

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 540

Department or Agency: Alabama Board of Medical Examiners

Rule No.: 540-X-23-.01

Rule Title: Definitions

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

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

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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.

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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

Friday, September 19, 2025

REC'D & FILED  
SEP 19, 2025  
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-23-.01 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend Rule to specify that any active clinical practice refers only to that practice within the U.S. or Canada.

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: Effie Hawthorne, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or email (publiccomment@albme.gov), until and including Nov. 4, 2025. Persons wishing to submit data, views, or comments in person should contact Effie Hawthorne by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website, [www.albme.gov](http://www.albme.gov).

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, November 4, 2025

CONTACT PERSON AT AGENCY:

Effie Hawthorne

*William M. Perkins*

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William M Perkins

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

(1) Active Practice: A physician may be said to be in active clinical practice when any amount of direct patient care has been provided during the preceding two years in any jurisdiction of the United States or Canada, including territories.

(2) Direct Patient Care: Direct patient care has been provided when a physician treats, or professes to diagnose, treat, perform surgery on, or prescribe medication to a patient for any physical ailment or injury in a clinical or professional setting.

(3) Burden of Proof: The reentry candidate shall have the burden of providing appropriate proof of direct patient care. Ideally, such proof will include a patient chart but may include other documentation as deemed appropriate by the Board.

(4) Two-Year Period: The beginning of the two-year period will begin from the date the physician last provided direct patient care and will be tolled by the filing of an initial or reinstatement application for a certificate of qualification to practice medicine or a medical license reinstatement application.

(5) Board: Alabama Board of Medical Examiners

(6) Commission: Medical Licensure Commission of Alabama

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Code of Ala. 1975, §§34-24-53, 34-24-53.1, 34-24-70, 34-24-337, 34-24-360, 34-24-360.1, 34-24-361.

**History: New Rule:** Filed April 16, 2019; effective May 31, 2019. Amended: Published ; effective .