

APA-2
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-.11, Registration of Office-Based Surgery/Procedures Physician

INTENDED ACTION: To amend the Rule


SUBSTANCE OF PROPOSED ACTION: To amend the rule to provide for registration for the utilization of tumescent liposuction procedures and procedures using propofol and to require annual registration for all office-based surgery/procedures physicians

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

540-X-10-.1112 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) ~~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.

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

(24) 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.

(35) In January 2012, Within thirty (30) days after the effective date of this rule the Board of Medical Examiners shall cause a notice to be mailed to every licensed physician whose practice location is who is licensed in the State of Alabama notifying them of the requirements contained in this Chapter. of this rule and of the procedures for obtaining the required registration form. Every office-based surgery physician, as defined herein, is required to file the registration form with the State Board of Medical Examiners within ninety (90) days of the effective date of this rule. Any physician who, on the effective date of this rule, is not an office-based surgery/procedures physician but later elects to perform office-based surgery is required to file the registration form with the Board within thirty (30) days prior to performing any office-based surgery/procedure as defined in these rules. All physicians issued a certificate of qualification for licensure to practice medicine in Alabama will be provided with notice of the requirements of this rule.

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

(7) Beginning February 2013, and in February of each subsequent year, annual registration notification will be generated pursuant to an affirmative answer on the annual medical license renewal application regarding the practice of office-based surgery.

(8) Annual registration as an office-based surgery/procedures physician shall be due by March 1 of each year.

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

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