ALABAMA BOARD OF MEDICAL EXAMINERS ADMINISTRATIVE CODE

CHAPTER 540-X-1 ORGANIZATION AND ADMINISTRATION

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540-X-1-.01 Composition Of The Board.

The Board of Censors of the Medical Association of the State of Alabama, as constituted under the laws now in force, or which may hereinafter be in force, and under the constitution of said association, as said constitution now exists or may hereafter exist, is constituted the State Board of Medical Examiners.

Author:

Statutory Authority: Code of Ala. 1975, §34-24-53.

History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983.

540-X-1-.02 **Officers Of The Board.**

(1) The Board shall elect from its members a chairman and a vice chairman. The election of officers shall be held annually.

(2) The duties of the officers shall be as follows:

(a) The chairman shall preside at meetings of the Board and appoint members to serve on such committees as may be created. No Board member may be appointed to the Credentials Committee if the member is serving on any board of any malpractice insurance company or health insurance company to which the member owes a fiduciary duty.

(b) The vice chairman shall preside in the absence of the chairman and shall assume the duties of the chairman when necessary.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-24-53.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983. **Amended:** Filed July 16, 2015; effective August 20, 2015.

540-X-1-.03 **Meetings Of The Board.**

(1) The Board shall hold regularly scheduled meetings.

(2) Special meetings may be called at the request of the chairman.

(3) At least six members of the Board shall constitute a quorum and as such shall be competent to act.

(4) The executive director or his or her designee shall keep a record of all meetings. The place of each meeting of the Board, names of the members present, all official acts of the Board, and the votes shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next regular meeting, which upon approval will be signed and each page initialed by the chairman. The minutes, not including any section relating to the good name or character of an individual, shall be open to public inspection.

(5) All meetings of the Board, not including any part relating to the good name or character of an individual, shall be open and public. All reports of investigations; documents subpoenaed by the Board; reports of any investigative committee appointed by the Board; memoranda of the Board's counsel relating to

investigations; statements of persons interviewed by the Board or any committee of the Board; all information, interviews, reports, statements or memoranda of any kind furnished to the Board or any committee of the Board; and any findings, conclusions or recommendations resulting from proceedings of the board or any committee of the Board, unless presented as evidence at a public hearing, shall be privileged and confidential, shall be used only in the exercise of the proper functions of the Board, and shall not be public records nor be available for court subpoena or for discovery proceedings. Meetings of the Board in which any of the aforementioned items are received, reviewed, deliberated, voted on, or acted on by the Board shall be closed sessions, and any report or recording of the meeting shall be privileged and confidential.

(6) Meetings of the Board are governed by Sturgis Standard Code of Parliamentary Procedure and/or any amendments adopted by the Board and are incorporated into these rules as if fully set forth herein. The Sturgis Standard Code of Parliamentary Procedure shall provide the basic procedure for meetings of the Board when the Board shall exercise its statutory and administrative duties in the absence of a specific procedural law or rule.
Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§6-5-533, 34-24-53, 34-24-58, 41-22-9; Ala. Act No. 2021-100.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983. **Amended:** Filed August 22, 2002; effective September 26, 2002. **Amended:** Filed April 16, 2019; effective May 31, 2019. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published August 31, 2026; effective October 15, 2026.

540-X-1-.04 Executive Director.

(1) The Board shall employ a qualified individual to serve as Executive Director, whose duties, responsibilities and compensation shall be set by the Board.

(2) The Board may, from time to time, direct that the Executive Director perform, execute or carry out specific duties on behalf of the Board. The Executive Director may delegate duties to the Associate Executive Director.

(3) The Executive Director and the Associate Executive Director are authorized by the Board to perform, execute or carry out on behalf of the Board duties including, but not limited to the following:

(a) Sign interim confidential orders, including orders for urine/blood drug screens, for psychiatric, psychological and neuropsychological evaluations, for professional sexual misconduct evaluations, for any physical examination/

evaluation, for any mental examination/evaluation, for any laboratory examination/evaluation, for chemical dependency evaluations, for release of evaluation/examination records, for testing for medical knowledge, for evaluation of clinical competency, and orders for obtaining continuing medical education.

(b) Sign subpoenas and subpoenas duces tecum.

(c) Sign administrative complaints, orders to show cause, and notices of hearings.

(d) Sign letters of concern.

(e) Sign letters requesting that a physician attend an interview with the Board.

(f) Approve applications for registration by physician assistants and anesthesiologist assistants when the registration is within protocol.

(g) Approve requests to train physician assistants and anesthesiologist assistants and skill requests submitted by the supervising physician when the requests are within protocol.

(h) Approve the issuance of a Qualified Alabama Controlled Substance Certificate to a physician assistant when all requirements for issuance are met and no request has been made for a variance.

(i) Approve the issuance of a Limited Purpose Schedule II Permit to a physician assistant when all requirements for issuance are met and no request has been made for a variance.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-24-53.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983. **Amended:** Filed June 26, 2003; effective July 31, 2003. **Amended:** Filed September 17, 2015; effective October 22, 2015. **Amended:** Published August 31, 2026; effective October 15, 2026.

540-X-1-.05 Staff/Administrative Personnel.

The Board or the executive director with the concurrence of the Board shall employ qualified individuals to serve as staff and/or administrative personnel, including investigators. The duties, responsibilities and compensation for each such employee shall be set by the Board or the executive director with the concurrence of the Board.
Author:
Statutory Authority: Code of Ala. 1975, §34-24-53.

History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983.

540-X-1-.06 Information.

Members of the general public may obtain information or make submissions or requests to the Executive Director, Alabama Board of Medical Examiners, P. O. Box 946, Montgomery, Alabama 36104.
Author:
Statutory Authority: Code of Ala. 1975, §34-24-53.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983. **Amended:** Filed March 15, 2001; effective April 19, 2001.

540-X-1-.07 Powers And Duties Of The Board.

The Board is authorized to:

(a) Adopt and promulgate rules and regulations and to do such other acts as may be necessary to carry into effect the duties and powers which accrue to the Board under laws now in force or which may hereafter be in force.

(b) Issue certificates of qualification to the Medical Licensure Commission for applicants meeting the statutory qualifications for licensure.

(c) Commence and maintain proceedings to restrain the unlawful practice of medicine.

(d) Serve as the certifying board for physicians applying for an Alabama Controlled Substances Certificate.

(e) Carry out the provisions of law relating to assistants to physicians.

(f) Administer and/or approve an examination in certain specified branches of medical learning.

(g) Keep complete records of all examinations held by the Board.

(h) Keep complete minutes of all the Board's proceedings.

(i) Keep records of all reports of claims or actions for negligence in the performance of a licensee's professional services and review the reports annually.

(j) Approve, jointly, with the Alabama Board of Nursing, qualified applicants for collaborative practice as Certified Registered Nurse Practitioners and Certified Nurse Midwives.

(k) Record and maintain a permanent file on all professional corporations incorporated by physicians and osteopaths.

(l) Administer and enforce the provisions of the Controlled Substances Therapeutic Research Program.

(m) Furnish all personnel and facilities necessary to administer and enforce the provisions of law relating to the Medical Licensure Commission.

(n) Employ investigators, attorneys, agents and other employees necessary to aid the Medical Licensure Commission in the administration and enforcement of the sections of law applicable to said commission.

(o) Certify applications of Alabama licenses for reciprocity in other states.

(p) Promote continuing medical education of all physicians and osteopaths licensed by the commission.

(q) The Board on its own motion may investigate any evidence which appears to show that a physician or osteopath holding a certificate of qualification to practice medicine or osteopathy in Alabama is or may be guilty of any of the acts, offenses or conditions set out in Code of Ala. 1975, §34-24-360.

(r) Request that the Medical Licensure Commission temporarily suspend a license to practice medicine when the statutory grounds for temporary suspension are present.

(s) Accept surrender of, or grant the request for restrictions on, a certificate of qualification.

(t) Submit recommendations to the Medical Licensure Commission for disposition of complaints against physicians found to be in violation of any of the specified grounds for suspension or revocation of a license to practice medicine.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§10-4-229, 10-4-230, 20-2-50, 20-2-52, 20-2-53, 20-2-54, 20-2-113, 34-19-3, 34-19-10, 34-24-52, 34-24-53, 34-24-56, 34-24-70, 34-24-71, 34-24-72, 34-24-73, 34-24-75, 34-24-76, 34-24-77, 34-24-78, 34-24-290, 34-24-292, 34-24-293, 34-24-312, 34-24-313, 34-24-330, 34-24-331, 34-24-336, 34-24-361.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983. **Amended:** Filed March 15, 2001; effective April 19, 2001.

Amended: Filed August 22, 2002; effective September 26, 2002.
Amended: Filed February 27, 2018; effective April 14, 2018.

540-X-1-.08 Rules And Regulations.

(1) All rules and regulations of the Board shall be adopted, amended or repealed in accordance with the Alabama Administrative Procedure Act.

(2) Prior to adoption, amendment or repeal of any rule the Board shall:

(a) Give at least thirty-five days' notice of its intended action--such notice shall include a statement of either the terms of substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon--and the notice shall be published in the Alabama Administrative Monthly; and

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The Board shall consider fully all written and oral submissions respecting the proposed rule.

(3) If the Board finds that an imminent peril to the public health, safety or welfare requires adoption of a rule upon fewer than thirty-five days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing it finds practical, to adopt an emergency rule. The rules may be effective for a period of not longer than one hundred twenty days.

(4) After adoption by the Board, each rule shall be filed with the Legislative Reference Service, becoming effective thirty-five days thereafter.
Author:
Statutory Authority: Code of Ala. 1975, §41-22-5.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983.

540-X-1-.09 Petition For Adoption, Amendment Or Repeal Of A Rule.

(1) Any interested person may petition the Board requesting the adoption, amendment or repeal of a rule. The petition shall:

(a) Be submitted in writing;

(b) Include an exact statement of the proposed rule, amendment or identification of the rule to be repealed;

(c) Include the pertinent facts, data, opinions or arguments in support of the petitioner's position.

(2) Within sixty days after submission of a petition, the Board shall initiate rule-making proceedings or shall deny the petition in writing on the merits, stating its reasons for the denial.

(3) A petition requesting adoption, amendment or repeal of a rule shall not be considered by the Board if the subject of the petition is the same or similar to the subject presented in another petition considered by the Board within the previous twelve months.

Author:
Statutory Authority: Code of Ala. 1975, §41-22-8.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983.

540-X-1-.10 Declaratory Rulings.

(1) Any persons substantially affected by a rule may petition the Board for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Board.

(2) The petition shall be in writing and shall include:

(a) The name and address of the petitioner;

(b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule;

(c) The rule, statute or order and the reasons for the questions.

(3) The petition will be considered and answered in writing by the Board within forty-five days unless the Board is unable to reach a decision on the facts presented.

(4) Circumstances in which rulings shall not be issued include but are not necessarily limited to:

(a) Lack of jurisdiction,

(b) Lack of clarity of the issues presented,

(c) No clear answer determinable.

(5) In the event the Board declines to issue a ruling, the petitioner shall be notified in writing that the request for a declaratory ruling was denied and the reasons therefor shall be specified.
Author:
Statutory Authority: Code of Ala. 1975, §41-22-11.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983.

540-X-1-.11 Public Inspection Of Rules.

(1) All rules and other written statements of policy or interpretations formulated, adopted or used by the Board in the discharge of its functions shall be made available for public inspection and copying, at cost.

(2) All final orders, decisions and opinions of the Board shall be available for public inspection and copying, at cost, except those expressly made confidential or privileged by statute or order of the court.
Author:
Statutory Authority: Code of Ala. 1975, §41-22-4.
History: Filed November 9, 1982. **Readopted:** Filed February 8, 1983.

540-X-1-.12 Consultants.

(1) The Board may employ consultants to render professional services such as medical record review and providing expert testimony in contested cases to aid the Board in carrying out the purposes of the laws regulating the practice of medicine or osteopathy within the State of Alabama. Consultants may be compensated for professional services rendered at a maximum rate of up to $300.00 per hour, but, in extraordinary cases and at the discretion of the Board, a maximum rate of $500.00 per hour may be approved. In addition, consultants may be reimbursed for actual reasonable expenses for travel, lodging, meals, long distance telephone expense, and other expenses reasonably incurred in the performance of the consultant's professional services.

(2) Members of the Board of Medical Examiners may render professional services to the Board as consultants when approved by the Board and may be reimbursed for such services rendered and for expenses as stated in paragraph (1) of this rule; provided, however, that no Board member shall be reimbursed under paragraph (1) of this rule for any day that such Board member receives per diem and mileage reimbursement for attendance at Board functions and travel pursuant to Code of Ala. 1975, §34-24-54.
Author: Wendell R. Morgan

Statutory Authority: Code of Ala. 1975, §34-24-313.
History: Filed August 16, 1990; effective September 20, 1990.
Amended: Filed October 20, 1999; effective November 24, 1999.
Amended: Filed March 15, 2001, effective April 19, 2001.
Amended: Filed March 18, 2005; effective April 22, 2005.

540-X-1-.13 Board Listings Of Assistants To Physicians.

(1) The Board shall publish, on a periodic basis, a current listing of all assistants to physicians in all categories established pursuant to Code of Ala. 1975, §34-24-293(b), who are certified by the Board. The published listing shall contain the following: the name of each assistant; the name of the physician to whom each assistant is certified; the address of each assistant/physician practice location; each assistant's certification number provided by the Board; the issuance date of each certification; and the renewal history of each certification.

(2) The cost of the published listing shall be $50.00.
Author: Patricia E. Shaner, Associate General Counsel for the Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-53(a), 34-24-293(a).
History: Approved for Publication: October 20, 1993. **Approved/ Adopted:** December 15, 1993. Effective Date: January 20, 1994.

540-X-1-.14 Fees Associated With Release Of Data.

(1) The following fee schedule will apply to all organizations (except state and local government agencies) requesting information from the Board of Medical Examiners/Medical Licensure Commission database:

(a) A fee of ten cents ($.10) per record, up to ten (10) data fields, and a fee of one cent ($.01) for each data field exceeding ten (10) will be charged. These fees apply to data released via email or CDROM disks in Microsoft Excel format;

(b) Additional charges will incur for (but may not be limited to) the cost of CDROM-disks ($2.00 each) plus postage;

(c) A minimum total fee of $100.00 will be charged for each request.

(2) State and local government agencies will be exempt from all charges except for materials used. These agencies may choose to supply their own CDROM disks and pick up the data, thereby avoiding all charges.

Author: Patricia E. Shaner, Associate General Counsel for the Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-53(a), 34-24-293(a).
History: **New Rule:** Filed August 21, 1995; effective September 27, 1995. **Amended:** Filed December 17, 1997; effective January 21, 1998. **Amended:** Filed March 22, 2007; effective April 26, 2007.

540-X-1-.15 Fee For Application Packets (Repealed 5/31/19).

(REPEALED)
Author: Patricia E. Shaner, Associate General Counsel for the Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-53(a), 34-24-293(a).
History: **New Rule:** Filed July 23, 1999; effective August 27, 1999. **Repealed:** Filed April 16, 2019; effective May 31, 2019.

540-X-1-.16 Fees Associated With Collaborative Practices.

(1) Fee for New Collaborative Practice:

(a) At the time a physician enters into a collaborative practice agreement with a Certified Registered Nurse Practitioner (CRNP) or a Certified Nurse Midwife (CNM), for the purpose of registering the collaborative practice, an initial commencement fee in the amount of Two Hundred Dollars ($200.00) and a completed collaborative practice commencement form shall be submitted to the Board.

(b) The collaborative practice commencement form will request the following:

1. Physician name, license number, primary practice specialty, primary practice address, whether the physician is board certified, the physician's residency completion date, and the name of program and completion date of any fellowship, or other supervised training program, if applicable.

2. CRNP/CNM name, RN license number, national certification specialty, practice address.

3. Number of hours per week to practice in collaborative agreement.

4. Whether the practice is a remote practice, the physician's primary practice, patient homes, hospital, skilled nursing facility, or other.

5. Whether the collaborative practice will be solely by telemedicine. If yes, additional information may be solicited, including but not limited to:

(i) Plan for providing required medical oversight and direction to the CRNP/CNM.

(ii) Plan for completing required quality assurance reviews;

(iii) If no covering physician is named on the application, plan for being readily available at all times.

(iv) Detailed plan to meet requirement of meeting face to face no less than twice annually.

(v) Detailed plan to meet requirement of being physically present no less than 10% of the CRNP/CNM's scheduled hours if the CRNP/CNM has fewer than two years/4,000 hours of experience since being certified.

6. Whether the practice will be under a limited protocol for comprehensive physical exams or a limited protocol for long term care.

7. Physician's certification of understanding the responsibilities described in Board Rules Chapter 540-X-8.

8. Physician's certification that all covering physicians listed in the application have knowledge of their addition to the collaborative agreement, an understanding of Board Rules Chapter 540-X-8, and an awareness of their responsibilities in the collaborative agreement.

9. Physician's attestation of understanding of all quality assurance requirements contained in Board Rules Chapter 540-X-8.

(c) Payment of the initial fee and submission of the completed commencement form is established by the Board as a qualification for the physician to participate and engage in the collaborative practice.

(d) If the physician has not paid the initial fee and submitted a completed commencement form, the Board shall not

approve the physician to participate in the collaborative practice.
Author: Alabama State Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-53, 34-24-340(b).
History: **New Rule:** Filed November 13, 2007; effective December 18, 2007. **Amended:** May 21, 2015; effective June 25, 2015.
Amended: Filed July 19, 2018; effective September 2, 2018.
Amended: Published January 29, 2021; effective March 15, 2021.
Amended: Published December 29, 2023; effective February 12, 2024.

540-X-1-.17 **Expenses Associated With Official Meetings or Functions.**

Members of the Alabama Board of Medical Examiners shall receive per diem at the maximum, amount authorized by Code of Ala. 1975, §34-24-54 for attendance at an official meeting or function of the Alabama Board of Medical Examiners or the Medical Licensure Commission of Alabama. In addition, each Board member shall receive reimbursement for subsistence and travel in accordance with state law for each day actively engaged in the duties of office.
Author: Alabama State Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-53, 34-24-54.
History: **New Rule:** Filed June 9, 2016; effective July 24, 2016.

540-X-1-.18 **Dishonored Checks.**

If the Board receives a check that has been dishonored by the financial institution from which it was drawn, the Board may charge a dishonored check fee as set by the Code of Alabama and established by these regulations. Pursuant to Code of Ala. 1975, §8-8-15, this fee of $30.00 must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution. Unless otherwise provided, the Board shall not process, or shall rescind as incomplete, any application, license, certificate, or renewal thereof until such time as this fee, including the amount of the dishonored check, has been received by the Board.
Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§8-8-15, 34-24-53, 34-24-53.1
History: **New Rule:** Published February 26, 2021; effective April 12, 2021.

540-X-1-.19 **Public Records Requests.**

(1) Types of records requests.

(a) Standard request. A public records request that seeks one or more specifically and discretely identified public records that the Board determines would take less than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records and to redact or take other measures to withhold legally protected information. A standard request should require no or minimal clarification by the requester.

(b) Time-intensive request. A public records request that the Board determines would take more than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records - including because the request is vague or overly broad - and anytime needed to redact or take other measures to withhold legally protected information.

(2) Procedure for standard requests.

(a) The requester shall submit a request for public records form via email.

(b) The Board may require the payment of a reasonable fee before providing a substantive response. If the Board elects to charge a fee, it will notify the requester and withhold the record until receipt of payment. The requester may opt not to pay the fee and thus not receive any substantive response.

(c) The Board shall acknowledge the request within two business days of receiving it and shall be prepared to provide a substantive response fulfilling or denying the request within 15 business days of acknowledging receipt.

(d) The Board may extend this period in 15 business day increments upon written notice to the requester but will process a standard request as expeditiously as possible.

(3) Procedure for time-intensive requests.

(a) The requester shall submit a request for public records form via email.

(b) The Board shall require the payment of a reasonable fee before providing a substantive response to the requester.

(c) The Board shall notify the requester in advance of any fees and shall withhold any substantive response until receipt of payment.

(d) The Board shall acknowledge the request within two business days of receiving it and shall notify the requester within 15 days after the acknowledgment that the request qualifies as a time-intensive request. At that time, the agency shall notify the requester of any likely fees and allow the requester to withdraw the time-intensive request and submit a new request that is not a time-intensive request.

(e) If the requester elects to proceed with the time-intensive request, the Board shall be prepared to provide a substantive response fulfilling or denying the request within 45 business days after the requester elected to proceed with the time-intensive request.

(f) The Board may extend this 45-business day period in 45-business day increments by notifying the requester in writing.

(4) Fees.

(a) The Board may charge the requester up to $20.00 per hour, including a standard, minimum fee of $20.00, for time spent locating, retrieving, and preparing records for production, not including legal review or redaction necessary to withhold legally protected information.

(b) The Board may charge a per-page fee of up to $.50 per copy produced on standard 8.5-X-11 paper. The Board will not charge a per-page fee for documents provided electronically.

(c) Additionally, the Board may charge any actual costs incurred while processing or responding to public records requests (e.g., for a flash drive, special paper sizes, and costs associated with searching electronic databases). The requester will be informed of the cost of any actual costs in advance of being charged.

(5) The following documents are not public and may not be produced under Alabama law. This list is not meant to be exhaustive, and other non-public Board documents may not be listed here.

(a) Reports of investigations.

(b) Documents subpoenaed by the Board.

(c) Reports of any investigative committee appointed by the Board.

(d) Memoranda of the Board's counsel relating to investigations.

(e) Statements of persons interviewed by the Board or any committee of the Board.

(f) All information, interviews, reports, statements, or memoranda of any kind furnished to the Board or any committee of the Board.

(g) Any findings, conclusions, or recommendations resulting from proceedings of the Board or any committee of the Board, unless presented as evidence at a public hearing.

(h) Witness testimony, exhibits, and pleadings (except for the Administrative Complaint and Commission findings/orders) in contested case hearings held before the Medical Licensure Commission.

(i) Personal information that would expose individuals to the risk of identity theft or other unlawful acts. Examples include social security numbers, dates of birth, driver's license numbers, home addresses, personal telephone numbers, personal email addresses, information pertaining to minors, financial account numbers, and any other information as to which the public informational value is outweighed by the individual privacy interests involved.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-24-53.
History: **New Rule:** Published July 31, 2023; effective September 14, 2023.

540-X-1-.20 Credentials Committee.

(1) The chairman shall annually appoint not less than three (3) members of the Board to serve on the Credentials Committee. Members may be appointed to or removed from the Credentials Committee in the chairman's discretion. The chairman may serve as a member of the Credentials Committee. The chairman or his or her designee shall preside as a voting member of the Credentials Committee.

(2) The Credentials Committee shall hold regularly scheduled meetings. Special meetings may be called by the chairman or his or her designee.

(3) Meetings of the Credentials Committee shall be governed by Sturgis Standard Code of Parliamentary Procedure and/or any amendments adopted by the Board. A quorum of the Credentials Committee shall be competent to act.

(4) All meetings of the Credentials Committee, with the exception of any part relating to the good name or character of an individual, any part concerning an investigation, or any part made

confidential by law or by rule, shall be open and public. All reports of investigations; documents subpoenaed by the Board or Credentials Committee; reports of any investigative committee appointed by the Board or Credentials Committee; memoranda of the Board's counsel relating to investigations; statements of persons interviewed by the Board or any committee of the Board; all information, interviews, reports, statements or memoranda of any kind furnished to the Board, the Credentials Committee, or any committee of the Board; and any findings, conclusions or recommendations resulting from proceedings of the Board, the Credentials Committee, or any committee of the Board, unless presented as evidence at a public hearing, shall be privileged and confidential, shall be used only in the exercise of the proper functions of the Board and Credentials Committee, and shall not be public records nor be available for court subpoena or for discovery proceedings. Meetings of the Board or Credentials Committee in which any of the aforementioned items are received, reviewed, deliberated, voted on, or acted on by the Board or Credentials Committee shall be closed sessions, and any report or recording of the meeting shall be privileged and confidential.

(5) The purpose of the Credentials Committee is to consider and propose a recommendation for action regarding all business, investigations, and matters to be considered by the Board. The matters to be reviewed shall include, but are not limited to, the following:

(a) Applications for licenses, registrations, and collaborative agreements;

(b) New and amended administrative rules;

(c) Requests for opinions concerning certain aspects of medical practice and requests for a declaratory ruling;

(d) Personnel;

(e) Investigative reports;

(f) Compliance reports;

(g) Monitoring reports;

(h) Correspondence with the Board;

(i) Legal proceedings and filings; and

(j) Any and all other business that may be conducted by the Board.

(6) The Credentials Committee may do any of the following to perform the duties assigned to it by the Board:

(a)Conduct interviews of physicians and any other person formally invited by the Board;

(b)Conduct investigations and hold investigative hearings;

(c)Provide expert review of medical records;

(d)Conduct an annual review of all reports made to the Board under Ala. Code § 34-24-56 concerning a final judgment or settlement made in a medical malpractice claim and carry out the duties required of the Board under Ala. Code § 34-24-57; and

(e)Meet, deliberate, and do all such acts as may be necessary to carry out duties assigned to the Credentials Committee by the Board or chairman.

(7) Information furnished to the Board or Credentials Committee in response to a subpoena is privileged and confidential and does not constitute discovery. Production of privileged information pursuant to a Board-issued subpoena shall not be construed as a waiver of the peer review privilege in a later civil action in accordance with Ala. Code §§ 34-24-60(a)(1) and 34-24-361.1. The Board's investigations, including any actions by the Credentials Committee in furtherance of an investigation, shall constitute peer review functions by the Board and are privileged under Ala. Code § 6-5-333.

(8) Whenever a report is made to the Board under Ala. Code § 34-24-59 concerning a disciplinary action taken against a physician, the Board may obtain information from the reporting entity identifying the witnesses, documents, medical records, and any other such information as may be deemed necessary by the Board to evaluate the basis for the action. The Board may utilize this information in a subsequent action to discipline the license of a physician. The delivery of privileged or confidential information, including materials produced pursuant to a peer review process, to the Board by a reporting entity shall not be construed as a waiver of any privilege held by the reporting entity and may not be used as a basis to discover any materials delivered to the Board in a civil action.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, § 34-24-53, 34-24-58, 34-24-59, 34-24-60, 34-24-360.1, 34-24-361.1, 34-24-363, 41-22-4.
History: **New Rule:** Published August 31, 2026; effective October 15, 2026.

540-X-1-Appendix-A **Commence Of Collaborative Practice (Repealed 3/15/21).**

ALABAMA BOARD OF MEDICAL EXAMINERS
Application: Commencement of Collaborative Practice
(REPEALED 3/15/21)

Author: Alabama State Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-24-53, Act 2007-402.
History: New Rule Appendix: Filed November 13, 2007; effective December 18, 2007. **Amended:** Filed October 21, 2010; effective November 25, 2010. **Amended:** Filed May 21, 2015; effective June 25, 2015. **Repealed and New Rule:** Filed January 24, 2018; effective March 10, 2018. **Amended:** Filed July 19, 2018; effective September 2, 2018. **Repealed:** Published January 29, 2021; effective March 15, 2021.

540-X-1-Appendix-B **Collaborative Practice Registration Renewal (Repealed 9/2/18).**

Collaborative Practice Registration Renewal (Repealed 9/2/18)

Author: Alabama State Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-24-53, Act 2007-402.
History: New Rule: Filed May 21, 2015; effective June 25, 2015. **Repealed and New Rule:** Filed July 20, 2017; effective September 3, 2017. **Repealed:** Filed July 19, 2018; effective September 2, 2018.