

MEDICAL LICENSURE COMMISSION OF ALABAMA
ADMINISTRATIVE CODECHAPTER 545-X-4
MISCELLANEOUS545-X-4-.06 Unprofessional Conduct.

Unprofessional conduct shall mean the commission or omission of any act that is detrimental or harmful to the health, safety, and welfare of the patient or of the general public, and which violates the high standards of honesty, diligence, prudence, and ethical integrity demanded from physicians and osteopaths licensed to practice in the State of Alabama. Without limiting the definition of unprofessional conduct in any manner, the Commission sets out the below as examples of unprofessional conduct:

(1) The refusal by a physician to comply, within a reasonable time, with a request from another physician for medical records or medical information when such request is accompanied by a properly executed authorization of the patient.

(2) Knowingly causing or permitting a false or misleading representation of a material fact to be entered on any medical record of a patient.

(3) Knowingly preparing, executing or permitting the preparation by another of a false or misleading report or statement concerning the medical condition or extent of disability of a patient.

(4) Prescribing, dispensing, administering, supplying or otherwise distributing any Schedule II amphetamine and/or Schedule II amphetamine-like anorectic drug in violation of Ala. Code §20-2-54, as amended in Act No. 83-890, Special Session, 1983.

(5) Failure to report to the Board any final judgment rendered against such physician during the preceding year or any settlement in or out of court during the preceding year, resulting from a claim or action for damages for personal injuries caused by an error, omission, or negligence in the performance of his professional services, or in the performance of medical professional services without consent as required by Ala. Code §34-24-56.

(6) Refusal or failure by a physician to comply with an order entered by the Commission or by the Board pursuant to Ala. Code §34-24-360(19) or (20) or pursuant to Code of Ala 1975, Section 34-24-361(h).

(7) Knowingly making a false, deceptive or misleading statement in any advertisement or commercial solicitation for professional

services and/or knowingly making a false, deceptive or misleading statement about another physician or group of physicians in any advertisement or commercial solicitation for professional services.

(8) Failure or refusal of a J-1 physician to comply with waiver service requirements stated in the J-1 Visa Waiver Affidavit and Agreement signed by a J-1 physician.

(9) Conduct which is immoral, shameful, and which evidences indifference to the moral standards and opinions of the community.

(10) Conduct which is dishonorable and evidences a disposition to lie, cheat, or defraud.

(11) Failing or refusing to maintain adequate medical records on a patient or patients.

(12) Prescribing or dispensing a controlled substance to oneself or to one's spouse, child, sibling (including step- and half-siblings), parent, intimate partner, or to any other person where the physician's professional objectivity, the patient's autonomy, or informed consent are substantially compromised, unless such prescribing or dispensing is necessitated by emergency or other exceptional circumstances.

(13) Signing a blank, undated or predated prescription form.

(14) Representing that a manifestly incurable disease or infirmity can be cured, or that any disease, ailment or infirmity can be cured by a secret method, procedure, treatment, medicine or device, if such is not the fact.

(15) Refusing to divulge to the Board or Commission upon demand the means, method, procedure, modality of treatment, or medicine used in the treatment of a disease, injury, ailment or infirmity.

(16) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or osteopathy or in applying for privileges or renewing an application for privileges at a health care institution.

(17) Sexual misconduct in the practice of medicine as defined in Rule 545-X-4-.07.

(18) Representing or holding oneself out as a medical specialist when such is not the case.

(19) Failing to furnish information in a timely manner to the Board or Commission if requested by the Board or Commission.

(20) Failing to report to the Board in a timely manner information required to be reported by Ala. Code §34-24-361(b).

(21) Violation of any rule duly promulgated by the Board or the Commission.

(22) Refusal or failure by a physician to comply with any voluntary agreement entered into between the physician and the Board and/or the Commission.

(23) Acts detrimental to the proper regulation of the practice of medicine, including but not limited to:

(a) Knowingly making a false statement of material fact in any investigation or contested case proceeding conducted by the Board, any contested case proceeding conducted before the Commission, or in any other formal judicial or administrative proceeding relating to the practice of medicine.

(b) Knowingly falsifying, altering, or destroying any document, record, or other evidence when the physician has reason to believe that such document, record, or evidence may be relevant to an investigation or proceeding before the Board or Commission.

(c) Harassing or intimidating conduct, the intended or reasonably foreseeable result of which is to coerce, obstruct, or otherwise interfere with any person's participation in an investigation or proceeding before the Board or Commission, or to retaliate against any person for participating in an investigation or proceeding before the Board or Commission.

(d) Submitting any motion, pleading, brief, or other paper to the Board or to the Commission containing false, fabricated, or nonexistent legal citations. This subdivision applies to all physicians, whether or not presented by a licensed attorney.

Author: Medical Licensure Commission of Alabama

Statutory Authority: Ala. Cde §34-24-360(2).

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