



APA-2  
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**ALABAMA STATE BOARD  
OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

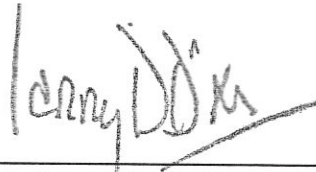
AGENCY NAME: Alabama State Board of Medical Examiners  
RULE NO. & TITLE: 540-X-19-.08, Disciplinary Action and Sanctions  
INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: 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](http://www.albme.org).

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

CONTACT PERSON AT AGENCY: Patricia E. Shaner



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Larry D. Dixon, Executive Director

540-X-19-.08 Disciplinary Action and Sanctions.

(1) A violation of §§ 34-24-~~106~~00, 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-~~106~~00, 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-~~106~~00, 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-~~40~~00, 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.