

ALABAMA ADMINISTRATIVE MONTHLY  
VOLUME XXVIII, ISSUE NO. 1

OCTOBER 30, 2009

TABLE OF CONTENTS

	Page No.
<b><u>FILINGS BY AGENCY</u></b>	
<b>ALCOHOLIC BEVERAGE CONTROL BOARD</b>	
<b>Proposed Amended Rule:</b>	
20-X-5-.14 Requirements of Financial Responsibility by Licensees .....	1
<b>ASSISTED LIVING ADMINISTRATORS, BOARD OF EXAMINERS OF</b>	
<b>Proposed Amended Rule:</b>	
135-X-7-.01 Licenses.....	2
<b>Certified Amended Rule:</b>	
135-X-5-.07 Deadline to Pay License Fee .....	51
<b>CHIROPRACTIC EXAMINERS, BOARD OF</b>	
<b>Proposed Amended Rule:</b>	
190-X-5-.09 Chiropractic Records Required; Release of Records.....	3
<b>Certified Amended Rule:</b>	
190-X-6-.03 Public Hearings .....	51
<b>CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF</b>	
<b>Proposed Amended Rule:</b>	
220-5-.08 Prohibited Devices.....	4
<b>Peremptory Amended Rules:</b>	
220-2-.125 Special 2009-2010 Hunting Seasons for Certain Forever Wild and State Lands Division Lands .....	54
220-2-.127 Special 2009-2010 Hunting Seasons for Blowing Springs Cave Tract (Forever Wild Lands), Lauderdale County .....	54
220-2-.140 Special State Park Hunting Seasons .....	54
<b>Peremptory Repealed Rule:</b>	
220-2-.107 Special 2008-2009 Hunting Seasons for Redstone Arsenal and Fort Rucker .....	54

**CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF (cont.)**

**Peremptory New Rule:**

220-2-.107	Special 2009-2010 Hunting Seasons for Redstone Arsenal and Fort Rucker .....	54
------------	---	----

**COURT REPORTERS, BOARD OF**

**Certified Amended Rules:**

257-X-2-.04	Fees .....	51
Chapter 257-X-3	Licensure .....	51
257-X-6-.01	Continuing Education Requirements .....	51
257-X-6-.02	How to Acquire CE Credits .....	51

**CRIME VICTIMS COMPENSATION COMMISSION**

**Proposed Amended Rules:**

262-X-4-.02	Eligibility Criteria Generally .....	5
262-X-4-.04	Compensation Awards – Amounts and Methods of Payment .....	6

**Emergency Amended Rules:**

262-X-4-.02	Eligibility Criteria Generally .....	50
262-X-4-.04	Compensation Awards – Amounts and Methods of Payment .....	50

**DENTAL EXAMINERS, BOARD OF**

**Proposed Amended Rules:**

270-X-1-.08	Meetings of the Board .....	7
270-X-2-.19	Licensure by Credentials .....	8

**Certified Amended Rule:**

270-X-1-.08	Meetings of the Board .....	51
-------------	-----------------------------	----

**ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF**

**Proposed Amended Rules:**

335-1-1-.07	Departmental Forms, Instructions and Procedures .....	9
335-1-6-.04	Permit Application Fees – Fee Schedule G .....	10
335-3-1-.02	Definitions .....	11
335-3-10-.01	General .....	12
335-3-10-.02	Designated Standards of Performance .....	12
335-3-10-.03	Appendices to 40 CFR 60 .....	12
335-3-11-.01	General .....	13
335-3-11-.06	National Emission Standards for Hazardous Air Pollutants for Source Categories .....	13
335-3-11-.07	Appendices to 40 CFR 63 .....	13
Division 335-3	Appendix C – Environmental Protection Agency Regulations Reference Documents .....	14
335-13-7-.01	Notification of Medical Waste Generation .....	15
335-14-1-.02	Definitions and References .....	16
335-14-2-.01	General .....	17

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

**Proposed Amended Rules:**

Chapter 335-14-2	Appendix IX – Wastes Excluded Under 335-14-1-.03 .....	17
335-14-3-.01	General .....	18
335-14-3-.02	The Manifest .....	18
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 .....	18
335-14-4-.05	Transfer Facility Requirements .....	19
335-14-5-.02	General Facility Standards .....	20
335-14-5-.05	Manifest System, Recordkeeping, and Reporting .....	20
335-14-5-.06	Releases from Solid Waste Management Units .....	20
335-14-5-.07	Closure and Post-Closure .....	20
335-14-5-.08	Financial Requirements .....	20
335-14-5-.10	Tank Systems .....	20
335-14-5-.12	Waste Piles .....	20
335-14-5-.13	Land Treatment .....	20
335-14-5-.14	Landfills .....	20
335-14-5-.15	Incinerators .....	20
335-14-5-.19	Special Provisions for Cleanup .....	20
Chapter 335-14-5	Appendix I – Recordkeeping Instructions .....	20
335-14-6-.07	Closure and Post-Closure .....	21
335-14-6-.14	Landfills .....	21
Chapter 335-14-6	Appendix I – Recordkeeping Instructions .....	21
335-14-8-.02	Permit Application – Treatment, Storage, and Disposal Facilities .....	22
335-14-11-.02	Standards for Small Quantity Handlers of Universal Waste .....	23
335-14-17-.03	Standards for Used Oil Generators .....	24
335-14-17-.05	Standards for Used Oil Transporter and Transfer Facilities .....	24

**Proposed New Rule:**

335-14-3-.12	Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities .....	18
--------------	---	----

**Certified Amended Rules:**

335-6-15-.02	Definitions .....	51
335-6-15-.04	Interim Prohibition for Deferred UST Systems .....	51
335-6-15-.10	Operation and Maintenance of Corrosion Protection .....	51
335-6-15-.13	Reporting and Recordkeeping .....	51
335-6-15-.45	Delivery Prohibition .....	51
335-6-15-.47	Severability .....	51
335-6-16-.07	Trust Fund Fee and Charge .....	51
335-6-16-.09	Scope of Tank Trust Fund Coverage .....	51

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

**Certified New Rules:**

335-6-15-.46 Operator Training ..... 52  
Chapter 335-13-12 Landfill Operator Certification Requirements ..... 52  
Chapter 335-13-13 Statewide Solid Waste Reduction Goal ..... 52

**HEALTH, DEPARTMENT OF PUBLIC**

**Miscellaneous Filing:**

Chapter 420-7-2 Appendix – Controlled Substances List ..... 25

**Certified Amended Rules:**

420-3-22-.01 General Provisions ..... 52  
420-3-22-.03 Food ..... 52  
420-3-22-.08 Compliance and Enforcement ..... 52

**HEALTH PLANNING AND DEVELOPMENT AGENCY**

**Emergency Amended Rule:**

410-1-7-.21 Filing Fee for Veterans Home Application Submitted  
by State Department of Veterans Affairs ..... 50

**HUMAN RESOURCES, DEPARTMENT OF**

**Proposed New Rules:**

660-3-19-.01 Definitions ..... 26  
660-3-19-.02 Requirements for Review and Adjustment ..... 26  
660-3-19-.03 Procedure to Contest the Adjustment ..... 26

**Emergency New Rules:**

660-3-19-.01 Definitions ..... 50  
660-3-19-.02 Requirements for Review and Adjustment ..... 50  
660-3-19-.03 Procedure to Contest the Adjustment ..... 50

**Certified Amended Rules:**

660-1-1-.07 Issuance of Subpoenas ..... 52  
Chapter 660-2-2 Appendix A - Family Assistance (FA) Program  
Summarized Eligibility Requirements ..... 52  
660-2-2-.27 Need Requirement - General ..... 52  
660-2-2-.30 Income ..... 52  
660-2-2-.37 Development of Sources of Income ..... 52  
Chapter 660-2-20 JOBS Program ..... 52

**Repealed Amended Rule:**

660-2-2-.28 Resources ..... 52

**INSURANCE, DEPARTMENT OF**

**Proposed Amended Rule:**

482-1-071-.19 Filing Requirements for Advertising ..... 27

## **INSURANCE, DEPARTMENT OF (cont.)**

### **Proposed Amended Rules:**

482-1-071-.20	Standards for Marketing .....	28
482-1-146-.07	Review Process.....	29

### **Proposed New Rule:**

Chapter 482-1-149	Property and Casualty Actuarial Opinion on Loss Reserves .....	30
-------------------	--	----

## **LIBRARY SERVICE, PUBLIC**

### **Proposed Repealed Rules:**

Chapter 520-5-1	Circulation Policies.....	31
Chapter 520-6-1	Rules and Regulations for Libraries Participating in Net-Lending Reimbursement .....	32
Chapter 520-7-1	State of Alabama Construction Fund Grants for Alabama Public Libraries .....	33

### **Proposed New Rule:**

Chapter 520-7-1	State of Alabama Construction Fund Grants for Alabama Public Libraries .....	33
-----------------	---	----

## **MARRIAGE AND FAMILY THERAPY, BOARD OF EXAMINERS IN**

### **Proposed Amended Rules:**

536-X-1-.01	Definition of Terms.....	34
536-X-3-.01	Board Approved Marriage and Family Therapy Designation.....	35
536-X-4-.03	Requirements for Designation: LMFT Supervision .....	36
536-X-4-.04	Requirements for Designation: LMFT Approved Supervisor.....	36
536-X-4-.05	Requirements for Designation: LMFT Supervisor of Supervision.....	36

### **Proposed Repealed Rules:**

536-X-8-.01	Responsibility to Clients .....	37
536-X-8-.02	Confidentiality .....	37
536-X-8-.03	Professional Competence and Integrity .....	37
536-X-8-.04	Responsibility to Students and Supervisees .....	37
536-X-8-.05	Responsibility to Research Participants .....	37
536-X-8-.06	Responsibility to the Profession .....	37
536-X-8-.07	Financial Arrangement.....	37
536-X-8-.08	Advertising .....	37

### **Proposed New Rules:**

536-X-8-.01	Responsibility to Clients .....	37
536-X-8-.02	Confidentiality .....	37
536-X-8-.03	Professional Competence and Integrity .....	37
536-X-8-.04	Responsibility to Students and Supervisees .....	37
536-X-8-.05	Responsibility to Research Participants .....	37

## **MARRIAGE AND FAMILY THERAPY, BOARD OF EXAMINERS IN (cont.)**

### **Proposed New Rules:**

536-X-8-.06	Responsibility to the Profession .....	37
536-X-8-.07	Financial Arrangement.....	37
536-X-8-.08	Advertising .....	37

## **MEDICAID AGENCY**

### **Proposed Amended Rules:**

560-X-13-.02	Participating Agencies and Suppliers .....	38
560-X-16-.01	Pharmacy Services – General.....	39
560-X-37-.06	Family Planning Waiver .....	40

### **Miscellaneous Notice:**

PN-09-07	Amendment to Alabama State Plan for Medical Assistance.....	41
----------	---	----

## **MEDICAL EQUIPMENT SERVICES PROVIDERS, BOARD OF HOME**

### **Certified Amended Rules:**

473-X-1-.01	Definitions .....	52
473-X-4-.01	Inspection Standards .....	52

## **MEDICAL EXAMINERS, BOARD OF**

### **Certified Amended Rules:**

540-X-3-.04	Examination Requirements .....	53
Chapter 540-X-3	Appendix A – Application for Certificate to Practice Medicine through Endorsement.....	53
Chapter 540-X-3	Appendix B – Application for Certificate to Practice Medicine through Examination .....	53

## **NURSING, BOARD OF**

### **Proposed Amended Rule:**

610-X-9-.07	Qualifications for Approval to Practice as a Clinical Nurse Specialist .....	42
-------------	---	----

### **Proposed New Rule:**

610-X-9-.12	Reinstatement of Lapsed Approval to Practice as a Clinical Nurse Specialist .....	43
-------------	--	----

## **NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF**

### **Proposed Amended Rules:**

620-X-13-.01	Fees .....	44
620-X-14-.01	Effective Date .....	44
Appendix A	Form 22 - Fee Schedule .....	44

## **PHARMACY, BOARD OF**

### **Proposed Amended Rule:**

680-X-2-.14	The Role of Technicians in Pharmacies in Alabama.....	45
-------------	---	----

**PHARMACY, BOARD OF (cont.)**

**Certified New Rule:**

680-X-2-.39 Non Hospital Pharmacy Off Site Order Entry..... 53

**PHYSICAL THERAPY, BOARD OF**

**Proposed Amended Rule:**

700-X-2-.09 Renewal of License..... 46

**RESPIRATORY THERAPY, BOARD OF**

**Proposed Amended Rule:**

798-X-7-.03 Grounds for Discipline of Licensure or Denial of Renewal  
or Reinstatement ..... 47

**Certified Amended Rule:**

798-X-3-.13 Board of Respiratory Therapy Fund ..... 53

**REVENUE, DEPARTMENT OF**

**Proposed New Rules:**

810-8-6-.02 Procedures for Reporting and Remitting Oil and Gas  
Production and Privilege Taxes for Offshore Production..... 48-49

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 ..... 48-49

**Certified Amended Rules:**

810-1-6-.02 Scope of the Rules ..... 53

810-1-6-.03 Definitions..... 53

810-1-6-.04 Electronic Filing and Payment of Taxes to be Provided  
Through the Paperless Filing and Payment System ..... 53

810-1-6-.05 Tax Types Covered and Requirements for Tax Returns..... 53

810-1-6-.06 Electronic Payment Requirements and Determining Timely  
Payment..... 53

810-1-6-.07 Determining Timely Filing of Electronic Returns..... 53

810-3-19.1-.01 Severance Pay Exemption..... 53

810-3-71-.02 Computing Tax Withheld..... 53

810-6-5-.31 City and County Sales, Use, Rental, and Lodgings Tax  
Return..... 53

**Certified Repealed Rules:**

810-1-6-.08 Acceptance of Electronic Return Originators into Program  
and Revocation of Acceptance into the Program ..... 53

810-1-6-.09 Requirements for Filing Declaration ..... 53

810-1-6-.10 Requirements for Submitting Tax Returns ..... 53

810-1-6-.11 Requirements for Testing Prior to Department Approval..... 53

**REVENUE, DEPARTMENT OF (cont.)**

**Certified Repealed Rules:**

810-5-1-.212	Uses and Transferability of U.S.S. Alabama Battleship Commission Distinctive Tags .....	54
810-5-1-.216	Uses and Transferability of Special Tags Issued to Members of the Alabama Association of Rescue Squads, Inc. ....	54
810-5-1-.217	Uses and Transferability of Special Distinctive Tags Issued to Members of Shrine Motorcycle Clubs, Corps, or Units .....	54

**SECURITIES COMMISSION**

**Certified Amended Rules:**

830-X-6-.11	Limited Offering Exemption.....	54
830-X-6-.12	Further Limited Offering Exemption.....	54

**MISCELLANEOUS NOTICE**..... 41

**MISCELLANEOUS FILING**..... 25

**EMERGENCY ADOPTED RULES**..... 50

**CERTIFIED ADOPTED RULES**..... 51-54

**PEREMPTORY RULES**..... 54