Alabama proclaims the termination of the state's public health emergency, or when the current state of emergency expires, whichever is sooner.
An emergency license shall not be renewed.

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

(5) A physician who is issued an emergency license under this rule shall be restricted to providing medical care to patients in inpatient units, emergency departments, or other acute care units at the general acute care hospital, critical access hospital, or specialized hospital identified in his or her application or as may be designated to the Board of Medical Examiners from time to time.

**Author:** Medical Licensure Commission of Alabama


**History:** Effective: December 12, 2020; Amended: Filed December 22, 2020
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 Governor has continued to extend the state public health emergency and on November 8, 2020, she extended the state of emergency through March 8, 2021. The Medical Licensure Commission hereby finds that the state public health emergency caused by SARS-CoV-2 has not abated, that the number of persons suffering from and affected by SARS-CoV-2 has been rapidly rising, and that the rapid increase in patients requiring hospital-based care has strained the state's healthcare system. 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 in-patient 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. The Commission has determined that the recent surge in COVID-19 cases and hospitalizations has strained the in-patient resources of hospitals in this state, and that such emergency presents an immediate danger to the public health, safety, or welfare and requires the adoption of this rule upon less than 35 days notice. The Medical Licensure Commission passed an emergency rule under the same number which was filed on December 14, 2020 which allowed expedited licensees to practice in inpatient facilities. This amendment is intended to clarify that expedited licensees are allowed to practice medicine under the emergency license in inpatient units, emergency departments, or other acute
care units at general acute care hospitals, critical access hospitals, and specialized hospitals in order to help the said health care facilities cope with the recent surge in COVID-19 cases.