

APA-3  
10/91

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE REFERENCE SERVICE  
JERRY L. BASSETT, DIRECTOR**

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

I certify that the attached is a correct copy of rules as promulgated and adopted on the 23rd day of August, 2017, and filed with the agency secretary on the 11th day of September, 2017.

AGENCY NAME: **Alabama Medical Licensure Commission**

\_\_\_\_\_Amendment   X  New \_\_\_\_\_Repeal

Rule No. **545-X-3-.16**

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

Rule Title: **Probation Compliance Hearings**

ACTION TAKEN: This rule was adopted with minor grammatical corrections from the proposal per Legislative Reference Service:

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXV, ISSUE NO. 9, AAM, DATED June 30, 2017.

Statutory Rulemaking Authority: §§ 34-24-360, 34-24-360.1, 34-24-361 Ala. Code (1975) .

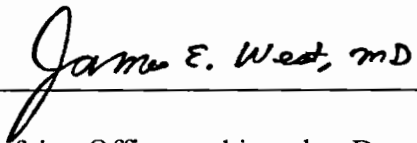
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SEP 12 2017

**LEGISLATIVE REF SERVICE**

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

## NEW RULE

### **545-X-3-.16 Probation Compliance Hearings.**

(1) If a final order of the Commission in a contested case suspends the implementation of the penalty, or any portion thereof, and the physician's license is placed on probationary status, the Commission may, from time to time, hold a probation compliance hearing for the limited purpose of determining whether any restrictions or terms of the probation have been violated.

(2) In a probation compliance hearing, the probationer shall be afforded an opportunity to be heard after reasonable notice in writing. Notice shall be served on the probationer in the same manner as provided for in § 34-24-361(e) of the Alabama Code (1975) at least 20 days prior to the date set for the hearing and shall include:

(a) A statement of the time, place and nature of the hearing;

(b) citation to the restriction or term of probation in the final order which the probationer is accused of violating;

(c) a statement of the legal authority under which the hearing is to be held.

(3) The notice may contain any and all of the items listed in § 545-X-3-.03(5) above as well as copies of any and all reports, data, test results, or communications which tend to show that the probationer may have violated the restrictions or terms of probation.

(4) A copy of the notice shall be served on the Alabama Board of Medical Examiners concurrently with service on the probationer. The Board shall have the right to intervene as a complainant at any time prior to the hearing date. If the Board elects to intervene, the Board shall notify the probationer and the Commission by filing a petition to intervene as complainant with the Commission, which shall serve a copy of the petition on the probationer. Upon filing such a petition, the Board shall have the right to appear through counsel, call witnesses, present evidence and argument, cross examine any witnesses giving testimony before the Commission, and make recommendations to the Commission. The Board shall be limited to the subject matter identified in the notice unless it alleges additional violations of the Commission's probation order in the petition to intervene. In no instance shall

## NEW RULE

the Board be permitted to prosecute additional violations of the probation order unless notice has been provided to the probationer at least ten (10) days prior to the date set for the hearing. Nothing in this rule shall be construed to prohibit, preclude, or limit the Board's authority to file an administrative complaint with the Commission under applicable law and regulations.

(5) In a probation compliance hearing, a probationer shall be afforded the opportunity to be heard by the Commission, to call witnesses, present evidence and argument, and to cross examine any witness giving testimony before the Commission, all as allowed for the Alabama Administrative Procedures Act, § 41-22-1, et. seq. of the Alabama Code (1975). A probationer may be represented by counsel at said probation compliance hearing.

(6) Witnesses may be subpoenaed to testify at or supply evidence for a probation compliance hearing by either the Commission or the probationer in the same manner prescribed in § 545-X-3-.05 above.

(7) The rules of evidence in a probation compliance hearing shall be as set out in § 41-22-13 of the Alabama Code (1975) and Section 545-X-3-.09 above.

(8) If the Commission finds that the probationer has violated a restriction or term of probation, the Commission may enter an order, which shall be public record, either:

(a) Revoking Probationer's probation and implementing the penalties provided for in the final order; or

(b) Amending the final order to change the restrictions or terms of the probation, which terms may include suspending the probationers license during the pendency of the probationary period, or any other discipline provided for in Section 34-24-360 of the Alabama Code (1975); or

(c) Tabling action until the occurrence of a future event, which event shall be reflected in the record and communicated to the probationer; or

(d) Taking no action.

## NEW RULE

(9) An order of the Commission entered pursuant to § 545-X-3-.16 (8) (a) or (b) immediately above shall be in writing and made part of the record. The order shall state:

(a) The term or restriction of probation which the Commission has found the probationer to have violated; and

(b) The facts upon which the Commission bases its finding.

(10) Record. All data, staff memoranda, evidence, argument, and testimony accepted or relied upon by the Commission relative to a probation compliance hearing shall be made a part of the record and shall be maintained by the Commission for at least five (5) years. Nothing in this section shall be construed to limit or alter the confidentiality requirements of § 34-24-361.1.

(11) Appeal. A physician or osteopath whose probation has been revoked under the authority of this section may obtain judicial review of such revocation in accordance with the provisions of Sections 41-22-20 and 34-24-367 of the Alabama Code (1975).

Author: Wallace D. Mills, E. Wilson Hunter

Statutory Authority: §§ 34-24-360, 34-24-360.1, 34-24-361 Ala. Code (1975).

History: Approved for Publication: May 24, 2017, Filed June 19, 2017; Final Adoption August 23, 2017; Filed September 12, 2017; Effective October 27, 2017.

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AGENCY NAME: **Alabama Medical Licensure Commission**

\_\_\_\_\_Amendment \_\_\_**X**\_\_\_New \_\_\_\_\_Repeal

Rule No. **545-X-7**

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

Rule Title: **Joint Rules of the Alabama Board of Medical Examiners and the Medical Licensure Commission of Alabama concerning the Interstate Medical Licensure Compact**

ACTION TAKEN: This rule was adopted with minor grammatical corrections from the proposal per Legislative Reference Service.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXV, ISSUE NO. 9, AAM, DATED June 30, 2017.

Statutory Rulemaking Authority: §§ 34-24-360, 34-24-360.1, 34-24-361 Ala. Code (1975) .

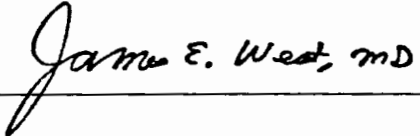
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SEP 12 2017

**LEGISLATIVE REF SERVICE**

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

MEDICAL LICENSURE COMMISSION OF ALABAMA  
ADMINISTRATIVE CODE

CHAPTER 545-X-7

JOINT RULES OF THE ALABAMA BOARD OF MEDICAL EXAMINERS  
AND THE MEDICAL LICENSURE COMMISSION OF ALABAMA  
CONCERNING THE INTERSTATE MEDICAL LICENSURE COMPACT

545-X-7-.01	Member State
545-X-7-.02	Definitions
545-X-7-.03	Interstate Compact Expedited License
545-X-7-.04	Letter of Qualification, Alabama Principal State of License
545-X-7-.05	Appeal of Letter of Qualification Denying Eligibility
545-X-7-.06	Issuance of Expedited License
545-X-7-.07	Renewal
545-X-7-.08	Fees
545-X-7-.09	Discipline and Reinstatement
545-X-7-.10	Interstate Medical Licensure Compact Commission Rules

**545-X-7-.01**     **Member State.**

The State of Alabama has passed legislation to become a member state of the Interstate Medical Licensure Compact. The Alabama Board of Medical Examiners and the Medical Licensure Commission of Alabama are member boards of the Interstate Medical Licensure Compact Commission.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

**545-X-7-.02**     **Definitions.**

For the purposes of this rule, the following terms shall have the meanings ascribed to them:

## NEW RULE

- (1) BYLAWS. Those bylaws established by the Interstate Commission pursuant to Section 34-24-530 for its governance, or for directing and controlling its actions and conduct.
- (2) COMMISSIONER. The voting representative appointed by each member board pursuant to Section 34-24-530.
- (3) CONVICTION. A finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilty or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.
- (4) EXPEDITED LICENSE. A full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.
- (5) INTERSTATE COMMISSION. The Interstate Medical Licensure Compact Commission created pursuant to Section 34-24-530.
- (6) LICENSE. Authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.
- (7) MEDICAL PRACTICE ACT. Laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.
- (8) MEMBER BOARD. A state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.
- (9) MEMBER STATE. A state that has enacted the compact.
- (10) PRACTICE OF MEDICINE. The clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

## NEW RULE

(11) PHYSICIAN. Any person who:

- (a) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;
- (b) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
- (c) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
- (d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;
- (e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
- (f) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
- (g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license;
- (h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;  
and



NEW RULE

- (i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.
- (12) OFFENSE. A felony, gross misdemeanor, or crime of moral turpitude.
- (13) RULE. A written statement by the Interstate Commission promulgated pursuant to Section 34-24-531 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.
- (14) STATE. Any state, commonwealth, district, or territory of the United States.
- (15) STATE OF PRINCIPAL LICENSE. A member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

**545-X-7-.03      Interstate Compact Expedited License.**

A physician who applies for an expedited license through the Interstate Medical Licensure Compact Commission shall be granted an expedited license to practice medicine or osteopathy in the state of Alabama under the provisions of the Interstate Medical Licensure Compact set out in § 34-24-520 et. seq. of the Alabama Code.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

NEW RULE

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

**545-X-7-.04      Letter of Qualification, Alabama Principle State of License.**

Upon receipt of an application for an expedited license by a physician who has selected Alabama as the state of principle licensure, the Alabama Board of Medical Examiners shall cause to be conducted a primary source verification of the qualifications set out in subsection (1)(k) above, including a criminal background check in accordance with § 34-24-524(b)(2), as well as any other qualifications which may be required by the Interstate Commission from time to time. Upon the completion of the verification process, the Alabama Board of Medical Examiners shall issue a letter of qualification verifying or denying the physician's eligibility to the Interstate Commission.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

**545-X-7-.05      Appeal of Letter of Qualification.**

A physician which receives a Letter of Qualification from the Alabama Board of Medical Examiners denying eligibility to obtain an expedited license through the Interstate Medical Licensure Compact shall have the right to appeal such decision in accordance with the procedures for a denial of a Certificate of Qualification set out in Board of Medical Examiners Rule 540-X-5-.08 and Medical Licensure Commission Rule 545-X-4-.01.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

NEW RULE

**545-X-7-.06      Issuance of Expedited License.**

Upon the receipt of all applicable fees and a letter of qualification stating that the applicant meets qualifications set out in subsection § 545-X-7-.02(11) above, including a criminal background check in accordance with § 34-24-524(b)(2), as well as any other qualifications which may be required by the Interstate Medical Licensure Compact Commission from time to time, the Medical Licensure Commission of Alabama shall issue an expedited license to the applying physician. The expedited license shall be valid for not more than one year and shall be renewed annually in accordance with § 34-24-337 Ala. Code (1975).

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** Code of Alabama §§34-24-311, 34-24-520 et. seq.

**History** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

**545-X-7-.07      Renewal.**

Upon the receipt of the applicable renewal fees and letter of qualification or other correspondence from the Interstate Medical Licensure Compact Commission indicating that the applicant:

(1) continues to maintain a full and unrestricted license in a state of principle license;

(2) has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license; and

(4) has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Agency, the Medical Licensure Commission of Alabama shall renew an applicant's certificate of registration of expedited license.

NEW RULE

**Author:** Wallace D. Mills, Attorney for the Medical  
Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520  
et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed  
June 19, 2017. Final Adoption August 23, 2017; Filed  
September 12, 2017.

**545-X-7-.08      Fees.**

(1) The Interstate Medical Licensure Compact Commission shall collect and the Alabama Board of Medical Examiners shall be distributed a fee in the amount of \$300, when designated as a state of principal licensure, in connection with the issuance of a letter of qualification.

(2) The Interstate Medical Licensure Compact Commission shall collect a fee in the amount of \$75 and such fee shall be distributed as set out in Ala. Code § 34-24-340 when an expedited license to practice medicine in the State of Alabama is issued through the Interstate Medical Licensure Compact.

(3) The Interstate Medical Licensure Compact Commission shall collect a fee in the amount of \$300 annually and such fee shall be distributed as set out in Ala. Code § 34-24-340 when renewing an expedited license to practice medicine in the State of Alabama is issued through the Interstate Medical Licensure Compact.

**Author:** Wallace D. Mills, Attorney for the Medical  
Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520  
et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed  
June 19, 2017. Final Adoption August 23, 2017; Filed  
September 12, 2017.

**545-X-7-.09      Discipline and Reinstatement.**

(1) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status.

## NEW RULE

(2) If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state. Where the State of Alabama is the state of principal license, the procedure set out in Medical Licensure Commission Rule 545-X-3-.15 shall apply when a physician seeks reinstatement of his medical license.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017.

### **545-X-7-.10      Interstate Medical Licensure Compact Commission Rules.**

The Interstate Medical Licensure Compact Commission rules are hereby incorporated by reference and shall be followed with regard to the Interstate Medical Licensure Compact in the State of Alabama and the processes concerning obtaining an expedited license through the Interstate Medical Licensure Compact.

**Author:** Wallace D. Mills, Attorney for the Medical Licensure Commission

**Statutory Authority:** *Code of Alabama §§34-24-311, 34-24-520 et. seq.*

**History:** Approved for Publication: May 24, 2017; Filed June 19, 2017. Final Adoption August 23, 2017; Filed September 12, 2017; Effective October 27, 2017.