

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 540
Department or Agency: Alabama Board of Medical Examiners
Rule No.: 540-X-25-.01
Rule Title: Preamble
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

William M. Perkins
William M Perkins

REC'D & FILED

Date

Friday, January 19, 2024 JAN 19, 2024

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-25-.01 Preamble

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend the rule to require registered certifying physicians to utilize risk and abuse mitigation strategies and observe the same standard of care as for any other treatment utilizing controlled substances.

This amendment meets the "protection of public health" exemption from the moratorium on rule amendments contained in Governor Ivey's Executive Order No. 735, Reducing "Red Tape" on Citizens and Businesses.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or email (bme@albme.gov), until and including March 6, 2024. Persons wishing to submit data, views, or comments in person should contact Carla Kruger by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, March 6, 2024

CONTACT PERSON AT AGENCY:

Carla Kruger

William M. Perkins

William M Perkins

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

540-X-25-.01**Preamble.**

This Chapter implements the provisions of the Darren Wesley "Ato" Hall Compassion Act (Act 2021-450; Code of Ala. 1975, §§20-2A-1, et. seq.) relating to the physician recommendation of medical cannabis. This Chapter shall establish the eligibility requirements and process for a licensed physician to qualify as a registered certifying physician. This Chapter will also establish the requirements for a registered certifying physician to issue a physician certification for a patient to use medical cannabis. Nothing in this Chapter shall overrule, modify, or replace the Board's regulations on prescribing controlled substances and standards for pain management services, as these regulations also apply to a physician's recommendation of medical cannabis. In particular, physicians should exercise diligence in utilizing the Board's Risk and Abuse Mitigation Strategies contained in Ala. Admin. Code r. 540-X-4-.09. Even though a physician's recommendation or certification of a patient's use of medical cannabis is not a prescription, given the same risks for abuse and diversion, the Board expects the same standard of care and discretion to be observed by physicians as would be for any other treatment utilizing controlled substances.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-53, 34-24-53.1; Act 2021-450, (Code of Ala. 1975, §§20-2A-1, et. seq.).

History: New Rule: Published March 31, 2022; effective May 15, 2022. Amended: Published _____ ; effective _____ .