



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-7-.01, Definitions

**INTENDED ACTION:** To amend the rule.

**SUBSTANCE OF PROPOSED ACTION:** Add definition of "Direct Medical Intervention" and place all definitions in alphabetical order.

**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 December 4, 2015. 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.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** December 4, 2015

**CONTACT PERSON AT AGENCY:** Patricia E. Shaner



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Larry D. Dixon, Executive Director

540-X-7-.01 Definitions. The following definitions shall apply to these rules:

(1) **APPROVED PROGRAM.** A program for the education and training of assistants to physicians which has been formally approved in writing by the Board.

(2) **ASSISTANT TO PHYSICIAN.** A person who is a graduate of an approved program, is licensed by the Board, and is registered by the Board to perform medical services under the supervision of a physician approved by the Board to supervise the assistant.

(3) **BOARD.** The Board of Medical Examiners of the State of Alabama.

(4) **CONTINUAL.** Repeated regularly and frequently in steady rapid succession.

(5) **DIRECT MEDICAL INTERVENTION.** Physical presence of a physician to attend the patient as defined in the registration agreement protocol.

(6) **FCVS, Federation Credentials Verification Service.** A credentials verification service provided by the Federation of State Medical Boards that assistants to physicians may use to verify core credentials in connection with applications for licensure. The Board of Medical Examiners will accept those verified primary source records of credentials provided by FCVS in lieu of equivalent documentation required to be submitted with an application for licensure where designated in these rules. Applicants are responsible for payment of all fees charged by FCVS. Use of FCVS by an applicant is optional.

(7) **GUIDELINES.** The written guidelines established by the Board pursuant to Act 94-261 in the most current version which concern the prescribing practices of assistants to physicians and which do not require publication in accordance with the

| Alabama Administrative Procedures Act.

| (48) LEGEND DRUG. Any drug, medicine, chemical or poison, bearing on the label the words, "Caution, Federal Law prohibits dispensing without prescription" or similar words indicating that the drug, medicine, chemical or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance or compound which is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

| (59) PHYSICIAN. A person who is licensed to practice medicine in this state and is approved by the Board to supervise assistants to physicians.

| (610) PHYSICIAN SUPERVISION. A formal relationship between a licensed assistant to a physician and a licensed physician under which the assistant to the physician is authorized to practice as evidenced by a written job description approved by the Board. Physician supervision requires that there shall be at all times a direct, continuing and close supervisory relationship between the assistant to the physician and the physician to whom that assistant is registered. The term supervision does not require direct on-site supervision of the assistant to the physician; however, supervision does include the professional oversight and direction required by these rules and by the written guidelines established by the Board concerning prescribing practices.

| (711) PRESCRIBE OR PRESCRIBING. The act of issuing a written prescription for a legend drug.

| (812) PRESCRIPTION. An order for a legend drug which is written and signed by an assistant to a physician authorized to prescribe and administer the drug and which is intended to be filled, compounded, or dispensed by a pharmacist. The term

"prescription" does not include an order for medication which is dispensed for immediate administration to the ultimate user (e.g., an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription).

|       (13) READILY AVAILABLE. Response by the supervising or covering  
| physician by telephone, telecommunication or radio for consultation, referral or direct  
| medical intervention for a patient as indicated by the needs of the patient and based on  
| usual and customary standards of medical practice.

|       (914) TRAINEE. A person who is currently enrolled in an approved program in this state.

~~(10) GUIDELINES. The written guidelines established by the Board pursuant to Act 94-261 in the most current version which concern the prescribing practices of assistants to physicians and which do not require publication in accordance with the Alabama Administrative Procedures Act.~~

~~(11) CONTINUAL. Repeated regularly and frequently in steady rapid succession:~~

~~(12) FCVS, Federation Credentials Verification Service. A credentials verification service provided by the Federation of State Medical Boards that assistants to physicians may use to verify core credentials in connection with applications for licensure. The Board of Medical Examiners will accept those verified primary source records of credentials provided by FCVS in lieu of equivalent documentation required to be submitted with an application for licensure where designated in these rules. Applicants are responsible for payment of all fees charged by FCVS. Use of FCVS by an applicant is optional.~~

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** *Code of Alabama* §§34-24-290, *et. seq.*

**History:** Repealed and Replaced: Filed September 21, 1998; effective October 26, 1998. Repealed and Replaced: Approved June 6, 2002. Effective Date: October 24, 2002.