

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-2-.01
Rule Title: Definitions Applicable to Applications for Certificate of Qualification
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *David Moore* REC'D & FILED
2019 MAR 20 PM 12: 05

Date March 20, 2019
LEGISLATIVE SVC AGENCY
(DATE FILED)
(STAMP)

APA-2

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-2-.01, Definitions Applicable to Applications for Certificate of Qualification


INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Correct references to other rules, zip code

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla H. Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and including May 3, 2019. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Carla H. Kruger by telephone (334-242-4116) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments. Copies can also be obtained at the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 3, 2019

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

540-X-2-.01 Definitions Applicable to Applications for Certificate of Qualification.

(1) The following definitions shall apply to these rules:

(a) Colleges of medicine accredited by the American Medical Association: colleges of medicine which are accredited by the Liaison Committee on Medical Education (L.C.M.E.) of the American Medical Association as are listed in its most recent publication and all revisions, corrections, additions or deletions thereto.

(b) Colleges of medicine accredited by the American Osteopathic Association: colleges of medicine accredited by the American Osteopathic Association as listed in the most recent edition of the Osteopathic Profession and Its Colleges, a publication of the American Osteopathic Association and any subsequent revisions, corrections, additions or deletions thereto.

(c) Internship (residency) programs approved by the American Medical Association: internship (residency) programs as listed in the Directory of Residency Training Programs published by the American Medical Association and all editions of that directory including all revisions, corrections, additions or deletions thereto.

(d) Internship (residency) programs approved by the American Osteopathic Association: internship (residency) programs which are accredited by the American Osteopathic Association and which are reflected in the Registry of Accredited and Listed Osteopathic Institutions as published by the American Osteopathic Association in its most current edition, and all revisions, corrections, additions or deletions thereto.

(e) Internship (residency) programs approved by the Board: the Alabama Board of Medical Examiners has approved those residency training programs that are approved by the Accreditation Committee of the Royal College of Physicians and

Surgeons of Canada in this most current publication, and all subsequent revisions, corrections, additions or deletion thereto.

(f) Certification or re-certification by a specialty board approved by the American Medical Association: certification or re-certification by specialty boards approved by the American Medical Association as reflected in the most current listing of approved medical specialty boards as published by the American Medical Association and all subsequent revisions, corrections, additions or deletions thereto.

(g) FLEX examination: that examination administered by the Federation of State Licensing Boards in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a FLEX weighted average of 75.0 or a minimum score of 75.0 on each individual Component of the FLEX examination.

(h) N.B.M.E. examination: that examination administered by the National Board of Medical Examiners in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a minimum score of 75 on each Part of the N.B.M.E. Examination or that score which is designated as a passing score by the National Board of Medical Examiners.

(i) ~~N.B.O.P. & S.~~ NBOME examination: that examination administered by the National Board of Osteopathic ~~Physicians and Surgeons~~ Medical Examiners in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be that score

which is designated as a passing score by the National Board of Osteopathic Physicians and Surgeons Medical Examiners.

(j) E.C.F.M.G. examination: that examination administered by the Educational Council for Foreign Medical Graduates, including the medical portion and English language portion, in their most recent editions and any subsequent revisions, corrections, additions or deletions thereto.

(k) U.S.M.L.E., The United States Medical Licensing Examination: that examination, administered through a joint program of the Federation of State Medical Boards of the U.S., Inc. and the National Board of Medical Examiners, in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a minimum score of 75 on each Step of the U.S.M.L.E.

(l) L.M.C.C. examination: that examination administered by the Licensing Medical Council of Canada in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be that score which is designated as a passing score by the Licensing Medical Council of Canada.

(m) Visiting Professor: In connection with certificates of qualification issued without examination pursuant to Board Rules, Chapter 540-X-3-14 of these rules, a Visiting Professor is an individual holding the degree of Doctor of Medicine who is employed as a faculty member at an accredited College of Medicine in the State of Alabama, and who is appointed to such position for a specific limited period of time. The Dean of the College of Medicine shall set forth the period of appointment in the initial

application for certificate of qualification without examination, which shall be subject to the approval of the Board at their discretion, but which shall normally not exceed a period of twenty-four months.

(n) Distinguished Professor: In connection with certificates of qualification issued without examination pursuant to Board Rules, Chapter 540-X-3-14 of these rules a Distinguished Professor is an individual holding the degree of Doctor of Medicine who, in the opinion of the Board meets the following criteria:

1. Appointment at the rank of Professor at an accredited College of Medicine located in Alabama.
2. The candidate should have proven recognition by peers within his specialty at the national and preferably at the international level. Documentation shall include membership in specialty societies which have restricted and selective membership.
3. The candidate shall be of the caliber to have been invited to be a lecturer or visiting professor at similar institutions either abroad or within the United States.
4. The candidate's curriculum vitae shall show a delivery of scholarly papers before national or international meetings.
5. The candidate shall have letters of support from the appropriate department chairman, the Dean of the College of Medicine, and academic colleagues from outside the State of Alabama which reflect and attest to his or her distinguished status.

Approval of an applicant for designation as a Distinguished Professor shall rest within the sole discretion of the Board based upon its examination and evaluation of the

credentials, qualifications and reputation within the medical community of the applicant. Applicants designated as Distinguished Professors may be approved by the Board without specification of the duration of such appointment, however, the Board shall retain the sole discretion to grant or deny the annual renewal of such certificate.

(o) Specialty Professor: In connection with certificates of qualification issued without examination pursuant to Board Rules, Chapter 540-X-3-14 of these rules, a specialty professor is an individual holding the degree of doctor of medicine who, in the opinion of the Board meets the following criteria:

1. The candidate holds an appointment to the regular (full time) faculty of medicine at an accredited college of medicine in the State of Alabama at the rank of assistant, associate or full professor.

2. The candidate is not eligible to obtain a regular license to practice medicine in this state by virtue of the lack of required residency training in a program approved by the Board, or inability to submit to examinations required for regular license by virtue of the nature of the candidate's educational training and practice experience or other circumstances deemed adequate by the Board.

3. The candidate should have proven recognition by peers within his specialty on a national level and preferably at the international level.

4. The candidate shall have been invited to be a lecturer or visiting professor at other colleges of medicine and similar institutions either abroad or within the United States.

5. The candidate's curriculum vitae should show a delivery of scholarly papers before national or international meetings.

6. The candidate shall have letters of support from the appropriate departmental chairman, the dean of the medical school, the academic colleagues from outside the State of Alabama which reflect and attest to his or her status recognition within the profession.

7. The candidate shall provide documentary evidence satisfactory to the Board that he or she will provide a unique resource to the college of medicine and to the people of Alabama a narrow sub-specialty of medicine which is not otherwise available in this state.

8. The candidate must submit with his or her application an agreement in writing that the medical practice of the candidate will be limited to the confines of those specific programs, institutions or facilities which are approved by the Board and designated on the candidate's certificate of qualification, and that the scope of the candidate's medical practice shall be limited to those medical services which are usually and ordinarily associated with the particular sub-specialty of medicine in which the candidate proposes to engage. The sub-specialty shall be designated by the Board on the candidate's certificate of qualification.

(p) Approval of an applicant for designation as a specialty professor shall rest within the ~~sole~~sole discretion of the Board based upon its examination and evaluation of the credentials, qualifications, and information submitted by the applicant. Applicants designated as specialty professors may be approved by the Board without specification of the duration of such appointment, however, the Board shall retain the sole discretion to grant or deny the annual renewal of such certificate of qualification.

(q) SPEX, Special Purpose Examination: that examination administered by the Federation of State Medical Boards of the United States, Inc. in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a minimum scale score of 75 on the SPEX or that score which is designated as a passing score by the Federation of State Medical Boards of the United States, Inc.

(2) Copies of the publications referred to above, excluding examinations or tests, are maintained in the offices of the Board of Medical Examiners and are available for inspection. Copies of these publications may also be ordered directly from the publishing organization. For additional information on ordering these publications contact the Executive Director, Alabama Board of Medical Examiners, P. O. Box 946, Montgomery, AL 36102¹.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975 §§ 34-24-53, 34-24-70, 34-24-73, 34-24-75.

History: Filed June 21, 1983 as Rule No. 540-X-2-.29.

Amended: Filed October 24, 1983 (see conversion table at end of code): New rule adopted June 15, 1983. New rule effective August 1, 1983. Filed: June 14, 1984 (without publication in AAM). Amended: 1/16/85 Effective: 2/20/85.

Amended: March 18, 1992. Effective: June 22, 1992. Emergency adoption of Rule 540-X-2-.01ER (p)(a)(b)(c): May 20, 1992. Permanent Adoption of Rule Filed: July 17, 1992. Effective Date of Permanent Adoption: August 22, 1992.

Amended: September 15, 1993. Filed for Publication: September 20, 1993.

Approved/Adopted: November 17, 1993. Effective Date: December 22, 1993.

Amended/Approved: March 20, 2019.