

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. 540-X-3-.24

Rule Title: Certificate and Limited License under Retired Senior Volunteer Program

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 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 *Carry O'Don*

Date: August 18, 2016

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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-3-.24, Certificate and Limited License under Retired Senior Volunteer Program

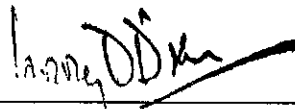
INTENDED ACTION: To amend the rule.

SUBSTANCE OF PROPOSED ACTION: Amend paragraph (1)(b) concerning number of hours of voluntary service are required

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, 2016. 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, 2016

CONTACT PERSON AT AGENCY: Patricia E. Shaner



Larry D. Dixon, Executive Director

540-X-3-.24 Certificate and Limited License under Retired Senior Volunteer Program.

(1)(a) The State Board of Medical Examiners may, at its discretion and subject to these rules, issue a certificate of qualification in behalf of physicians meeting the requirements for participation in the Retired Senior Volunteer Program. The Retired Senior Volunteer Program (RSVP) is created for the purpose of permitting doctors of medicine and doctors of osteopathy who are fully retired from the active practice of medicine to obtain a limited license without cost which would permit the provision of outpatient health care services at established free clinics operated pursuant to the Volunteer Medical Professional Act, Ala. Code §6-5-660, et seq.

(b) ~~Physicians having certificates issued under this section must perform no fewer than 100 hours of voluntary service annually and must limit their practice to the confines of an established free medical clinic, as that term is defined in §6-5-662, or such other nonprofit organizations or facilities located in Alabama which are approved by the Board and which provide outpatient medical care to individuals unable to pay for~~ it shall comply with the following requirements which are deemed to meet the requirements of Ala. Code § 34-24-75.1:

1. Physicians receiving a certificate of qualification and license during the time period of January 1 through March 30 of any calendar year shall perform no fewer than 100 hours of voluntary service on or before December 31 of that calendar year;

2. Physicians receiving a certificate of qualification and license during the time period of April 1 through June 30 of any calendar year shall perform no fewer than 75 hours of voluntary service on or before December 31 of that calendar year;

3. Physicians receiving a certificate of qualification and license during the time period of July 1 through September 30 of any calendar year shall perform no fewer than 50 hours of voluntary service on or before December 31 of that calendar year;

4. Physicians receiving a certificate of qualification and license on or after October 1 of any calendar year shall perform no fewer than 25 hours of voluntary service on or before December 31 of that calendar year.

(c) Certificates issued under this section and licenses based thereon shall state on their faces that they are issued under the RSVP and are subject to restrictions.

(d) Any physician in whose behalf a certificate of qualification is issued under this section shall be subject to having his license suspended or revoked by the Medical Licensure Commission for the same causes or reasons and in the same manner as provided by law in the case of other physicians.

(e) Certificates of qualification issued under this section shall expire annually and physicians may apply to the Board for renewal of their certificate, but the Board shall have full discretion to accept or reject the application for renewal.

(2)(a) A physician is eligible to receive a certificate of qualification issued under subsection (a) if he meets the following qualifications:

1. The applicant currently has or has had a full and unrestricted license to practice medicine in the State of Alabama or in any other state of the United States or the District of Columbia, which license is or was at the time of expiration unrestricted and in good standing with no pending disciplinary actions or investigations at the time of expiration.

2. The applicant certifies, on a form prescribed by the Board, that he is fully

retired from the active practice of medicine.

3. The applicant is in good health and is not currently undergoing treatment for a physical or mental condition which would impair the individual's ability to practice medicine with reasonable skill and safety to patients.

4. The applicant certifies, on a form prescribed by the Board, that he intends to limit his medical practice to the provision of outpatient services at an established free medical clinic as that term is defined in §6-5-662 or such other nonprofit organization or facility that has been approved by the Board and that furnishes outpatient medical care to patients unable to pay for it.

5. The applicant certifies, on a form prescribed by the Board, that his license to practice medicine in any state or the District of Columbia has never been revoked, suspended, placed on probation, or otherwise subject to disciplinary action and that the applicant has not had his hospital medical staff privileges revoked, suspended, curtailed, limited, or surrendered while under investigation.

6. The applicant acknowledges, on a form prescribed by the Board, that he is subject to the continuing medical education requirements for physicians as specified in Chapter 14 of the rules and regulations of the State Board of Medical Examiners.

7. The applicant furnishes a certification of the employment arrangements or agreement with the qualified clinic or nonprofit organization.

(b) A certificate of qualification issued under subsection (a) shall be issued at no cost to the applicant.

Author: Alabama State Board of Medical Examiners

Statutory Authority: §§34-24-75.1; 34-24-53

History: Adopted October 20, 2004. Effective Date: February 25, 2005. Amended/Approved for Publication: August 17, 2016.