TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Departme	ent or A	gency Alabama	State Board of Medi	cal Examiners
Rule No. 540-X-1908	\ _4!	10 "		
Rule Title: Disciplinary A			D 1	
New		Amend	Repeal	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	onship t	etween the		
state's police power and the	ne protec	ction of the		
public health, safety, or w	elfare?			YES
Is there another, less restri	ctive me	ethod of		
regulation available that c	ould ade	quately		
protect the public?				NO
Does the proposed rule ha	ve the e	ffect of		
directly or indirectly incre	asing the	e costs		
of any goods or services in	ivolved	and, if so,		
to what degree?				NO
Is the increase in cost, if a	ny, more	e harmful		
to the public than the harn				
from the absence of the pr	oposed 1	rule?		NO
Are all facets of the rulem	aking pr	rocess		
designed solely for the pur				
they have, as their primary				
protection of the public?				YES
*******	*****	******	******	********
Does the proposed rule have an economic impact?				NO
If the proposed rule has ar	econon	nic impact the n	roposed rule is	
required to be accompanie	d by a f	iscal note prepare	ed in accordance wit	-h
subsection (f) of Section 4	1-22-23	, Code of Alabar	<u>na 1975</u> .	
*******	*****	******	:******	*********
Certification of Authorize				
I cartify that the attached.		11 . 1 1	1' 011	
I certify that the attached prompliance with the requi	rements	of Chapter 22. T	roposed in full	bama 1975, and that it conforms to
all applicable filing requir	ements (of the Administra	ative Procedure Divi	tion of the Legislative Reference
Service.			1200 1	NA -
Cianatana C vici or	.		LAMAL	U
Signature of certifying off	icer		Lipper of E	f de la company
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-.08, Disciplinary Action and Sanctions

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, www.albme.org.

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-.08 Disciplinary Action and Sanctions.

- (1) A violation of §§ 34-24-10600, et seq., Code of Alabama 1975, as amended, as set out below in paragraphs (2) and (3) of this rule is grounds for disciplinary action and sanctions against a registrant as provided in this rule.
- (2) Any violation of §§ 34-24-10600, et seq., Code of Alabama 1975, as amended, or a rule adopted under those sections, shall be prosecuted against and in the name of the registrant or registrants participating in the alleged violation.
- (3) In addition to the requirements, sanctions and punishment of an ACSC provided by §§ 20-2-50 through 20-2-58, Code of Alabama 1975, as amended, the Board may impose the following sanctions:
- (a) The failure of a physician who provides pain management services as defined in these rules, to obtain a pain management registration from the Board, shall be punishable by a fine up to Ten Thousand Dollars (\$10,000) per violation, or the revocation of the registration, or both, whenever the physician shall be found guilty on the basis of substantial evidence.
- (b) A violation of any other requirements under §§ 34-24-10600, et seq., including a medical director, shall be punishable by a fine up to One Thousand Dollars (\$1,000.00) per violation, or the revocation of the registration, or both, whenever the physician charged shall be found guilty on the basis of substantial evidence. Specific violations under this paragraph include:
- 1. Making a fraudulent or untrue statement in applying for a pain management registration.
 - 2. Aiding and abetting the providing of pain management services by a

physician who has not obtained a pain management registration from the Board.

- 3. Failure to register with the Alabama Prescription Drug Monitoring Program in obtaining a pain management registration from the Board
- (c) If a practice location has two or more physicians who commit a violation under §§ 34-24-10600, et seq., Code of Alabama 1975, as amended, within one year, the Board shall report the violations to the appropriate licensing agency or agencies that regulate the practice location.

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.