## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Departme	ent or Agency A	labama State Board	d of Medical	Examiners
Rule No. <u>540-X-1906</u> Rule Title: <u>Inspections</u>				
New New	X Ame	nd Rep		Adopt by Defense
	/ Hillo	ita itep	Ca1	Adopt by Reference
Would the absence of the				
significantly harm or enda	nger the public			
health, welfare, or safety?				YES
Is there a reasonable relati	onshin between	the		
state's police power and th	ne protection of t	he		
public health, safety, or welfare?				YES
T 21 21 1 1 1 1				
Is there another, less restri				
regulation available that could adequately protect the public?				NO
protect the public:				NO
Does the proposed rule have	ve the effect of			
directly or indirectly incre	asing the costs			
of any goods or services in	ivolved and, if so	Ο,		
to what degree?			·	NO
Is the increase in cost, if an	nv. more harmfu	1		
to the public than the harm				
from the absence of the pre-	oposed rule?			NO
A ma all facata afth a	-1			
Are all facets of the rulemedesigned solely for the pur				
they have, as their primary				
protection of the public?	oniout, the			YES
****************			*******	
Does the proposed rule has	ve an economic	impact?		NO
If the proposed rule has an	economic impa	ct, the proposed rul	le is	
required to be accompanie	d by a fiscal not	e prepared in accor	dance with	
subsection (f) of Section 4	1-22-23, <u>Code o</u>	f Alabama 1975.		
*******	*****	*****	****	********
Certification of Authorized			1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	~~~~~~~~~~~~ <del>~</del>
I certify that the attached p	proposed rule has	s been proposed in	full	
compliance with the require	rements of Chap	ter 22, Title 41, Co	de of Alaba	ma 1975, and that it conforms to
Service.	ements of the Ac	iministrative Proce	dure Divisio	on of the Legislative Reference
		Caur	UUM	and the same of th
Signature of certifying off	icer		and the same of th	
Data: Manal 20 2014				
Date: March 20, 2014				

## ALABAMA STATE BOARD OF MEDICAL EXAMINERS

## NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Medical Examiners

RULE NO. & TITLE:

540-X-19-.06, Inspections

**INTENDED ACTION:** 

To amend the rule

<u>SUBSTANCE OF PROPOSED ACTION</u>: To amend the rule to correct references to new Alabama statutes

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 Monday, May 5, 2014. 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. The rule amendment will also be available at the Board's web site, <a href="https://www.albme.org">www.albme.org</a>.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 5, 2014

CONTACT PERSON AT AGENCY: Patricia E. Shaner

Larry D. Dixon, Executive Director

540-X-19-.06 Inspections.

- (1) The medical records and documents of every physician registered under these rules shall be open to inspection to the extent authorized by Ala. Code § 34-24-10608 and the Administrative Rules of the Board as set out below.
- (2) All inspections of physician records undertaken by the Board may be conducted without prior notice to physician, clinic or its staff.
- (3) Physicians registered under these rules shall make all records, notes, and files of the registrant open to inspection. In carrying out the intent of these rules, the Board shall have all of the power and authority it currently possesses in its current capacity under §§ 34-24-363 to 34-24-365, Code of Alabama 1975, as amended, inclusive, and all of the power and authority therein may be applied under these rules for purposes of pain management services registration and enforcement.
- requires emergency suspension of a registration and states in writing its reason for that finding, it may proceed without hearing or upon any abbreviated hearing that it finds practicable to suspend the registration under these rules. The suspension shall become effective immediately, unless otherwise stated therein. The suspension may be effective for a period of not longer than 120 days and shall not be renewable. The Board shall not suspend the same registration for the same or substantially similar emergency within one calendar year from its first suspension unless the Board clearly establishes that it could not reasonably be foreseen during the initial 120-day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or

revocation proceeding under § 34-24-361, Code of Alabama 1975, as amended, or § 20-2-53, Code of Alabama 1975, as amended, shall also be promptly instituted and acted upon.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 34-24-53, Act 2013-257

**History:** Approved for Publication: September 18, 2013. Effective Date: December 19, 2013. Amended/Approved for Publication: March 19, 2014.