

APA-1
6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. 540-X-20

Rule Title: Limited Purpose Schedule II Permit (LPSP)

New 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

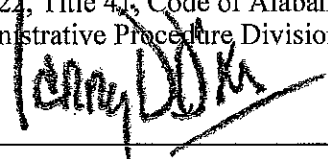
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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 21, 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 

Date: August 21, 2014

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6/93

**ALABAMA STATE BOARD
OF MEDICAL EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Medical Examiners
RULE NO. & TITLE: 540-X-20, Limited Purpose Schedule II Permit (LPSP)
INTENDED ACTION: To add a new Chapter

SUBSTANCE OF PROPOSED ACTION: To add a new Chapter of Rules pursuant to Ala. Code §20-2-260, granting and regulating controlled substances prescribing privileges in Schedule II to Certified Registered Nurse Practitioners, Certified Nurse Midwives, and Physician Assistants

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, Office of General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, 848 Washington Avenue (36104), 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 Friday, October 3, 2014. Persons wishing to obtain copies of the text of this rule should contact Patricia E. Shaner, Office of General Counsel, (334-242-4116), PO Box 946, 848 Washington Avenue (36104), Montgomery, Alabama 36101-0946. Copies of the proposed rules may also be downloaded from the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 3, 2014

CONTACT PERSON AT AGENCY: Patricia E. Shaner, Office of General Counsel, 334-242-4116; PO Box 946, Montgomery, AL 36101-0946; 848 Washington Avenue, Montgomery, AL 36104



Larry D. Dixon, Executive Director

NEW

RULES OF THE
ALABAMA BOARD OF MEDICAL EXAMINERS

CHAPTER 540-X-20
LIMITED PURPOSE SCHEDULE II PERMIT (LPSP)

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Appendix A - LPSP Application

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540-X-20-.01 General Requirements. The Alabama Board of Medical Examiners is the certifying board which may issue, renew, deny, limit, restrict, suspend or revoke a Limited Purpose Schedule II Permit (LPSP) for qualified Physician Assistants (PAs), qualified Certified Registered Nurse Practitioners (CRNPs), and qualified Certified Nurse Midwives (CNMs).

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-.02 Requirements for Issuance of Limited Purpose Schedule II

Permit (LPSP). To qualify for an LPSP, an individual must meet requirements which are the following:

(1) A PA shall have a current, active and unrestricted Alabama license to practice as a physician assistant, shall be registered to practice with a supervising physician, and shall have a current, active and unrestricted Qualified Alabama Controlled Substances Certificate (QACSC) for Schedules III, IV and V.

(2) A CRNP or a CNM shall have a current collaborative practice agreement with a collaborating physician and shall have a current, active and unrestricted QACSC for Schedules III, IV and V.

(3) The applicant shall submit an application on forms provided by the Board.

(4) The applicant shall pay the application fee required by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-03 Issuance of a Limited Purpose Schedule II Permit (LPSP).

(1) Effective January 1, 2015, the Board may issue an LPSP to a PA, a CRNP, or a CNM when all of the requirements for issuance have been met.

(2) Every LPSP issued shall have a unique LPSP number which identifies the particular applicant as a PA, a CRNP, or a CNM with a valid LPSP.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-04 Renewal of a Limited Purpose Schedule II Permit (LPSP).

(1) Renewal of an LPSP shall be annually on or before Jan. 1 of each year.

(2) An application for annual renewal of an LPSP shall be received by the Board on or before December 31 and shall be accompanied by the required LPSP renewal fee.

(3) Before renewing an LPSP, the applicant shall have a current QACSC for Schedules III, IV and V, a current United States Drug Enforcement Administration (DEA) registration for Schedules II through V, and a current registration to access the Controlled Substances Prescription Database established and maintained by the Alabama Department of Public Health.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-.05 Fees.

(1) The application fee for an initial LPSP is Twenty Five Dollars (\$25.00), which shall be submitted to the Board.

(2) The fee for renewal of an LPSP is Ten Dollars (\$10.00), which shall be submitted to the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-.06 Limitations on Utilization of a Limited Purpose Schedule II

Permit (LPSP).

(1) The authority of a PA, a CRNP, or a CNM to prescribe, administer or authorize for administration a Schedule II controlled substance pursuant to an LPSP shall be practice specific.

(2) Only those Schedule II controlled substances which are generally and customarily used in the specialty practice of the supervising physician with whom the PA is registered or the specialty practice of the collaborating physician with whom the CRNP/CNM has a collaborative agreement will be approved by the Board to be prescribed, administered or authorized for administration pursuant to the LPSP.

(3) A specific practice formulary listing the specific Schedule II controlled substances to be prescribed, administered or authorized for administration by the PA, CRNP, or CNM shall be submitted with the application for the LPSP and shall be approved by the Board prior to issuance of the LPSP. The authority of the PA, CRNP, or CNM to prescribe, administer, or authorize for administration a Schedule II controlled substance shall be limited to the Schedule II controlled substances which are listed in the specific practice formulary and approved by the Board.

(4) A PA, CRNP or CNM shall not utilize the LPSP for the purchasing, obtaining, maintaining, or ordering of any stock supply or inventory of any controlled substance in any form.

(5) A PA, CRNP or CNM is prohibited from utilizing an LPSP to prescribe, administer or authorize for administration a controlled substance to his or her own self, spouse, child or parent.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-.07

Grounds for Denial, Restriction, Limitation, Suspension or

Revocation - Limited Purpose Schedule II Permit (LPSP). The Board may deny,

restrict, limit, suspend or revoke an LPSP based on the following grounds:

- (1) Fraud or deceit in applying for, procuring or attempting to procure an LPSP.
- (2) Conviction of a crime under any state or federal law relating to any controlled substance.
- (3) Conviction of a crime or offense which affects the ability of the PA, CRNP or CNM to practice with due regard for the health or safety of his or her patients.
- (4) Prescribing a drug or utilizing an LPSP in such a manner as to endanger the health of any patient of the PA, CRNP or CNM or any patient of the supervising, collaborating, or covering physician.
- (5) Suspension or revocation of a DEA registration issued to the PA, CRNP or CNM.
- (6) Unfitness or incompetence due to the use of or dependence on alcohol, chemicals or any mood altering drug to such an extent as to render the PA, CRNP or CNM unsafe to prescribe or administer drugs.
- (7) Any violation of the requirements of Ala. Code § 20-2-260 or this Chapter 540-X-20.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

540-X-20-.08

Due Process Proceedings - Limited Purpose Schedule II

Permit (LPSP).

- (1) Any hearings concerning the LPSP shall be before the Board.

(2) Any hearing before the Board shall be considered a contested case under the Alabama Administrative Procedure Act, Ala. Code § 41-22-1, et. seq., and shall be conducted in accordance with the requirements of that Act.

(3) Hearings related to the LPSP are to be governed by and conducted in accordance with the applicable provisions of Board Rules, Chapter 540-X-6.

(4) Appeals from an adverse ruling by the Board following a due process hearing are to be conducted in accordance with the provisions of the Alabama Administrative Procedure Act, Ala. Code § 41-22-1, et. seq.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §§ 20-2-50, et. seq.; 20-2-260; 34-24-53

History: Approved for publication: August 20, 2014.

Renewal Application
LIMITED PURPOSE SCHEDULE II PERMIT (LPSP)
FOR CERTIFIED REGISTERED NURSE PRACTITIONERS;
CERTIFIED NURSE MIDWIVES AND PHYSICIAN ASSISTANTS

WARNING: Board Rules state that an LPSP may be suspended or revoked by the Board upon a finding that an individual has furnished false or fraudulent material information in this application.

Return Completed Application To:

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

Mailing Address: P.O. Box 946
Montgomery, AL 36101
Physical Address: 848 Washington Ave
Montgomery, AL 36104

Name in full: _____

First Middle Last
SAMPLE FORM - NOT FOR USE

Permanent address: _____
Street City State Zip

Phone number: _____ (Optional) Cell Number: _____

Email Address: _____

CHOOSE ONE (CRNP/CNM or P.A.):

____ CRNP/CNM — I swear (affirm) I have a current, unrestricted: **SAMPLE FORM - NOT FOR USE**

A. RN License # _____ Collaborative Practice Agreement CP# _____

B. QACSC # _____ DEA # _____ Expires _____

OR

____ P. A. — I swear (affirm) I have a current, unrestricted:

A. PA License # _____ Registration Agreement RA# _____ **SAMPLE FORM - NOT FOR USE**

B. QACSC # _____ DEA# _____ Expires _____

I swear(affirm) that the information set forth in this application for renewal of the Limited Purpose Schedule II Permit is true and correct to the best of my knowledge, information and belief.

Mid-Level Practitioner Signature and Title

Date

THE FEE FOR THIS APPLICATION IS \$10.00