

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Thursday, December 14, 2023, and filed with the agency secretary on Thursday, December 14, 2023.

AGENCY NAME: Alabama Board of Medical Examiners

INTENDED ACTION: Amend

RULE NO.: 540-X-18-.05.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **(6)**

RULE TITLE: Renewal Of A Qualified Alabama Controlled Substances
Registration Certificate (QACSC) - Required
Disclosures

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 1, AAM,
DATED TUESDAY, OCTOBER 31, 2023.

STATUTORY RULEMAKING AUTHORITY: Ala. Code § 20-2-60 et seq

(Date Filed)
(For LRS Use Only)
REC'D & FILED
DEC 19, 2023
LEGISLATIVE SVC AGENCY

William M. Perkins
William M Perkins
Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**Renewal Of A Qualified Alabama Controlled
Substances Registration Certificate (QACSC)
- Required Disclosures.**

- (1) The applicant shall disclose whether:
- (a) Applicant's privilege for dispensing or prescribing controlled substances has ever been suspended, restricted, voluntarily surrendered while under investigation, revoked, or disciplined in any manner in any state or U.S. territory.
 - (b) Applicant has ever been convicted of any state or federal crime relating to any controlled substance.
 - (c) Any Federal Drug Enforcement Administration registration ever held by applicant has ever been suspended, restricted, revoked or voluntarily surrendered while under investigation.
 - (d) Applicant's privileges at any hospitals have ever been suspended, restricted, revoked, or disciplined in any manner for any reason related to the prescribing or dispensing of controlled substances.
 - (e) Applicant is currently engaged in the excessive use of alcohol, controlled substances, or the use of illegal drugs, or receiving any therapy or treatment for alcohol or drug use, sexual boundary issues or mental health issues.
 - 1. If applicant is an anonymous participant in the Alabama Board of Nursing's Voluntary Disciplinary Alternative Program and is in compliance with their assistance agreement, they may answer "No" to this question. Such answer for this purpose will not be deemed upon certification as providing false information to the Alabama Board of Medical Examiners.
 - 2. The term "currently" as it is used in paragraph (5) above does not mean on the day of, or even in the weeks or months preceding the completion of the application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one's functioning as a Certified Registered Nurse Practitioner or Certified Nurse Midwife within the last two years.
 - 3. Applicant shall initial certifying an understanding of a statement of the duty as a registrant to address any such condition, which states as follows: **IMPORTANT:** The Board recognizes that registrants encounter health conditions, including those involving mental health and substance use disorders, just as their patients and other health care providers do. The Board expects its registrants to address their health concerns and ensure patient safety. Options include anonymously self-referring to the Alabama Board of Nursing's Voluntary Disciplinary Alternative Program (334-293-5200), an advocacy organization dedicated to improving the health and wellness of nursing professionals in a confidential

manner. The failure to adequately address a health condition, where the registrant is unable to practice medicine with reasonable skill and safety to patients, can result in the Board taking action against the QACSC.

(f) Any disciplinary action has been taken or is pending against applicant with the Alabama Board of Nursing or any other licensing authority of any state, territory, or country.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§20-2-60, et seq.

History: New Rule: Publication December 30, 2022; effective February 13, 2023. **Amended:** Published December 29, 2023; effective February 12, 2024.