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TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. 540-X-10-.10

Rule Title: Tumescent Liposuction and Similarly Related Procedures

X 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 

Date: July 20, 2011

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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-10-.10, Tumescant Liposuction and Similarly Related Procedures

INTENDED ACTION: To add a new Rule and renumber subsequent chapter rules

SUBSTANCE OF PROPOSED ACTION: To add a new Rule regulating the performance of tumescant liposuction and similarly related procedures as an office based procedure

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments, orally or in writing, concerning the proposed new rules. For written submissions, submit 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, September 2, 2011.

For oral submissions, a public hearing to receive oral comments concerning the proposed rules is scheduled on Thursday, August 25, 2011, at 1:30 p.m., CDT, at the offices of the Board of Medical Examiners, 848 Washington Avenue, Montgomery AL 36104. 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, email ckruger@albme.org, or obtain it from the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 4:30 p.m., September 2, 2011. All comments and requests for copies of the proposed rules should be addressed to the contact person listed below

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

540-X-10-.10 Tumescent Liposuction and Similarly Related Procedures.

(1) In the performance of liposuction when infiltration methods such as the tumescent technique are used, they should be regarded as regional or systemic anesthesia because of the potential for systemic toxic effects.

(2) When infiltration methods such as the tumescent technique are used in the performance of liposuction, the Standards for Office Based Procedures - General and Regional Anesthesia stated in Rule 540-X-10-.08 shall be met, including the physician registration requirement, the equipment and supplies requirement, the training requirement and the assistance of other personnel requirement.

(3) When infiltration methods such as the tumescent technique are used in the performance of liposuction, the monitoring requirement found in Rule 540-X-10-.09, Recovery Area and Assessment for Discharge with Moderate and Deep Sedation/General Anesthesia - Monitoring Requirement, must be met.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama §34-24-53

History: Approved/Adopted: