## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners  Rule No. 540-X-701	
Rule Title: Definitions	
New X Amend Repeal	Adopt by Reference
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	YES
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO.
Is the increase in cost, if any, more harmful tot he public than the harm that might result from the absence of the proposed rule?	<u>NO</u>
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES
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Does the proposed rule have an economic impact?  If the proposed rule has an economic impact, the proposed rule required to be accompanied by a fiscal note prepared in accorda subsection (f) of Section 41-22-23, <u>Code of Alabama 1975</u> .	is
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I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama requirements of the Administrative Procedure Division of the Legislative Re	1975, and that it conforms to all applicable filing eference Service.
Signature of certifying officer Carly 10 2016	
Date: October 12, 2015	

## 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.

<u>SUBSTANCE OF PROPOSED ACTION</u>: 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

Larry D. Dixon, Executive Director

540-X-7-.01 <u>Definitions</u>. 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) GONTINUAL. Repeated regularly and frequently in steady rapid succession.
- 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.