

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-3-.16
Rule Title: Certificate of Qualification Issued Without Examination (Limited License)

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 *Sarah DeMone* LEGISLATIVE SVC AGENCY

Date: February 20, 2019

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LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-3-.16, Certificate of Qualification Issued Without Examination (Limited License)


INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: Remove provision that non-ECFMG applicants not receiving medical training from a primarily English speaking medical school shall meet with the Credentials Committee.

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 April 4, 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: April 4, 2019

CONTACT PERSON AT AGENCY: Carla H. Kruger



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

540-X-3-.16 Certificate of Qualification Issued Without Examination (Limited License).

(1) Certificates of qualification without examination may, within the discretion of the Board, be issued for a period of up to one year to the following applicants:

(a) Individuals enrolled in an American Medical Association approved residency training program;

(b) Individuals enrolled in residency training programs in LCME accredited schools or Colleges of Medicine in Alabama approved by the Board as set forth in Section 540-X-3-.17.

(c) Visiting professors, subject to a time limit specified by the Board, distinguished professors at medical colleges, and specialty professors at medical colleges.

(d) Physicians employed full-time at a state penal institution or a state mental institution.

(e) Physicians employed full-time at any other state institution approved by the Board.

(2) The Board may issue a certificate of qualification without examination to practice medicine to the Medical Licensure Commission when the below listed requirements have been met:

(a) Graduates of medical schools accredited by the LCME or schools of osteopathy accredited by the American Osteopathic Association must comply with the following:

1. Applicant must have received a diploma from a college of medicine or

osteopathy approved by the Board;

2. Applicant must have served or be serving a one year internship (residency) approved by the American Medical Association or by the Board;
3. Applicant must submit a letter from the Dean, Chief Medical Officer, or Program Director certifying applicant's training or employment at that institution;
4. Applicant must submit the application fee as set by Rule No. 540-X-3-.09;
5. Applicant must submit completed application with required certification and attachments.

(b) Graduates of medical schools not accredited by the LCME must comply with the following:

1. Applicant must have received a diploma from a college of medicine or osteopathy and be eligible for examination by the Education Commission for Foreign Medical Graduates (ECFMG) for its certificate. The Educational Commission for Foreign Medical Graduates (ECFMG) and its sponsoring organizations define a graduate of a foreign medical school as a physician whose basic medical degrees or qualification was conferred by a medical school located outside of the United States, Canada, and Puerto Rico. The medical school must be listed at the time of an applicant's graduation in the World Directory of Medical Schools by the World Health Organization.

2. Applicant must have served or be serving one year of internship (residency) approved by the American Medical Association or the Board.

3. Applicant must be certified by the ECFMG unless the applicant has received his medical training from a primarily English speaking medical school, meets

~~with the Credentials Committee of the Board, and receives a favorable recommendation from that Committee except that f~~ For the purposes of this rule, Fifth Pathway Certification and passage of the examination administered by the Education Council For Foreign Medical Graduates is hereby deemed equivalent to certification given by the Education Council For Foreign Medical Graduates. The Board may, within its discretion, waive the requirement of ECFMG certification for an applicant for distinguished professor or an applicant for specialty professor. The Board may, within its discretion, require that the applicant meet with the Credentials Committee of the Board.

4. Applicant must submit application fee as set by Rule 540-X-3-.09.

5. Applicant must submit completed application with required certification and attachments.

(3) The Board may, within its discretion, require that an applicant attend a personal interview with the Credentials Committee of the Board or, at its direction, a representative of the Board in the following circumstances:

(a) When the applicant's answer to any question on the application is incomplete or requires additional explanation;

(b) When the Board is in receipt of any information from any source concerning the applicant that would require additional information or explanation;

(c) When it appears that the applicant may have committed any of the acts constituting grounds for denial of a license.

(4) Any physician granted a limited license by this Board prior to December 31, 1969, which license has been renewed each year, shall be entitled to the annual

renewal of such limited license, upon proper application, any other rule, regulation or policy notwithstanding; unless and until such limited license is revoked or suspended in accordance with §34-24-360 and §34-24-361, Code of Alabama, 1975 and these rules.

(5) For an applicant pursuant to Ala. Code §34-24-75(b) who is a physician employed full-time at a state penal institution or a state mental institution, the following applies:

(a) Applicants qualify for a certificate of qualification without examination in circumstances which are the following:

1. The applicant does not qualify to take a licensing examination listed in Ala. Code §34-24-70(a)(3); or

2. The applicant has not met the additional requirements for examination for certain applicants stated in Ala. Code §34-24-70(a)(6)a.; or

3. The applicant has achieved a passing score on Step 1 and on Step 2 and on Step 3 of the USMLE, but the applicant did not complete Steps 1, 2 and 3 within a seven (7) year period; or

4. The applicant has achieved a passing score on Step 3 of the USMLE, but the applicant achieved the passing score in more than three administrations.

(b) An applicant does not qualify for a certificate of qualification without examination if the applicant is eligible to meet the examination requirements stated in Ala. Code §34-24-70(a)(3).

(6) Physicians employed full-time at regional mental health programs and facilities created pursuant to Ala. Code §§22-51-1 through 22-51-14 are deemed to be employed full-time at state mental institutions and are subject to the requirements of

paragraph (5) of this rule for the purposes of certificates of qualification issued without examination.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, §§ 34-24-53, 34-24-75

History: Filed May 20, 1993 for publication. See also Notice of Intended Action dated 5/20/93 repealing existing Chapter 3. Approved/Adopted: July 21, 1993. Effective Date: August 26, 1993. Amended: September 15, 1993. Filed for Publication: September 20, 1993. Approved/Adopted: November 17, 1993. Effective Date: December 22, 1993. Amended/Approved for publication: December 21, 1994. Comment Period Ending: March 7, 1995. Approved/Adopted: March 15, 1995. Effective Date: April 21, 1995. Amended/Approved For Publication: February 21, 1996. Approved/Adopted: May 15, 1996. Effective Date: June 21, 1996. Amended/Approved For Publication: June 19, 1996. Approved/Adopted: August 21, 1996. Effective Date: September 26, 1996. Amended/Adopted for Emergency Publication: May 19, 1999. Effective Date: May 19, 1999. Approved for Publication: May 19, 1999. Approved/Adopted: July 21, 1999. Effective Date: August 31, 1999. Amended/Approved for Publication: March 15, 2006. Emergency Rule Effective March 17, 2006. Effective Date: June 23, 2006. Amended/Approved for Emergency Adoption: December 20, 2006. Effective date of Emergency Rule: December 21, 2006. Effective Date: April 26, 2007. Amended/Approved: July 18, 2007. Effective Date: October 25, 2007. Amended/Approved: July 16, 2008. Emergency Rule Effective: August 1, 2008. Effective Date: November 19, 2008. Amended/Approved: August 19, 2009. Effective Date: December 23, 2009. Amended/Approved: February 20, 2019.