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6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. 540-X-7-23

Rule Title: Requirements for Supervised Practice - Physician Assistants (P.A.)

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

 YES

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 rule have an economic impact?

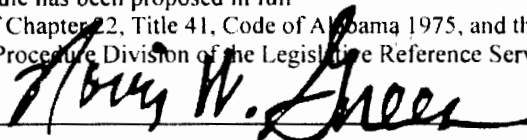
 NO

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 Reference Service.

Signature of certifying officer



REC'D & FILED

Date: August 17, 2017

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**ALABAMA STATE BOARD
OF MEDICAL EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.23, Requirements for Supervised Practice - Physician Assistants (P.A.)

INTENDED ACTION: To amend the Rule.

SUBSTANCE OF PROPOSED ACTION: To amend Rule 540-X-7-.23 to provide that in the event of an unanticipated, permanent absence of a supervising physician, a previously approved covering physician may be designated as a temporary supervising physician for up to 60 days

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: Patricia E. Shaner, 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 October 5, 2017. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Patricia E. Shaner, 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.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 5, 2017

CONTACT PERSON AT AGENCY: Patricia E. Shaner



Norris W. Green, Executive Director

540-X-7-.23 Requirements for Supervised Practice - Physician Assistants

(P.A.).

(1) Physician supervision requires, at all times, a direct, continuing and close supervisory relationship between a physician assistant and the physician to whom the assistant is registered.

(2) There shall be no independent, unsupervised practice by physician assistants.

(3) The supervising physician shall be available for direct communication or by radio, telephone or telecommunication.

(4) The supervising physician shall be available for consultation or referrals of patients from the physician assistant.

(5) In the event the physician to whom the physician assistant is registered is not available, provisions must be made for medical coverage by a physician pursuant to Rule 540-X-7-.24.

(6) In the event of an unanticipated, permanent absence of a supervising physician, a previously approved covering physician may be designated as a temporary supervising physician for a period of up to sixty (60) days. During the sixty(60) day time period, a new registration agreement designating a new supervising physician should be submitted for approval.

(67) If the physician assistant is to perform duties at a site away from the supervising physician, the application for registration must clearly specify the circumstances and provide written verification of physician availability for consultation and/or referral, and direct medical intervention in emergencies and after hours, if

indicated. The Board, at its discretion, may waive the requirement of written verification upon documentation of exceptional circumstances. Employees of state and county health departments are exempt from the requirement of written verification of physician availability.

| (78) The supervising physician and the physician assistant shall adhere to any written guidelines established by the Board to govern the prescription practices of physician assistants.

| (89) If the physician assistant is to perform duties at a site away from the supervising physician, physician supervision requires the following:

(a) Supervising physician receives a daily status report to be made in person, by telephone, or by telecommunications from the assistant on any complications or unusual problems encountered;

(b) Supervising physician visits the site, in person, 10% of the time during regular business hours that the PA is present in the remote site, and not less than quarterly, to observe and to provide medical direction and consultation; provided, however, that when the physician assistant is performing duties at a patient's home, this requirement shall not apply;

(c) Supervising physician, during office visits, if applicable, reviews with the assistant case histories of patients with unusual problems or complications; and

(d) An appropriate physician personally diagnoses or treats patients requiring physician follow-up.

| (910) The mechanism for quality analysis shall be as follows:

(a) A written plan for review of medical records and patient outcomes shall be

submitted with the application for registration, with documentation of the reviews maintained.

(b) Countersignature by supervising physician must be pursuant to established policy and/or applicable legal regulations and accreditation standards.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama §§34-24-290, et. seq.*

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. Repealed and Replaced: Approved June 6, 2002. Effective Date: October 24, 2002. Amended/Approved: August 18, 2010. Effective Date: November 29, 2010. Amended/approved: October 15, 2014. Effective Date: January 15, 2015.

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**ALABAMA STATE BOARD
OF MEDICAL EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. & TITLE: 540-X-7-.56, Requirements for Supervised Practice -
Anesthesiologist Assistants (A.A.)

INTENDED ACTION: To amend the Rule.

SUBSTANCE OF PROPOSED ACTION: To amend Rule 540-X-7-.23 to provide that in the event of an unanticipated, permanent absence of a supervising physician, a previously approved covering physician may be designated as a temporary supervising physician for up to 60 days

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: Patricia E. Shaner, 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 October 5, 2017. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Patricia E. Shaner, 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.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 5, 2017

CONTACT PERSON AT AGENCY: Patricia E. Shaner



Norris W. Green, Executive Director

540-X-7-.56 Requirements For Supervised Practice - Anesthesiologist

Assistants (A.A.).

(1) Anesthesiologist supervision requires, at all times, a direct, continuing and close supervisory relationship between an anesthesiologist assistant and the supervising anesthesiologist to whom the assistant is registered or an anesthesiologist who is acting in a Board-approved supervisory role to the anesthesiologist assistant.

(2) Supervision does not, necessarily, require the constant physical presence of the supervising anesthesiologist or an anesthesiologist who is acting in a Board-approved supervisory role to the anesthesiologist assistant; however, the anesthesiologist must remain readily available in the facility.

(3) Except in life-threatening situations, the supervising anesthesiologist shall be readily available for personal supervision and shall be responsible for pre-operative, intra-operative and post-operative care.

(4) The supervising anesthesiologist shall insure that, with respect to each patient, all activities, functions, services and treatment measures are immediately and properly documented in written form by the anesthesiologist assistant. All written entries shall be reviewed, countersigned, and dated by the supervising anesthesiologist. The supervising anesthesiologist's signature on the anesthetic record will fulfill this requirement for all written entries on the anesthetic record.

(5) All of the above is to emphasize that there shall be no independent, unsupervised practice by anesthesiologist assistants.

(6) In the event of an unanticipated, permanent absence of a supervising physician, a previously approved covering physician may be designated as a temporary

supervising physician for a period of up to sixty (60) days. During the sixty(60) day time period, a new registration agreement designating a new supervising physician should be submitted for approval.

(67) In the event of a national emergency duly declared by Federal officials or in the event of a natural disaster or state emergency duly declared by the Governor, an anesthesiologist assistant may provide emergency medical treatment without immediate physician supervision or direction to patients within the affected areas of the state, provided that the treatment is within the scope of the assistant's education, training and approved job description. In the administration of anesthetic agents during the course of surgery, the assistant shall be directed by a licensed physician. The anesthesiologist assistant in such circumstance shall make reasonable efforts to inform his or her supervising physician of the location and type of emergency medical services being provided and shall act in conformance with the direction of local medical supervisors. The authority granted under this paragraph shall extend only for the duration of the declared national emergency or state emergency or natural disaster.

Author: Alabama Board of Medical Examiners

Statutory Authority: *Code of Alabama §§34-24-290, et. seq.*

History: Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. Repealed and Replaced: Filed July 23, 1999; effective August 27, 1999. Amended: Filed November 22, 1999; effective December 27, 1999.

Repealed and Replaced: Approved June 6, 2002. Effective Date: October 24, 2002. Amended: September 15, 2004. Effective Date: December 24, 2004.