

ALABAMA BOARD OF MEDICAL EXAMINERS  
ADMINISTRATIVE CODE

CHAPTER 540-X-2  
DEFINITIONS

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(1) The following definitions shall apply to these rules:

(a) **Colleges of Medicine Accredited by the American Medical Association:** Colleges of medicine which are accredited by the Liaison Committee on Medical Education (L.C.M.E.) of the American Medical Association as are listed in its most recent publication and all revisions, corrections, additions or deletions thereto.

(b) **Colleges of Medicine Accredited by the American Osteopathic Association:** Colleges of medicine accredited by the American Osteopathic Association as listed in the most recent edition of the Osteopathic Profession and Its Colleges, a publication of the American Osteopathic Association and any subsequent revisions, corrections, additions or deletions thereto.

(c) **Internship (Residency) Programs Approved by the American Medical Association:** Internship (residency) programs as listed in the Directory of Residency Training Programs published by the American Medical Association and all editions of that directory including all revisions, corrections, additions or deletions thereto.

(d) **Internship (Residency) Programs Approved by the American Osteopathic Association:** Internship (residency) programs which are accredited by the American Osteopathic Association and which are reflected in the Registry of Accredited and Listed Osteopathic Institutions as published by the American Osteopathic Association in its most current edition, and all revisions, corrections, additions or deletions thereto.

(e) **Internship (Residency) Programs Approved by the Board:** The Alabama Board of Medical Examiners has approved those residency training programs that are approved by the Accreditation Committee of the Royal College of Physicians and Surgeons of Canada in this most current publication, and all subsequent revisions, corrections, additions or deletions thereto.

(f) **Certification or Recertification by a Specialty Board Approved by the American Medical Association:** Certification or recertification by specialty boards approved by the American Medical Association as reflected in the most current listing of approved medical specialty boards as published by the American Medical Association and all subsequent revisions, corrections, additions or deletions thereto.

(g) **FLEX Examination:** That examination administered by the Federation of State Licensing Boards in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a FLEX weighted average of 75.0 or a minimum score of 75.0 on each individual Component of the FLEX examination.

(h) **N.B.M.E. Examination:** That examination administered by the National Board of Medical Examiners in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a minimum score of 75 on each Part of the N.B.M.E. examination or that score which is designated as a passing score by the National Board of Medical Examiners.

(i) **NBOME Examination:** That examination administered by the National Board of Osteopathic Medical Examiners in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be that score which is designated as a passing score by the National Board of Osteopathic Medical Examiners.

(j) **E.C.F.M.G. Examination:** That examination administered by the Educational Council for Foreign Medical Graduates, including the medical portion and English language portion, in their most recent editions and any subsequent revisions, corrections, additions or deletions thereto.

(k) **U.S.M.L.E., The United States Medical Licensing Examination:** That examination, administered through a joint program of the Federation of State Medical Boards of the U.S., Inc. and the National Board of Medical Examiners, in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable

to the Board of Medical Examiners shall be a minimum score of 75 on each Step of the U.S.M.L.E.

(l) **L.M.C.C. Examination:** That examination administered by the Licensing Medical Council of Canada in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be that score which is designated as a passing score by the Licensing Medical Council of Canada.

(m) **Visiting Professor:** In connection with certificates of qualification issued without examination pursuant to Board Rules, Chapter 540-X-3, a Visiting Professor is an individual holding the degree of Doctor of Medicine who is employed as a faculty member at an accredited College of Medicine in the State of Alabama, and who is appointed to such position for a specific limited period of time. The Dean of the College of Medicine shall set forth the period of appointment in the initial application for certificate of qualification without examination, which shall be subject to the approval of the Board at their discretion, but which shall normally not exceed a period of twenty-four months.

(n) **Distinguished Professor:** In connection with certificates of qualification issued without examination pursuant to Board Rules, Chapter 540-X-3, a Distinguished Professor is an individual holding the degree of Doctor of Medicine who, in the opinion of the Board meets the following criteria:

1. Appointment at the rank of Professor at an accredited College of Medicine located in Alabama.
2. The candidate should have proven recognition by peers within his specialty at the national and preferably at the international level. Documentation shall include membership in specialty societies which have restricted and selective membership.
3. The candidate shall be of the caliber to have been invited to be a lecturer or visiting professor at similar institutions either abroad or within the United States.
4. The candidate's curriculum vitae shall show a delivery of scholarly papers before national or international meetings.
5. The candidate shall have letters of support from the appropriate department chairman, the Dean of the College of Medicine, and academic colleagues from outside the State of Alabama which reflect and attest to his or her distinguished status.

Approval of an applicant for designation as a Distinguished Professor shall rest within the sole discretion of the Board based upon its examination and evaluation of the credentials, qualifications and reputation within the medical community of the applicant. Applicants designated as Distinguished Professors may be approved by the Board without specification of the duration of such appointment, however, the Board shall retain the sole discretion to grant or deny the annual renewal of such certificate.

(o) **Specialty Professor:** In connection with certificates of qualification issued without examination pursuant to Board Rules, Chapter 540-X-3, a specialty professor is an individual holding the degree of Doctor of Medicine who in the opinion of the Board meets the following criteria:

1. The candidate holds an appointment to the regular (full time) faculty of medicine at an accredited College of Medicine in the State of Alabama at the rank of assistant, associate or full professor.
2. The candidate is not eligible to obtain a regular license to practice medicine in this state by virtue of the lack of required residency training in a program approved by the Board, or inability to submit to examinations required for regular license by virtue of the nature of the candidate's educational training and practice experience or other circumstances deemed adequate by the Board.
3. The candidate should have proven recognition by peers within his specialty on a national level and preferably at the international level.
4. The candidate shall have been invited to be a lecturer or visiting professor at other colleges of medicine and similar institutions either abroad or within the United States.
5. The candidate's curriculum vitae should show a delivery of scholarly papers before national or international meetings.
6. The candidate shall have letters of support from the appropriate departmental chairman, the dean of the medical school, the academic colleagues from outside the State of Alabama which reflect and attest to his or her status recognition within the profession.
7. The candidate shall provide documentary evidence satisfactory to the Board that he or she will provide a unique resource to the college of medicine and to the

people of Alabama a narrow subspecialty of medicine which is not otherwise available in this state.

8. The candidate must submit with his or her application an agreement in writing that the medical practice of the candidate will be limited to the confines of those specific programs, institutions or facilities which are approved by the Board and designated on the candidate's certificate of qualification, and that the scope of the candidate's medical practice shall be limited to those medical services which are usually and ordinarily associated with the particular subspecialty of medicine in which the candidate proposes to engage. The subspecialty shall be designated by the Board on the candidate's certificate of qualification.

(p) Approval of an applicant for designation as a specialty professor shall rest within the sole discretion of the Board based upon its examination and evaluation of the credentials, qualifications, and information submitted by the applicant. Applicants designated as specialty professors may be approved by the Board without specification of the duration of such appointment, however, the Board shall retain the sole discretion to grant or deny the annual renewal of such certificate of qualification.

(q) **SPEX, Special Purpose Examination:** That examination administered by the Federation of State Medical Boards of the United States, Inc. in its most current edition and all subsequent revisions, corrections, additions or deletions thereto. The passing score acceptable to the Board of Medical Examiners shall be a minimum scale score of 75 on the SPEX or that score which is designated as a passing score by the Federation of State Medical Boards of the United States, Inc.

(r) **FCVS, Federation Credentials Verification Services:** a credentials verification service provided by the Federation of State Medical Boards which physicians may use to verify core medical credentials in connection with applications for certificates of qualification. The Board of Medical Examiners will accept those verified primary source records of physician's credentials provided by FCVS in lieu of equivalent documentation required to be submitted with an application for a certificate of qualification where designated in these regulations. Applicants are responsible for payment of all fees charged by FCVS. Use of FCVS by an application is optional.

(2) Copies of the publications referred to above, excluding examinations or tests, are maintained in the offices of the Board of Medical Examiners and are available for inspection. Copies of these publications may also be ordered directly from the publishing organization. For additional information on ordering

these publications contact the Executive Director, Alabama Board of Medical Examiners, P. O. Box 946, Montgomery, AL 36101.

**Author:** Wendell R. Morgan

**Statutory Authority:** Code of Ala. 1975, §§34-24-53, 34-24-70, 34-24-73, 34-24-75.

**History:** Filed June 21, 1983 as Rule No. 540-X-2-.29. **Amended:** Filed October 24, 1983. **Rules reorganized--** rule number changed to 540-X-2-.01 (see conversion table at end of code): Filed June 14, 1984 (without publication in AAM). **Amended:** January 16, 1985; effective February 20, 1985. **Amended:** March 18, 1992; effective June 22, 1992. Emergency Adoption of Rule 540-X-2-.01ER Filed July 17, 1992. Effective Date of Permanency Adoption: August 22, 1992. **Amended:** September 15, 1993. Filed for Publication: September 20, 1993. **Approved/Adopted:** November 17, 1993. Effective Date: December 22, 1993. **Amended:** Filed July 17, 1992. Effective Date of **Permanent Adoption:** August 22, 1992. **Amended:** September 15, 1993. Filed for Publication: September 20, 1993. **Approved/Adopted:** November 17, 1993. Effective Date: December 22, 1993. **Amended:** Filed November 20, 1997; effective December 25, 1997.

#### 540-X-2-.02

#### Definitions Applicable To Contested Cases.

These rules incorporate by reference those definitions contained in Code of Ala. 1975, §§20-2-2, 41-22-3, unless the context clearly indicates otherwise. For the purposes of these rules the following words and phrases shall have the respective meanings ascribed by this section:

- (a) **Applicant** shall mean a physician licensed to practice medicine or osteopathy in the State of Alabama who has applied for an Alabama Controlled Substance Registration Certificate.
- (b) **Board** shall mean the Alabama State Board of Medical Examiners.
- (c) **Certificate** shall mean an Alabama Uniform Controlled Substances Certificate.
- (d) **Certifying Board** shall mean the Alabama State Board of Medical Examiners, unless some other certifying board is designated.
- (e) **Complainant** shall mean that individual designated by the Board to prepare and prosecute complaints in contested cases.
- (f) **Hearing Officer** shall mean an individual designated as a hearing officer by the Alabama State Board of Medical Examiners and appointed pursuant to these rules.

(g) **Legitimate Medical Purpose** shall mean a therapeutic treatment regimen or program generally recognized and accepted in the field of medical science as being safe and effective in the diagnosis, treatment, correction or alleviation of the specific medical condition of the patient under all relevant circumstances.

(h) **Parties** shall mean the complainant, the registrant or applicant and any person permitted to intervene in a contested case.

(i) **Proper Medical Management** shall mean those procedures and steps as undertaken by a reasonably competent and well-trained physician in the treatment of the medical condition of a patient giving due consideration to the potential risk of harmful side effects, including addiction to the drug or other medication in question.

(j) **Registrant** shall mean a physician licensed to practice medicine or osteopathy in the State of Alabama who is duly issued an Alabama Controlled Substance Registration Certificate.

(k) **Registration** shall mean an Alabama Uniform Controlled Substances Certificate.

(l) **Licensed Practitioner Specializing in the Treatment of Depression** shall mean a psychiatrist licensed to practice medicine in the State of Alabama or a physician or osteopath licensed to practice medicine in the State of Alabama who devotes a substantial portion of his practice to the specialized treatment of mental or emotional illness.

**Author:** Wendell R. Morgan

**Statutory Authority:** Code of Ala. 1975, §§20-2-53; 20-2-54; 34-24-53; 34-24-70, 34-24-73, 34-24-75; 41-22-1, et seq.

**History:** Filed January 19, 1984 as Rule No. 540-X-6-.01. **Rules reorganized--** rule number changed to 540-X-2-.02 (see conversion table at end of code): Filed June 14, 1984 (without notice in AAM).

### **540-X-2-.03      Definitions Generally Applicable.**

(1) Unless otherwise indicated from the context, the following definitions shall apply to the Rules of the Alabama Board of Medical Examiners:

(a) **PHYSICIAN.** Either a doctor of medicine or a doctor of osteopathy.

(b) LICENSED TO PRACTICE MEDICINE. Both the practice of medicine by a doctor of medicine or the practice of osteopathy by a doctor of osteopathy.

(c) DOCTOR. Both doctors of medicine and doctors of osteopathy.

(d) EXPEDITED LICENSE. Any license, certificate of qualification, or certification of eligibility for any license or certificate of qualification, that is intended by statute or administrative regulation to be issued in an accelerated manner.

(e) LEGEND DRUG. Any drug medicine, chemical, or poison, bearing on the label the words, "Caution: Federal Law prohibits dispensing without a 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 that is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

**Author:** Patricia E. Shaner, Esq., Attorney for the Alabama Board of Medical Examiners

**Statutory Authority:** Code of Ala. 1975, Act 2002-140.

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