

APA-3  
Revised 1/2018

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 15<sup>th</sup> day of August, 2018, and filed with the agency secretary on the 15<sup>th</sup> day of July, 2018.

AGENCY NAME: Alabama State Board of Medical Examiners

Amendment  New  Repeal (Mark appropriate space)

Rule No. 540-X-10-.12(7)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Registration of Office-Based Surgery/Procedures Physician

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Rule was adopted without changes from the proposal. No comments were received.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVI,  
ISSUE NO. 9, AAM, DATED June 29, 2018.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1

(Date Filed)  
(For LRS Use Only)

REC'D & FILED

JUL 15 2018

LEGISLATIVE SVC AGENCY



\_\_\_\_\_  
Certifying Officer or his or her  
Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-10-.12 Registration of Office-Based Surgery/Procedures Physician.

(1) A physician who is licensed to practice medicine in Alabama, who maintains a practice location in Alabama, and who performs or offers to perform the following:

(a) Any office-based surgery/procedure which requires moderate sedation, deep sedation or general anesthesia, as defined in these rules, or

(b) Liposuction when infiltration methods such as the tumescent technique are used, or

(c) Any procedure in which propofol is administered, given or used, is hereby required to register with the State Board of Medical Examiners as an office-based surgery/procedures physician, prior to performing any office-based surgery/procedure as defined in this rule.

(2) Registration shall be accomplished on a form provided by the Board. After initially registering as an office-based surgery/procedures physician, it shall be the obligation of the registrant to advise the Board of any change in the practice location within the State of Alabama of that office-based surgery/procedures physician.

(3) The form for registration of an office-based surgery/procedures physician is incorporated as Appendix D to these rules.

(4) For the purposes of these rules an "office-based surgery/procedures physician" shall mean any physician licensed to practice medicine in Alabama who performs or offers to perform in an office setting within the state of Alabama, any procedure that requires moderate sedation, deep sedation or general anesthesia, as defined in these rules, or who performs or offers to perform liposuction when infiltration

methods such as the tumescent technique are used, or who performs or offers to perform any procedure in which propofol is administered, given, or used.

(5) In January 2012, the Board of Medical Examiners shall cause a notice to be mailed to every physician who is licensed in the State of Alabama notifying them of the requirements contained in this Chapter.

(6) Beginning January 2012, annual registration as an office-based surgery/procedures physician shall be required, and registration shall be by electronic means.

(7) Annual registration as an office-based surgery/procedures physician shall be due by January 31 of each year.

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**Statutory Authority:** Code of Alabama §§ 34-24-53, 34-24-53.1

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AGENCY NAME: Alabama State Board of Medical Examiners

Amendment  New  Repeal (Mark appropriate space)

Rule No. 540-X-10

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Office-Based Surgery/Procedures Physician Registration Form

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Rule was adopted without changes from the proposal. No comments were received.

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ALABAMA BOARD OF MEDICAL EXAMINERS  
P. O. Box 946 – Montgomery, Alabama 36101  
848 Washington Avenue - 36104

OFFICE-BASED SURGERY / PROCEDURES PHYSICIAN REGISTRATION FORM

Office-Based Surgery (OBS) Registration is required annually for any licensed physician who maintains a practice location in Alabama and perform or offer to perform any office-based surgery/procedure which requires moderate sedation, deep sedation or general anesthesia.

Name

License Number

Primary Specialty

List all Specialty Board Certification (List Specialty Boards approved by the American Board of Medical Specialties or the American Osteopathic Association)

Is your office currently accredited by one of the following organizations?

Accreditation Association for Ambulatory Health Care (AAAHC)

American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF)

Joint Commission on Accreditation of Healthcare Organizations (JCAHO)

You answered yes, please check all that apply.

You answered no, do you plan to obtain accreditation within the next two years?

1. Do you perform any procedures in the office-based setting in which one or more of the following levels of anesthesia are utilized?

a. Moderate Sedation / Analgesia (“Conscious sedation”) - drug-induced depression of consciousness during which a patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation.

You answered yes, list procedures performed

b. Deep Sedation / Analgesia - drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation.

You answered yes, list procedures performed

c. General Anesthesia - drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired. Regional Anesthesia (“Major conduction blockade”) is considered in the same category as General Anesthesia.

You answered yes, list procedures performed

*I (the physician) certify that I have read **Board Rules 540-X-10-.06 through .08** and meet the training requirements set forth in the Alabama Board of Medical Examiners’ Office-Based Surgery Rules for moderate sedation, deep sedation, and general anesthesia.*

2. Do you perform liposuction when infiltration methods such as the tumescent technique are used?

You answered yes, I (the physician) certify that I have read **Board Rule 540-X-10-10**, and I meet the requirements and standards set forth in **Board Rule 540-X-08**.

3. Do you perform any procedures in which propofol is administered, given, or used?

You answered yes, I (the physician) certify that I have read and meet the requirements and standards set forth in **Board Rule 540-X-08**.

4. Do you perform any procedures which are outside of the core curriculum of your formal specialty training?

You answered yes, list procedures performed

You answered yes, upload documentation of the training you have received, which qualifies you to perform the procedure.

*I swear (affirm) that the information set forth on this Office-Based Surgery / Procedures Registration Form is true and correct to the best of my knowledge, information and belief. I also understand that the Board of Medical Examiners may conduct an on-site inspection at any time.*

I understand and agree that by typing my name, I am providing an electronic signature that has the same legal effect as a written signature pursuant to Ala. Code §§ 8-1A-2 and 8-1A-7. I attest that the foregoing information has been provided by me and is true and correct to the best of my knowledge, information and belief.

Knowingly providing false information to the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama could result in disciplinary action.