

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 540
Department or Agency: Alabama Board of Medical Examiners
Rule No.: 540-X-26-.05
Rule Title: Limitations
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

Date

Thursday, July 18, 2024

REC'D & FILED
JUL 18, 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-26-.05 Limitations

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Limit the number of "test and treat" agreements among collaborating physicians and collaborating pharmacists to three each.

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 Sept. 4, 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, September 4, 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-26-.05

Limitations.

(1) The scope of an Agreement shall NOT include:

(a) Any person or patient of a Collaborating Physician for whom such Collaborating Physician has not prepared a patient-specific, drug- or drug class-specific, disease-specific, or condition-specific plan of care based on a physical examination of the patient by the Collaborating Physician within the past twelve (12) months, with the exception of immunizations and acute, uncomplicated illness or injury as well as the dispensing of opioid antagonists as defined in Ala. Code §20-2-280; or

(b) The prescribing of controlled substances listed or to be listed in the schedules under federal law and in Ala. Code §§20-2-23, 20-2-25, 20-2-27, 20-2-29, and 20-2-31 and/or Ala. Admin. Code r. 420-7-2 and its Appendix.

(2) No retail pharmacy may employ a physician for the purpose of maintaining, establishing, or entering into a collaborative practice agreement. Nothing shall prohibit a retail pharmacy from hiring a physician or licensed medical practitioner for the purpose of conducting quality assurance reviews of its pharmacists that are engaged in the practice of collaborative drug therapy.

(3) A Collaborating Physician may collaborate with a maximum of three Collaborating Pharmacists for testing or screening for and treatment of acute, uncomplicated illness or injury.

(4) A Collaborating Pharmacist may collaborate with a maximum of three Collaborating Physicians for testing or screening for and treatment of acute, uncomplicated illness or injury.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §34-24-53; Act 2019-368 (Code of Ala. 1975, §34-23-77).

History: New Rule: Published August 31, 2021; effective October 15, 2021. **Amended:** Published November 30, 2023; effective January 14, 2024. **Amended:** Published _____; effective _____.