

**ALABAMA ADMINISTRATIVE MONTHLY  
VOLUME XXVIII, ISSUE NO. 5**

**FEBRUARY 26, 2010**

**TABLE OF CONTENTS**

	<b>Page No.</b>	
<b><u>FILINGS BY AGENCY</u></b>		
<b>ARCHITECTS, BOARD FOR REGISTRATION OF</b>		
<b>Certified Repealed Rules:</b>		
Chapter 100-X-1	Composition of the Board.....	210
Chapter 100-X-2	Operation of the Board.....	210
<b>Certified New Rules:</b>		
Chapter 100-X-1	Board Administration and General Provisions.....	210
Chapter 100-X-2	Registration and Renewal .....	210
Chapter 100-X-3	Continuing Education .....	210
Chapter 100-X-4	Scope of Practice .....	210
Chapter 100-X-5	Practice Requirements .....	210
Chapter 100-X-6	Complaints and Disciplinary Action .....	210
Chapter 100-X-7	Code for Professional Conduct.....	210
<b>CHIROPRACTIC EXAMINERS, BOARD OF</b>		
<b>Proposed Amended Rule:</b>		
190-X-1-.18	Fees .....	168
<b>Certified Amended Rule:</b>		
190-X-5-.09	Chiropractic Records Required; Release of Records.....	210
<b>CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF</b>		
<b>Proposed New Rule:</b>		
220-6-.62	Old River/Rabbit Island Vessel Restrictions.....	169
<b>Emergency New Rule:</b>		
220-6-.62	Old River/Rabbit Island Vessel Restrictions.....	209
<b>Certified Amended Rule:</b>		
220-2-.11	Prohibited Methods and Devices for Hunting.....	210
220-5-.07	Conduct .....	210
<b>CONTRACTORS, LICENSING BOARD FOR GENERAL</b>		
<b>Proposed Amended Rule:</b>		
230-X-1-.04	Change in Form of Operation.....	170

## **EDUCATION, DEPARTMENT OF**

### **Proposed Amended Rules:**

290-3-2-.03	Approaches to Earning a Professional Educator Certificate .....	171
290-3-2-.04	Professional Educator Certificate .....	172

## **EDUCATION, COMMISSION ON HIGHER**

### **Certified Amended Rule:**

300-2-1-.02	Review and Approval or Disapproval of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions .....	210
-------------	--	-----

### **Certified New Rule:**

Chapter 300-4-7	The Alabama Teacher Recruitment Incentive Program .....	210
-----------------	---	-----

## **ELECTRONIC SECURITY BOARD OF LICENSURE**

### **Certified Amended Rules:**

304-X-1-.01	Definitions.....	211
304-X-1-.02	Licensure Procedures.....	211
304-X-1-.03	Fees .....	211
304-X-1-.04	Educational Requirements .....	211
304-X-1-.05	Code of Ethics .....	211
304-X-1-.06	Administrative Complaints .....	211

## **ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF**

### **Proposed Amended Rules:**

335-13-1-.02	Statutory Authority .....	173
335-13-1-.03	Definitions.....	173
335-13-1-.04	Limitations .....	173
335-13-1-.05	Communications.....	173
335-13-1-.06	Penalty for Violations .....	173
335-13-1-.07	Appeals .....	173
335-13-1-.10	Reserved.....	173
335-13-1-.13	Unauthorized Dumps .....	173

### **Proposed New Rule:**

Chapter 335-13-3	Processing and Recycling .....	174
------------------	--------------------------------	-----

### **Certified Amended Rules:**

335-3-1-.02	Definitions.....	211
335-3-10-.01	General.....	211
335-3-10-.02	Designated Standards of Performance .....	211
335-3-10-.03	Appendices to 40 CFR 60 .....	211
335-3-11-.01	General .....	211
335-3-11-.06	National Emission Standards for Hazardous Air Pollutants for Source Categories.....	211

## **ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF (cont.)**

### **Certified Amended Rules:**

335-3-11-07	Appendices to 40 CFR 63 .....	211
Division 335-3	Appendix C – Environmental Protection Agency Regulations Reference Documents.....	211
335-4-1-01	Definitions.....	211
335-4-1-04	General.....	211
335-4-2-02	Site Ranking System.....	211
335-4-2-03	Scrap Tire Fund .....	211
335-4-2-04	Remediation Contracting .....	211
335-4-3-01	Registration Requirements.....	211
335-4-5-01	General Requirements for Receivers .....	211
335-4-5-03	Reporting.....	211
335-4-5-04	Recordkeeping Requirements .....	211
335-4-6-03	Reporting.....	211
335-4-6-04	Recordkeeping Requirements .....	211
335-4-7-03	Reporting.....	211
335-4-7-04	Recordkeeping Requirements .....	211
335-14-1-02	Definitions and References .....	211
335-14-2-01	General.....	211
Chapter 335-14-2	Appendix IX – Wastes Excluded Under 335-14-1-03.....	211
335-14-3-01	General.....	212
335-14-3-02	The Manifest .....	212
335-14-3-08	Special Requirements for Generators of Waste Destined for Disposal at Commercial Hazardous Waste Disposal Facilities Located in the State of Alabama .....	212
335-14-4-05	Transfer Facility Requirements .....	212
335-14-5-02	General Facility Standards .....	212
335-14-5-05	Manifest System, Recordkeeping, and Reporting .....	212
335-14-5-06	Releases from Solid Waste Management Units .....	212
335-14-5-07	Closure and Post-Closure.....	212
335-14-5-08	Financial Requirements .....	212
335-14-5-10	Tank Systems .....	212
335-14-5-12	Waste Piles .....	212
335-14-5-13	Land Treatment .....	212
335-14-5-14	Landfills .....	212
335-14-5-15	Incinerators.....	212
335-14-5-19	Special Provisions for Cleanup .....	212
Chapter 335-14-5	Appendix I – Recordkeeping Instructions .....	212
335-14-6-07	Closure and Post-Closure.....	212
335-14-6-14	Landfills .....	212
Chapter 335-14-6	Appendix I – Recordkeeping Instructions .....	212
335-14-8-02	Permit Application – Treatment, Storage, and Disposal Facilities .....	212
335-14-11-02	Standards for Small Quantity Handlers of Universal Waste.....	212
335-14-17-03	Standards for Used Oil Generators.....	212

## **ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF (cont.)**

### **Certified Amended Rules:**

335-14-17-.05	Standards for Used Oil Transporter and Transfer Facilities .....	212
---------------	--	-----

### **Certified New Rules:**

335-4-4-.03	Engineered Uses of Processed Tire Material .....	212
335-14-3-.12	Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities .....	212

## **FINANCE, DEPARTMENT OF**

### **Proposed Amended Rules:**

355-4-1-.02	Definitions.....	175
355-4-1-.03	General Requirements of Vendors .....	176
355-4-1-.04	Operational Policy .....	177

### **Proposed New Rule:**

355-4-1-.07	State of Alabama Procurement/Credit Card Program .....	178
-------------	--	-----

## **FORESTRY COMMISSION**

### **Certified Amended Rules:**

390-X-7-.01	Use of Facilities .....	212
390-X-7-.07	Conduct .....	212
390-X-7-.08	Prohibited Devices.....	213

## **HEALTH, DEPARTMENT OF PUBLIC**

### **Proposed Amended Rule:**

420-3-26-.06	Radiation Safety Requirements for Users of X-Ray in Healing Arts or Servicers of X-Ray Equipment.....	181
--------------	--	-----

### **Proposed New Rule:**

Chapter 420-3-29	Renovation Contractor Certification.....	182
------------------	--	-----

### **Proposed Repealed Rule:**

Chapter 420-1-1	Chemical Test for Intoxication.....	179
Chapter 420-3-12	Design, Construction, Installation, and Operation of Food and Beverage Vending Machines .....	180
Chapter 420-5-13	Birthing Centers.....	183
Chapter 420-9-1	Hearing Aid Dealers .....	184

## **HEALTH PLANNING AND DEVELOPMENT AGENCY**

### **Proposed New Rule:**

410-1-4-.02	Construction or Relocation of Administrative or Branch Office .....	185-186
-------------	--	---------

## **HEALTH PLANNING AND DEVELOPMENT AGENCY (cont.)**

### **Certified Amended Rule:**

410-2-3-.10	Hospice Services .....	213
-------------	------------------------	-----

### **Certified New Rule:**

410-2-4-.15	Inpatient Hospice Services.....	213
-------------	---------------------------------	-----

## **HISTORICAL COMMISSION**

### **Proposed New Rule:**

460-X-7-.01	Alabama Historical Commission Grants, Program Description .....	187
460-X-7-.02	Application Forms .....	187
460-X-7-.03	Criteria for Awarding Grants .....	187

## **HUMAN RESOURCES, DEPARTMENT OF**

### **Certified Amended Rule:**

660-3-3-.01	Eligibility for Services .....	213
-------------	--------------------------------	-----

## **LIBRARY SERVICES, PUBLIC**

### **Certified Repealed Rules:**

Chapter 520-5-1	Circulation Policies.....	213
Chapter 520-6-1	Rules and Regulations for Libraries Participating in Net-Lending Reimbursement .....	213
Chapter 520-7-1	State of Alabama Construction Fund Grants for Alabama Public Libraries .....	213

### **Certified New Rule:**

Chapter 520-7-1	State of Alabama Construction Fund Grants for Alabama Public Libraries .....	213
-----------------	--	-----

## **LIQUEFIED PETROLEUM GAS BOARD**

### **Proposed Amended Rules:**

530-X-2-.01	Purpose.....	188-189
530-X-2-.04	Procedures for Liquefied Petroleum Gas Filling Stations .....	188-189
530-X-2-.05	Procedures for Reporting Incident.....	188-189
530-X-2-.07	Liquefied Petroleum Gas Motor Fuel Carburetion Equipment .....	188-189
530-X-2-.15	Qualifications of Persons Performing Work on Liquefied Gas Systems .....	188-189

### **Proposed Repealed Rule:**

530-X-2-.17	Replacement of LP-Gas Container Data Plates.....	188-189
-------------	--	---------

## **MEDICAID AGENCY**

### **Proposed Amended Rule:**

560-X-1-.14	Medicaid Payments for Medicare/Medicaid and/or Qualified Medicare Beneficiaries (QMB) Eligible Recipients .....	190
-------------	---	-----

### **Miscellaneous Notices:**

PN-10-02	Amendment to Alabama State Plan for Medical Assistance.....	191
PN-10-03	Amendment to Alabama State Plan for Medical Assistance.....	192

### **Certified New Rule:**

560-X-34-.07	Prior Authorization .....	213
--------------	---------------------------	-----

## **MEDICAL EXAMINERS, BOARD OF**

### **Certified Amended Rules:**

Chapter 540-X-3	Appendix A – Application for Certificate to Practice Medicine Through Examination .....	214
Chapter 540-X-3	Appendix B – Application for Certificate to Practice Medicine Through Endorsement .....	214
540-X-4-.01	Registration for Alabama Controlled Substances Certificate.....	214
540-X-7-.28	Prescriptions and Medication Orders – Physician Assistants .....	214

### **Certified New Rules:**

Chapter 540-X-12	Qualified Alabama Controlled Substances Registration Certificate .....	214
Chapter 540-X-12	Appendix A – Application for Qualified Alabama Controlled Substances Registration Certificate .....	214
Chapter 540-X-12	Appendix B – Application for Renewal of Qualified Alabama Controlled Substances Registration Certificate .....	214

## **MEDICAL LICENSURE COMMISSION**

### **Proposed Amended Rules:**

Chapter 545-X-2	Appendix A – Application for Licensure to Practice Medicine/Osteopathy .....	193
Chapter 545-X-2	Appendix B – Alabama Medical License Renewal Application .....	194
Chapter 545-X-2	Appendix E – Retired Senior Volunteer Program: Application for Renewal of License to Practice Medicine or Osteopathy.....	195
545-X-3-.01	Definitions .....	196

## **MEDICAL LICENSURE COMMISSION (cont.)**

### **Proposed Amended Rules:**

545-X-3-.03	Initiation of a Contested Case; Notice and Opportunity for Hearing in Contested Cases; Contents of Notice; Procedure Upon Failure of Notified Party to Appear; Presentation of Evidence and Argument; Right to Counsel; Disposition by Stipulation; Settlement; Contents of Record; Public Attendance at Oral Proceedings; Recordings and Transcripts of Oral Proceedings.....	197
545-X-3-.04	Discovery in Contested Cases .....	198
545-X-3-.05	Witnesses/How Subpoenaed and Sworn; Failure to Comply.....	199
545-X-3-.06	Intervention in Contested Cases .....	200
545-X-3-.08	Conduct of Hearings in Contested Cases; Appointment and Authority of Hearing Officer; Grounds for Suspension or Revocation of License.....	201
545-X-3-.10	Form and Content of Final Order; When Final Order to be Rendered; Service of Notice and Copies of Final Order.....	202
545-X-3-.15	Applications for Reinstatement of Licenses and Applications for Modification of Orders.....	203
Chapter 545-X-5	Continuing Medical Education.....	204

## **NURSING, BOARD OF**

### **Proposed Amended Rule:**

610-X-7-.04	Registered Nurse as Surgical First Assistant (RNFA) .....	205
-------------	---	-----

## **REVENUE, DEPARTMENT OF**

### **Proposed Amended Rules:**

810-3-24.2-.01	Composite Returns of Pass-Through Entities .....	206
810-3-24.2-.02	Qualified Investment Partnerships.....	206
810-3-24.2-.03	Other Qualified Investment Partnership Matters.....	206

### **Certified Amended Rules:**

810-3-28-.04	Requirements for the Partnership/LLC Return of Income Declaration for Electronic Filing.....	214
810-3-39-.09	Requirements for the Corporate Income Tax Declaration for Electronic Filing .....	214
810-5-75-.40	Requirements for Names and Signatures on Title Application and Title Assignments. Reference: Sections 32-8-1 thru 32-8-88, Code of Alabama 1975, as amended .....	214
810-13-1-.01	Scope of Division 13 .....	214

### **Certified Repealed Rules:**

810-5-5-.02	Application for Certificate of Title – Requirements for Name and Address.....	214
810-5-5-.04	Application for Certificate of Title – Legal Name of Owner.....	214

**REVENUE, DEPARTMENT OF (cont.)****Certified Repeal Rule:**

810-5-75-.22	Title Procedure – Third Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended .....	214
--------------	---	-----

**Certified New Rules:**

810-3-28-.07	Alabama Requirements for Mandatory E-File of Original Partnership/Limited Liability Company Income Tax Returns .....	215
810-3-28-.08	Alabama Requirements for Compliance with Administrative Rule 810-3-28-.07.....	215
810-3-39-.12	Alabama Requirements for Mandatory E-File of Original Corporate Income Tax Returns .....	215
810-3-39-.13	Alabama Requirements for Compliance With Administrative Rule 810-3-39-.12.....	215
810-8-6-.02	Procedures for Reporting and Remitting Oil and Gas Production and Privilege Taxes for Offshore Production.....	215
810-8-6-.03	Procedures for Reporting and Remitting Oil and Gas Privilege Taxes for Wells Within the Corporate Limits or Police Jurisdiction of a Municipality Production .....	215

**SECRETARY OF STATE****Proposed Amended Rule:**

Chapter 820-2-6	Procedures for Provisional Voting.....	207
-----------------	--	-----

**TOURISM AGENCY****Proposed New Rule:**

Chapter 891-X-1	Alabama Film Office Incentives.....	208
-----------------	-------------------------------------	-----

**MISCELLANEOUS NOTICES**..... 191-192**EMERGENCY ADOPTED RULE**..... 209**CERTIFIED ADOPTED RULES**..... 210-215