

1 SB239  
2 209063-1  
3 By Senators McClendon, Whatley, Albritton, Price, Scofield,  
4 Livingston, Sessions, Williams, Elliott, Allen, Orr, Marsh,  
5 Shelnutt, Gudger, Stutts and Smitherman  
6 RFD: Healthcare  
7 First Read: 23-FEB-21

8 SYNOPSIS: Under existing law, the Board of Medical  
9 Examiners issues certificates of qualification to  
10 physicians seeking licensure, while the Medical  
11 Licensure Commission issues, revokes, and suspends  
12 medical licenses.

13 This bill would abolish the Medical  
14 Licensure Commission and transfer all the  
15 authorities of the commission to the Board of  
16 Medical Examiners.

17 This bill would revise the process for an  
18 individual to obtain a license to practice medicine  
19 by authorizing the board to qualify and license a  
20 physician in one step.

21 This bill would revise the disciplining  
22 process of a licensee by authorizing the board to  
23 hear contested cases and determine whether to  
24 revoke or suspend a medical license or to otherwise  
25 discipline a licensee.

26 Under existing law, the Board of Medical  
27 Examiners is comprised of those individuals serving

1 as the Board of Censors and the officers of the  
2 Medical Association of the State of Alabama.

3 This bill would replace the membership of  
4 the Board of Medical Examiners with licensed  
5 physicians appointed by the Governor from a list of  
6 nominees elected by licensed physicians in the  
7 state.

8 This bill would establish the process for  
9 appointing members to the Board of Medical  
10 Examiners and set eligibility requirements for  
11 members.

12 This bill would prohibit board members from  
13 providing, administering, or serving as a speaker  
14 at, any continuing medical education course that is  
15 approved or required by the board.

16 This bill would require the board to timely  
17 publish on its website all board expenditures.

18 This bill would revise definitions and  
19 remove duplicative language.

20 This bill would also make nonsubstantive,  
21 technical revisions to update the existing code  
22 language to current style.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1                   Relating to the Board of Medical Examiners; to amend  
2 Sections 13A-6-201, 13A-9-21, 27-1-17.1, 34-24-50, 34-24-51,  
3 34-24-52, 34-24-53, 34-24-53.1, 34-24-54, 34-24-56, 34-24-57,  
4 34-24-60, 34-24-70, 34-24-71, 34-24-73, 34-24-75, 34-24-75.1,  
5 34-24-336, 34-24-337, 34-24-340, 34-24-343, 34-24-360,  
6 34-24-360.1, 34-24-361, 34-24-361.1, 34-24-362, 34-24-363,  
7 34-24-365, 34-24-366, 34-24-367, 34-24-381, 34-24-382,  
8 34-24-383, 34-24-384, 34-24-501, 34-24-502, 34-24-503,  
9 34-24-506, 34-24-507, and 34-24-508, Code of Alabama 1975; to  
10 add Section 34-24-54.1, 34-24-54.2, 34-24-71.1, 34-24-71.2,  
11 and 34-24-71.3 to the Code of Alabama 1975; to repeal Sections  
12 34-24-50.1, 34-24-310, 34-24-311, 34-24-311.1, 34-24-312,  
13 34-24-313, 34-24-314, 34-24-330, 34-24-331, 34-24-332,  
14 34-24-333, 34-24-334, 34-24-335, 34-24-338, 34-24-339,  
15 34-24-341, and 34-24-342, Code of Alabama 1975, generally  
16 relating to the authorities and duties of the Medical  
17 Licensure Commission; to replace the membership of the Board  
18 of Medical Examiners with individuals appointed by the  
19 Governor; to set eligibility requirements for board members;  
20 to abolish the Medical Licensure Commission and transfer its  
21 authorities to the board; to revise the procedures for the  
22 issuance, suspension, and revocation of licenses to practice  
23 medicine and the procedures for disciplining a licensee; to  
24 provide further for the board's authorities and duties; and to  
25 make nonsubstantive, technical revisions to update the  
26 existing code language to current style.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Sections 34-24-50, 34-24-51, and  
2                   34-24-52, Code of Alabama 1975, are amended to read as  
3                   follows:

4                   "§34-24-50.

5                   "For purposes of this article and Articles 8, 9, and  
6                   10, the following terms shall have the following meanings:

7                   "(1) BOARD. The State Board of Medical Examiners.  
8                   Any reference to the Medical Licensure Commission shall refer  
9                   to the State Board of Medical Examiners.

10                   "(2) EXECUTIVE DIRECTOR. The Executive Director of  
11                   the State Board of Medical Examiners.

12                   "(3) LICENSE TO PRACTICE MEDICINE or LICENSED TO  
13                   PRACTICE MEDICINE. Both the practice of medicine by a doctor  
14                   of medicine or the practice of osteopathy by a doctor of  
15                   osteopathy.

16                   "(4) LICENSEE. An individual licensed by the board  
17                   to practice medicine under this chapter.

18                   "(5) PHYSICIAN. Either a doctor of medicine or a  
19                   doctor of osteopathy.

20                   "(6) The "practice of medicine or osteopathy" means:  
21                   PRACTICE OF MEDICINE OR OSTEOPATHY. Includes all of the  
22                   following:

23                   "(1)a. To diagnose, treat, correct, advise, or  
24                   prescribe for any human disease, ailment, injury, infirmity,  
25                   deformity, pain, or other condition, physical or mental, real  
26                   or imaginary, by any means or instrumentality.

1           "~~(2)~~b. To maintain an office or place of business  
2 for the purpose of doing acts described in subdivision (1),  
3 whether for compensation or not~~7.~~

4           "~~(3)~~c. To use, in the conduct of any occupation or  
5 profession pertaining to the diagnosis or treatment of human  
6 disease or conditions, the designation "doctor," "doctor of  
7 medicine," "doctor of osteopathy," "physician," "surgeon,"  
8 "physician and surgeon," "Dr.," "M.D.," "D.O.," or any  
9 combination thereof unless such a designation additionally  
10 contains the description of another branch of the healing arts  
11 for which a person has a license.

12           "§34-24-51.

13           "(a) The State Board of Medical Examiners shall have  
14 the exclusive authority to issue, revoke, and reinstate all  
15 licenses authorizing the licensees to practice medicine or  
16 osteopathy in the State of Alabama.

17           "(b) Any person who practices medicine or osteopathy  
18 or offers to do so in this state without a ~~certificate of~~  
19 ~~qualification having been issued in his or her behalf by the~~  
20 ~~State Board of Medical Examiners and without a license and~~  
21 ~~certificate of registration from the Medical Licensure~~  
22 ~~Commission of Alabama~~ State Board of Medical Examiners shall  
23 be guilty of a Class C felony.

24           "(c) However Notwithstanding subsection (a), nothing  
25 in this section or article shall apply to fellows, residents,  
26 interns, or medical students who are employed by or who are  
27 taking courses of instruction at the University of Alabama

1 School of Medicine, the University of South Alabama College of  
2 Medicine, or ~~such~~ other medical schools or colleges,  
3 hospitals, or institutions in Alabama as may be approved by  
4 the Board of Medical Examiners; and provided, that the work of  
5 the fellows, residents, interns, or medical students is  
6 performed within the facilities of such medical schools or  
7 colleges, hospitals, or institutions under the supervision of  
8 a licensed physician and as an adjunct to his or her course of  
9 study or training, and until the fellows, residents, interns,  
10 or students meet training requirements for licensure under ~~the~~  
11 ~~laws of the State of Alabama~~ state law and the ~~regulations~~  
12 ~~rules~~ of the ~~Board of Medical Examiners of the State of~~  
13 ~~Alabama~~ board. ~~Nothing~~ In addition, nothing in this section  
14 shall be construed as applying to any ~~person~~ individual  
15 practicing chiropractic, dentistry, podiatry, optometry, or  
16 any other branch of the healing arts, except medicine and  
17 osteopathy, pursuant to a license ~~which~~ that has been issued,  
18 or ~~which~~ that may hereafter be issued, by any state licensing  
19 board and who is practicing within the scope of ~~such~~ his or  
20 her license.

21 "§34-24-52.

22 "(a) The State Board of Medical Examiners, ~~in~~  
23 ~~addition to the powers and duties expressed in this article~~  
24 ~~with respect to the denial of the certificate of qualification~~  
25 ~~to practice medicine or suspension or revocation of a~~  
26 ~~certificate of qualification to practice medicine, shall have~~  
27 ~~the power to commence and maintain~~ may bring an action under

1 Article 10 of Chapter 6 of Title 6 in any circuit court having  
2 jurisdiction of any person within this state to enjoin the  
3 unlawful practice of medicine against any individual who is  
4 practicing medicine without a certificate of qualification  
5 license or to whom a certificate of qualification license has  
6 been denied, or whose certificate of qualification has been  
7 suspended, or revoked by the action of the board, an action in  
8 the nature of quo warranto as provided for in Section 6-6-590  
9 et seq., as the same is now or may hereafter be amended, to  
10 order such person from continuing to practice medicine or  
11 osteopathy within the State of Alabama, and jurisdiction is  
12 conferred upon the circuit courts of this state to hear and  
13 determine all such cases. The board may commence and maintain  
14 such action without the filing of a bond or security without  
15 the order or direction of a circuit judge. Nothing in this  
16 section shall be construed as conferring criminal jurisdiction  
17 upon any court not now possessing such criminal jurisdiction,  
18 nor shall such court, as an incident to the action in the  
19 nature of quo warranto herein authorized, have the power to  
20 assess the criminal penalties heretofore set out. An  
21 injunction shall be issued upon proof that the person or  
22 persons is now or has in the past engaged in the unlawful  
23 practice of medicine or osteopathy without requiring proof of  
24 actual damage sustained by any person. If such injunction is  
25 issued, the injunction shall not relieve any person,  
26 corporation, or association, nor the officers or directors  
27 thereof, from criminal prosecution for the unlawful practice



1 ~~of medicine. An injunction shall be issued upon proof that the~~  
2 ~~individual is now or has in the past engaged in the unlawful~~  
3 ~~practice of medicine without requiring proof of actual damage~~  
4 ~~sustained by any person. If an injunction is issued, the~~  
5 ~~injunction shall not relieve any individual, corporation, or~~  
6 ~~association, nor the officers or directors thereof, from~~  
7 ~~criminal prosecution for the unlawful practice of medicine."~~

8 Section 2. Section 34-24-53, Code of Alabama 1975,  
9 is amended to read as follows:

10 "§34-24-53.

11 "(a) ~~The~~ Effective until January 1, 2022, the Board  
12 of Censors of the Medical Association of the State of Alabama,  
13 as constituted under the laws now in force, or which may  
14 hereafter be in force, and under the constitution of the  
15 association, as the constitution now exists or may hereafter  
16 exist, is constituted the State Board of Medical Examiners.  
17 ~~and is charged with the duties and clothed with the powers~~  
18 ~~hereinafter prescribed; the board is hereby vested with~~  
19 ~~authority to adopt and promulgate rules and regulations and to~~  
20 ~~do such other acts as may be necessary to carry into effect~~  
21 ~~the duties and powers which accrue to it under laws now in~~  
22 ~~force or which may hereafter be in force; and a quorum as~~  
23 ~~provided for by the constitution of the Medical Association of~~  
24 ~~the State of Alabama shall be competent to act.~~

25 "(b) (1) a. Commencing January 1, 2022, the Board of  
26 Medical Examiners shall be comprised of seven members. Except  
27 for the two initial members described in paragraph b., each

1 member of the board shall be appointed by the Governor from a  
2 list of three names of qualified individuals elected by the  
3 board as provided in subdivision (4). Of the five members  
4 initially appointed by the Governor, one shall serve a term of  
5 one year, one shall serve a term of three years, one shall  
6 serve a term of four years, and two shall serve a term of five  
7 years.

8 "b. The individual serving as chair of the Board of  
9 Medical Examiners on December 31, 2021, shall continue to  
10 serve as a member of the board for three years, and the  
11 individual serving as vice chair of the Board of Medical  
12 Examiners on December 31, 2021, shall continue to serve as a  
13 member of the board for two years.

14 "(2) After initial terms, each term shall be for  
15 five years. Members may not serve more than two consecutive  
16 terms, except a member shall continue to serve until his or  
17 her successor is appointed. Terms shall begin on January 1.

18 "(3)a. When making appointments, the Governor shall  
19 strive to ensure that diversity of gender and race is  
20 reflective of the makeup of this state.

21 "b. Each member must be a resident of this state, be  
22 licensed in good standing under this chapter, and have been  
23 actively engaged in the practice of medicine for the five  
24 years immediately preceding his or her term. At least one  
25 member must be a doctor of osteopathy. Except for the initial  
26 members described in paragraph b. of subdivision (1), any  
27 member of the Board of Censors of the Medical Association of

1 Alabama and any officer, administrator, or employee of the  
2 Medical Association of Alabama may not serve as a member of  
3 the Board of Medical Examiners.

4 "(4)a. For the purpose of preparing the list of  
5 three nominees, the board shall conduct an annual meeting at  
6 least 30 days prior to October 1 of each year, at which all  
7 physicians licensed to practice pursuant to this chapter may  
8 attend, nominate, and vote. The board may regulate and  
9 prescribe the place and hour of the meeting, the method of  
10 nomination, and the manner of voting. Each physician in  
11 attendance may vote for those individuals nominated, and no  
12 cumulative or proxy voting shall be permitted.

13 "b. Each physician voting shall vote for three  
14 nominees in order for his or her ballot to be valid, and any  
15 ballot indicating votes for more or less than three nominees  
16 shall be void. The three individuals receiving the greatest  
17 number of votes of those in attendance at the meeting shall be  
18 the three nominees whose names shall be certified to the  
19 Governor for appointment to the board, without substitution.  
20 In order for a nominee to withdraw his or her name from the  
21 list, the nominee must do so in writing and present it to the  
22 secretary-treasurer prior to the submission of the list to the  
23 Governor. Upon receipt of the request, the secretary-treasurer  
24 shall withdraw the nominee's name from the list and certify to  
25 the Governor only those names remaining on the list as the  
26 nominees.

1           "c. At least 30 days prior to the meeting, the board  
2 shall mail notices to each physician licensed to practice  
3 pursuant to this chapter at the address shown on his or her  
4 current license notifying each physician of the exact date,  
5 place, and hour of the meeting, the purpose of the meeting,  
6 and of the right to attend and vote.

7           "(5) If a vacancy occurs prior to the next annual  
8 meeting, the Governor shall fill the vacancy from the  
9 remaining names on the list generated under subdivision (4).  
10 The Governor may remove any member for neglect of duty,  
11 incompetency, improper or unprofessional conduct, or having  
12 his or her license revoked or suspended.

13           "(6) The individuals serving as chair and vice chair  
14 of the State Board of Medical Examiners on December 31, 2021,  
15 shall continue to serve as chair and vice chair, respectively,  
16 for one year commencing January 1, 2022, and the board shall  
17 choose one member to serve as secretary-treasurer. After the  
18 first year, the board shall choose annually one of its members  
19 to serve as chair, one as vice chair, and one as  
20 secretary-treasurer.

21           "(7) The board may not share or have any overlap of  
22 any funds, facilities, resources, office space, personnel,  
23 accounting practices, legal representation, or lobbying  
24 activities with any non-governmental entity, including, but  
25 not limited to, the Medical Association of the State of  
26 Alabama. While serving on the board, a member may not serve as  
27 an officer, board member, or other leadership position for any

1 non-governmental entity representing the interests of  
2 physicians or the medical profession, including, but not  
3 limited to, the Medical Association of the State of Alabama.

4 "(8) The board shall meet at least six times per  
5 year and may meet more often at the call of the chair. A  
6 majority of members of the board shall constitute a quorum.

7 "(c) (1) Commencing January 1, 2022, the board shall  
8 employ an executive director of the board who shall serve at  
9 the pleasure of the board. Any officer, board member, or  
10 individual in any other leadership position of any  
11 non-governmental entity relating to physicians or the medical  
12 profession, including, but not limited to, the Medical  
13 Association of the State of Alabama, is ineligible to serve as  
14 executive director. The executive director's salary shall be  
15 fixed by the board.

16 "(2) The board may employ professional and  
17 administrative staff, including attorneys and investigators,  
18 under terms, conditions, and personnel policies as the board  
19 deems necessary to carry out the board's duty to implement,  
20 administer, and enforce this article and Articles 8, 9, and  
21 10, and other applicable laws regulating the practice of  
22 medicine or osteopathy in this state. Personnel policies may  
23 include, but not be limited to, insurance, annual and other  
24 leave, vacation, and holiday policies.

25 "(d) Members and employees of the board are subject  
26 to Chapter 25 of Title 36.

1           "(e) (1) The board may adopt rules and take other  
2 actions necessary to carry out the duties prescribed to the  
3 board under this chapter.

4           "(2) Any rule in effect on January 1, 2022, that was  
5 adopted by the Medical Licensure Commission shall be  
6 considered a rule of the State Board of Medical Examiners.

7           ~~"(b) (f) The board is hereby specifically authorized~~  
8 ~~to~~ may set aside from its general revenues and income a  
9 special fund designated to defray the fees, costs, and  
10 expenses of litigation involving the board and its members or  
11 ~~staff employees, and, until January 1, 2022, the commission~~  
12 Medical Licensure Commission and its members and ~~staff~~  
13 employees, arising out of the lawful discharge of the duties  
14 and obligations of the board or commission. A portion of the  
15 special fund so designated may be expended to purchase  
16 liability insurance for the members and employees of the  
17 ~~board, its officers, executives, and attorneys~~ and, until  
18 January 1, 2022, for members and employees of the commission,  
19 ~~and its officers, executives, and attorneys~~ to cover actions  
20 or inactions by a member or employee while serving in his or  
21 her official capacity for the board or commission."

22           Section 3. Sections 34-24-53.1 and 34-24-54, Code of  
23 Alabama 1975, are amended to read as follows:

24           "§34-24-53.1.

25           "(a) The Legislature finds and declares all of the  
26 following:

1           "(1) The power to make rules regulating the practice  
2 of medicine or osteopathy includes the power to prohibit  
3 unlicensed persons from practicing medicine or osteopathy and  
4 the power to regulate how licensed persons practice medicine  
5 or osteopathy.

6           "(2) A primary goal of the provision of health care  
7 is to prioritize patient safety and wellness.

8           "~~The State Board of Medical Examiners and the~~  
9 ~~Medical Licensure Commission are~~ board is in the best position  
10 to determine the medical practices that prioritize patient  
11 safety and wellness.

12           "(4) Prioritizing patient safety and wellness may  
13 sometimes be at odds with the goals of state and federal  
14 anti-trust laws, which include prioritizing competition and  
15 efficiency.

16           "(5) It is the intent of the Legislature in enacting  
17 this section to immunize the ~~Board of Medical Examiners~~ board  
18 and its members and the Medical Licensure Commission and its  
19 members from liability under state and federal anti-trust laws  
20 for the adoption of a rule that prioritizes patient safety and  
21 wellness but may be anti-competitive.

22           "(b) Subject to subsection (c), rules adopted under  
23 ~~Sections~~ Section 34-24-53 ~~and 34-24-311~~ may define and  
24 regulate the practice of medicine or osteopathy in a way that  
25 prioritizes patient safety and wellness, even if the rule is  
26 anti-competitive.

1           "(c) A rule adopted under Section 34-24-53 ~~or~~  
2 ~~34-24-311~~ may supplement or clarify any statutory definition  
3 but may not conflict with any statute that defines the  
4 practice of medicine or osteopathy, including, but not limited  
5 to, Section 34-21-81(4)c.

6           "(d) Nothing in this section shall be construed to  
7 constrict or expand the current rights and privileges of any  
8 individual governed by the Board of Medical Examiners ~~or the~~  
9 ~~Medical Licensure Commission~~ beyond that which existed prior  
10 to the ruling in the United States Supreme Court decision N.C.  
11 State Bd. of Dental Examiners v. FTC, 135 S.Ct. 1101(2015).

12           "(e) Nothing in this section shall be construed to  
13 constrict or expand the current duties or responsibilities of  
14 the members of the Board of Medical Examiners ~~or the Medical~~  
15 ~~Licensure Commission~~ in any context outside of federal or  
16 state anti-trust immunity beyond that which existed prior to  
17 the ruling in the United States Supreme Court decision N.C.  
18 State Bd. of Dental Examiners v. FTC, 135 S.Ct. 1101(2015).

19           "§34-24-54.

20           "(a) The board may acquire and hold, in its own  
21 name, real property by purchase, gift, or other lawful means,  
22 except eminent domain, which real property is used by the  
23 board to carry out its responsibilities. The board may also  
24 transfer, sell, convey, or cause to be conveyed real property  
25 and any improvements thereon, subject to the requirements of  
26 this section. In purchasing any real property, the board may  
27 expend its own funds, and any obligations created in



1 connection with the purchase of the real property shall solely  
2 and exclusively be obligations of the board and shall not  
3 create debts, obligations, or liabilities of the State of  
4 Alabama. As used in this section, real property includes land,  
5 lots, and all things and interests, including leasehold  
6 interests, pertaining thereto, and all other things annexed or  
7 attached to the land which would pass to a vendee by  
8 conveyance of the land or lot, including mineral, gas, and oil  
9 interests. All sales or leases made by the board of any real  
10 property owned or held by the board shall be subject to the  
11 requirements of Article 3 of Chapter 15 of Title 9.

12 Notwithstanding the foregoing, the proceeds from the sale of  
13 real property owned by the board which are distributed  
14 pursuant to Section 9-15-83 shall be paid to the board.

15 "(b) All funds received by the ~~State Board of~~  
16 ~~Medical Examiners~~ board shall be deposited to the credit of  
17 the board in a federally insured financial institution  
18 selected by the board. Such funds may be expended for any  
19 lawful purpose authorized by this chapter upon a check or  
20 draft bearing the signature of the ~~chairman~~ chair of the board  
21 or his or her designee.

22 "(c) Out of the funds of the board ~~the members~~  
23 ~~thereof and the members of the Medical Licensure Commission as~~  
24 ~~established by Section 34-24-310~~ each member of the board  
25 shall receive a per diem at a rate of up to three hundred  
26 dollars (\$300) per day or any portion thereof, as established  
27 by the board, ~~that such board member or commission member~~

1 ~~shall be in~~ for each day actually spent by a member in  
2 attendance at an official meeting or function of the board ~~or~~  
3 ~~commission~~. In addition, each board member ~~and commission~~  
4 ~~member~~ shall receive reimbursement for subsistence and travel  
5 ~~in accordance with state law~~ at the same rate paid by law to  
6 state employees for each day actively engaged in the ~~duties of~~  
7 ~~their office~~ business of the board."

8 Section 4. Sections 34-24-54.1 and 34-24-54.2 are  
9 added to the Code of Alabama, 1975, to read as follows:

10 §34-24-54.1.

11 (a) By order of the chair of the board or the  
12 executive director, the board may subpoena witnesses and  
13 command the production of documents, records, or other  
14 evidence as it deems relevant and pertinent to any matter  
15 under investigation of an individual licensed by the board or  
16 of an individual practicing medicine or osteopathy without a  
17 license in violation of this chapter. Notice to an individual  
18 under investigation or complaint and notice of a subpoena  
19 issued under this article or Article 8, 9, or 10 may be served  
20 by any sheriff of the State of Alabama or by any individual  
21 designated by the executive director, and if served by an  
22 individual designated by the executive director, the return of  
23 service shall be sworn to by that individual before an officer  
24 authorized to administer oaths.

25 (b) The board may request assistance from the  
26 Attorney General, district attorneys, or other prosecuting  
27 attorneys of this state in the various circuits and counties.

1 All prosecuting attorneys throughout the state shall assist  
2 the board, upon request, in any action for injunction or any  
3 prosecution without charge or additional compensation.

4 (c) The board may employ consultants to render  
5 professional services including, but not limited to, reviewing  
6 medical records and providing expert testimony in contested  
7 cases, to aid the board in carrying out its lawful  
8 responsibilities of regulating the practice of medicine or  
9 osteopathy within the State of Alabama. Any officer, board  
10 member, or individual in any other leadership position of any  
11 non-governmental entity relating to physicians or the medical  
12 profession, including, but not limited to, the Medical  
13 Association of the State of Alabama, is ineligible to serve as  
14 a consultant to the board. Consultants shall be compensated  
15 for professional services at rates established by rule by the  
16 board. In addition, consultants shall be reimbursed for actual  
17 reasonable expenses for travel, lodging, meals, and other  
18 expenses reasonably incurred in the performance of the  
19 consultant's professional services.

20 §34-24-54.2.

21 (a) The expenditures of the board, including, but  
22 not limited to, all payments to members, employees, and  
23 contractors of the board, shall be published on the website of  
24 the board within 60 calendar days after the date the  
25 expenditure is made. The published expenditures shall be  
26 electronically searchable to the public, include the same  
27 information, and be subject to the same requirements and

1 restrictions as provided for state entities in Section  
2 41-4-65, as applicable.

3 (b) The home page of the website shall include a  
4 prominent link to the expenditure information required to be  
5 published by this section.

6 Section 5. Sections 34-24-56, 34-24-57, 34-24-60,  
7 34-24-70, and 34-24-71, Code of Alabama 1975, are amended to  
8 read as follows:

9 "§34-24-56.

10 "(a) Every physician or surgeon who holds a license,  
11 ~~certificate~~ or other similar authority issued under ~~the~~  
12 ~~provisions of~~ this article or Article 8 and every professional  
13 corporation or professional association of a physician or  
14 surgeon shall, during the first 30 days of each calendar year,  
15 report to the State Board of Medical Examiners any of the  
16 following:

17 "(1) A final judgment rendered against ~~such the~~  
18 physician, surgeon, or the professional corporation or  
19 professional association of any such physician or surgeon  
20 during the preceding year, ~~or any~~

21 "(2) A settlement in or out of court during the  
22 preceding year, ~~resulting from a claim or action for damages~~  
23 for personal injuries caused by an error, omission, or  
24 negligence in the performance of medical professional  
25 services, or in the performance of medical professional  
26 services without consent.

1           "(b) The report rendered under this section shall  
2 include the name of the physician or surgeon against whom the  
3 claim was made or asserted, the name of the claimant, a  
4 summary of the allegations made, the injuries incurred by the  
5 claimant, and the terms of the judgment or settlement. In the  
6 event that the judgment or settlement is entered against a  
7 professional corporation or a professional association, the  
8 report shall also include the name of the physician or  
9 physicians employed by or rendering medical services on behalf  
10 of the corporation against whom the claim was made or  
11 asserted.

12           "(c) The failure to make the report required by this  
13 section shall constitute grounds for the imposition of  
14 disciplinary sanctions by the ~~Medical Licensure Commission~~  
15 board against the license of the physician or surgeon  
16 responsible for making ~~such~~ the report. Those sanctions may  
17 include suspension or revocation or ~~such~~ other sanctions as  
18 may be authorized under subsection (j) of Section 34-24-361~~(h)~~  
19 and Section 34-24-381. In the case of a judgment or a  
20 settlement entered against a professional corporation or a  
21 professional association, each physician owning shares of the  
22 voting stock of a professional corporation and each physician  
23 member of a professional association shall be individually and  
24 jointly responsible for insuring that the report is rendered  
25 on behalf of the corporation or association.

26           "§34-24-57.

1           "~~Board of Medical Examiners~~ board shall keep  
2 a record of all reports made under ~~the provisions of~~ Section  
3 34-24-56, and each year shall review the record of any  
4 licensee,~~certificate holder,~~ or ~~person~~ individual holding  
5 similar authority issued by ~~it~~ the board, who, during the  
6 preceding three-year period, has had two or more final  
7 judgments or settlements, or has had a total of three or more  
8 final judgments or settlements, or both, of the type required  
9 to be reported pursuant to this section.

10           "(b) The review required by subsection (a) shall be  
11 for the purpose of determining whether the ~~agency~~ board should  
12 take disciplinary action against the ~~person~~ individual.

13           "(c) It shall be a ground for the suspension or  
14 revocation of a license,~~certificate,~~ or other similar  
15 authority for the licensee,~~certificate holder,~~ or ~~person~~  
16 individual holding similar authority to have the number of  
17 final judgments or settlements, or both, referred to in  
18 subsection (a); except, that the ~~Board of Examiners~~ board  
19 shall examine each settlement to determine if there was error,  
20 omission, or negligence by the licensee,~~certificate holder,~~  
21 or ~~person~~ individual holding similar authority. If the board  
22 determines there was no error, omission, or negligence, the  
23 settlement shall not be considered for the purpose of this  
24 section.

25           "(d) The ~~Board of Medical Examiners~~ board shall  
26 notify every ~~person~~ individual licensed,~~certified,~~ or holding  
27 similar authority issued by ~~it~~ the board of the provisions of

1 this article. The notification shall be by registered or  
2 certified mail, return receipt requested.

3 "(e) After receiving the notification required by  
4 this section, each ~~person~~ individual who fails to comply with  
5 this section is guilty of a Class A misdemeanor.

6 "§34-24-60.

7 "(a) (1) All reports of investigations; documents  
8 subpoenaed by the board; reports of any investigative  
9 committee appointed by the board; memoranda of the board's  
10 counsel relating to investigations; statements of persons  
11 interviewed by the board or any committee of the board; all  
12 information, interviews, reports, statements, or memoranda of  
13 any kind furnished to the board or any committee of the board;  
14 and any findings, conclusions, or recommendations resulting  
15 from proceedings of the board or any committee of the board,  
16 unless presented as evidence at a public hearing, shall be  
17 privileged and confidential, shall be used only in the  
18 exercise of the proper functions of the board, and shall not  
19 be public records nor be available for court subpoena or for  
20 discovery proceedings.

21 "(2) Nothing contained ~~herein~~ in subdivision (1)  
22 shall apply to records made in the regular course of business  
23 of an individual. ~~Documents~~ Documents or records otherwise  
24 available from original sources are not to be construed as  
25 immune from discovery or use in any civil proceedings merely  
26 because they were presented or considered during the

1 proceedings of the Board of Medical Examiners ~~or the Medical~~  
2 ~~Licensure Commission.~~

3 "(b) The board may authorize the release of  
4 investigative records and files to municipal, county, state,  
5 and federal law enforcement or regulatory agencies or  
6 officials and to state and United States territorial medical  
7 licensing agencies or officials.

8 "(c) Use of the materials and records in contested  
9 cases before the ~~Medical Licensure Commission~~ board or release  
10 of records to law enforcement, regulatory, or medical  
11 licensing agencies, or officials shall not be deemed a waiver  
12 of confidentiality or privilege established by this section.

13 "§34-24-70.

14 "(a) The following constitute the requirements ~~for~~  
15 ~~the issuance of a certificate of qualification~~ to qualify for  
16 a license to practice medicine in this state:

17 "(1) MEDICAL EDUCATION REQUIREMENT. All applicants  
18 for a ~~certificate of qualification~~ license shall present a  
19 diploma or evidence of graduation from any of the following  
20 institutions:

21 "a. A college of medicine or school of medicine  
22 accredited by the Liaison Committee on Medical Education of  
23 the American Medical Association.

24 "b. A college of osteopathy accredited by the  
25 American Osteopathic Association.

26 "c. A college of medicine or school of medicine not  
27 accredited by the Liaison Committee on Medical Education which



1 is approved by the ~~Board of Medical Examiners~~ board. The board  
2 may, ~~within its discretion,~~ withhold approval of any college  
3 of medicine not designated in either paragraphs a.7 or b.7  
4 ~~above which~~ that:

5 "1. Has had its accreditation withdrawn by a  
6 national or regional accreditation organization; or

7 "2. Has had its authorization, certification, or  
8 licensure revoked or withdrawn by a national or regional  
9 governmental supervisory agency; or

10 "3. Has been denied approval or has had its approval  
11 withdrawn by any national, state, or territorial licensing  
12 jurisdiction based upon an evaluation of the college of  
13 medicine or upon a finding of misconduct by the college; or

14 "4. ~~The board has determined, has~~ Has engaged, as  
15 determined by the board, in fraudulent, criminal, or other  
16 practices ~~which~~ that are inconsistent with quality medical  
17 education.

18 "(2) POSTGRADUATE EDUCATION REQUIREMENT.

19 "1. Applicants for a ~~certificate of qualification~~  
20 license who graduated from a college of medicine accredited by  
21 the Liaison Committee on Medical Education of the American  
22 Medical Association or a college of osteopathy accredited by  
23 the American Osteopathic Association shall present evidence  
24 satisfactory to the board that the applicant has completed one  
25 year of postgraduate or residency training in any of the  
26 following programs:

1            "a. A program listed in the directory of approved  
2 residency training programs published by the American Medical  
3 Association.

4            "b. A program accredited by the American Osteopathic  
5 Association.

6            "c. A program accredited by the Accreditation  
7 Committee of Royal College of Physicians and Surgeons of  
8 Canada.

9            "d. A program accredited by the College of Family  
10 Physicians of Canada.

11           "2. All other applicants for a ~~certificate of~~  
12 ~~qualification~~ license who graduated from a college of medicine  
13 not accredited by the Liaison Committee on Medical Education  
14 of the American Medical Association or a college of osteopathy  
15 not accredited by the American Osteopathic Association shall  
16 present evidence satisfactory to the board that the applicant  
17 has completed three years of postgraduate or residency  
18 training in any of the following programs:

19           "a. A program listed in the directory of approved  
20 residency training programs published by the American Medical  
21 Association.

22           "b. A program accredited by the American Osteopathic  
23 Association.

24           "c. A program accredited by the Accreditation  
25 Committee of Royal College of Physicians and Surgeons of  
26 Canada.

1 "d. A program accredited by the College of Family  
2 Physicians of Canada.

3 "(3) EXAMINATION REQUIREMENTS. Applicants for a  
4 ~~certificate of qualification~~ license shall achieve a passing  
5 score as determined by the ~~Board of Medical Examiners~~ board on  
6 any of the following examinations ~~listed below~~:

7 "a. The United States Medical Licensing Examination.

8 "1.(i) Applicants who are not dual degree candidates  
9 as specified in subparagraph ~~(3)a.2.~~ ~~below~~ shall have achieved  
10 a passing score on Step 3 in not more than three  
11 administrations, except that the board may approve one  
12 additional attempt to pass Step 3 after demonstration by the  
13 applicant of additional educational experience acceptable to  
14 the board. Applicants who are not dual degree candidates shall  
15 have passed Steps 1, 2, and 3 within a seven-year period and  
16 shall not have attempted to pass Steps 1, 2, and 3 a combined  
17 total of more than 10 times.

18 "(ii) Applicants who are not dual degree candidates  
19 as specified in subparagraph ~~(3)a.2.~~ ~~below~~ and who are  
20 currently board certified by one or more of the specialty  
21 boards recognized by the American Board of Medical Specialties  
22 or the American Osteopathic Association shall not be required  
23 to pass Steps 1, 2, and 3 in the time period as set forth in  
24 ~~subparagraph item~~ ~~(3)a.1.(i)~~ ~~above~~, however, these applicants  
25 shall still be limited to a combined total of 10 attempts to  
26 pass Steps 1, 2, and 3 as set forth in ~~subparagraph item~~  
27 ~~(3)a.1.(i)~~ ~~above~~.

1           "2. Applicants who are dual degree candidates,  
2 pursuing the M.D. or D.O. degree and the Ph.D degree in a  
3 field of biological sciences approved by the board in its  
4 rules, shall have achieved a passing score on Step 3 in not  
5 more than three administrations, except that the board may  
6 approve one additional attempt to pass Step 3 after  
7 demonstration by the applicant of additional educational  
8 experience acceptable to the board. Applicants who are dual  
9 degree candidates shall have completed Steps 1, 2, and 3  
10 within a 10-year period except that the board may approve,  
11 within its discretion and at the request of the applicant, a  
12 longer period not to exceed 15 years. The time period for  
13 completion of Steps 1, 2, and 3 begins when the applicant  
14 initially passes his or her first step. The board shall not  
15 accept scores from a reexamination of a previously passed step  
16 of the USMLE.

17           "b. The Federation Licensing Examination.

18           "c. The National Board of Medical Examiners  
19 Examination.

20           "d. The National Board of Osteopathic Medical  
21 Examiners Examination or its successor examination.

22           "e. The Licensing Medical Council of Canada  
23 Examination.

24           "f. Any other examination which is currently  
25 approved or which may later be approved by the ~~Board of~~  
26 ~~Medical Examiners~~ board and which examines in the following  
27 branches of medical learning: General medicine, surgery,

1       obstetrics, gynecology, preventive medicine, jurisprudence,  
2       and any other branches as the board may require.

3               "g. Beginning January 1, 2000, the following  
4       requirements shall apply:

5               "1. All applicants for initial licensure by  
6       examination shall achieve a passing score, as determined by  
7       the ~~Board of Medical Examiners~~ board, on the United States  
8       Medical Licensing Examination or the National Board of  
9       Osteopathic Medical Examiners Examination or its successor  
10      examination.

11              "2. Applicants by endorsement licensed in another  
12      state, the District of Columbia, a territory of the United  
13      States, or a province of Canada who completed any one of the  
14      licensing examinations listed ~~above~~ in this subdivision prior  
15      to January 1, 2000, are eligible for licensure upon proof of a  
16      passing score of such examination.

17              "3. Applicants by endorsement licensed in another  
18      state or the District of Columbia, or a territory of the  
19      United States, or a province of Canada whose licensing  
20      examination was completed after January 1, 2000, shall achieve  
21      a passing score, as determined by the ~~Board of Medical~~  
22      ~~Examiners~~ board, on the United States Medical Licensing  
23      Examination or the National Board of Osteopathic Medical  
24      Examiners Examination or its successor examination.

25              "4. The board may establish by ~~regulation~~ rule  
26      acceptable combinations of the Federation Licensing  
27      Examination, National Board of Medical Examiners Examination,

1 and/or United States Medical Licensing Examination through  
2 January 1, 2000, in satisfaction of the examination  
3 requirement for a ~~certificate of qualification~~ license.

4 "(4) APPLICATION AND EXAMINATION FEE REQUIREMENT.  
5 ~~Payment~~ All applicants shall pay in advance to the board ~~of~~  
6 the required license application fee or examination fee, or  
7 both, in amounts as established in the ~~regulations~~ rules of  
8 the board.

9 "(5) CRIMINAL HISTORY BACKGROUND CHECK. In addition  
10 to other requirements established by law and for the purpose  
11 of determining an applicant's suitability ~~for a certificate of~~  
12 ~~qualification~~ for a license to practice medicine, each  
13 applicant shall submit to a criminal history background check.  
14 Each applicant shall submit a complete set of fingerprints to  
15 the ~~State Board of Medical Examiners~~ board. The board shall  
16 submit the fingerprints provided by each applicant ~~for a~~  
17 ~~certificate of qualification for a license to practice~~  
18 ~~medicine~~ to the Alabama State Bureau of Investigation (~~ABI~~).  
19 The fingerprints shall be forwarded by the ~~ABI~~ State Bureau of  
20 Investigation to the Federal Bureau of Investigation (FBI) for  
21 a national criminal history record check. Costs associated  
22 with conducting a criminal history background check shall be  
23 borne by the applicant. The ~~State Board of Medical Examiners~~  
24 board shall keep information received pursuant to this section  
25 confidential, except that ~~such~~ the information received and  
26 relied upon in denying ~~the issuance of a certificate of~~

1 ~~qualification for a license to practice medicine in this state~~  
2 may be disclosed as ~~may be~~ necessary to support the denial.

3 "(6) ADDITIONAL REQUIREMENTS FOR EXAMINATION FOR  
4 CERTAIN APPLICANTS.

5 "a. All applicants who have not passed a written  
6 state licensing examination, the examination given by the  
7 National Board of Medical Examiners, the United States Medical  
8 Licensing Examination, the National Board of Osteopathic  
9 Medical Examiners Examination, the examination given by the  
10 Licensing Medical Council of Canada, the Special Purpose  
11 Examination, or the Federation Licensing Examination, within  
12 10 years immediately preceding the date of the application,  
13 shall either:

14 "1. Achieve a passing score on the Special Purpose  
15 Examination.

16 "2. Be certified by or achieve a passing score on a  
17 recertification examination given by one of the specialty  
18 boards approved by the American Board of Medical Specialties  
19 or one of the specialty boards approved by the American  
20 Osteopathic Association ~~within 10 years immediately preceding~~  
21 ~~the date of the application.~~

22 "b. All applicants who graduated from a college of  
23 medicine not accredited by the Liaison Committee of Medical  
24 Education or the American Osteopathic Association shall  
25 achieve a certification given by the Education Council for  
26 Foreign Medical Graduates.

27 "(b) Administration of examinations by the board.

1           "(1) Applicants ~~for a certificate of qualification~~  
2 who are applying for initial licensure in the State of  
3 Alabama, and who meet all qualifications for administration of  
4 Step 3 of the United States Medical Licensing Examination are  
5 eligible to take the United States Medical Licensing  
6 Examination in Alabama.

7           "(2) The following individuals are eligible to take  
8 the Special Purpose Examination in Alabama:

9           "a. Applicants who are applying for licensure in  
10 Alabama who are required to take the examination under another  
11 provision of this section.

12           "b. Individuals required to take the examination  
13 pursuant to an order or directive of the ~~State Board of~~  
14 ~~Medical Examiners or the Medical Licensure Commission~~ board.

15           "(3) Any individual eligible to take the Special  
16 Purpose Examination pursuant to paragraph a. or b. of  
17 subdivision (2) who has not achieved a passing score within  
18 three administrations shall no longer be eligible to take the  
19 Special Purpose Examination.

20           "(c) Administrative requirements for examination by  
21 the board.

22           "(1) Each applicant shall pay an examination fee as  
23 established by the board for each administration of the  
24 required examination. The examination fee is not returnable to  
25 an unsuccessful applicant.



1           "(2) Examinations administered by the board may be  
2 given in Montgomery or at any other location determined by the  
3 board.

4           "(3) Applicants who are required to take the Special  
5 Purpose Examination or the United States Medical Licensing  
6 Examination administered by the board ~~shall~~, in addition to  
7 the other requirements of this section, shall be eligible to  
8 sit for and take the examination under the rules established  
9 by the organization which created the examination.

10           "(4) The board may enter into personal service  
11 contracts with individuals, firms, or corporations for the  
12 administration of any examination required by this section.

13           "(5) The board shall keep complete records of all  
14 examinations conducted, giving the name, age, residence,  
15 college, date of graduation of the applicant examined, and the  
16 results of the examination. These records shall be open to  
17 public inspection.

18           "(6) The board shall establish by rule ~~or regulation~~  
19 the passing score for all examinations administered by ~~it~~ the  
20 board under this section.

21           "(d) Grounds for denial of a ~~certificate of~~  
22 ~~qualification~~ license. The board may deny an application for a  
23 ~~certificate of qualification~~ license on any of the following  
24 grounds:

25           "(1) Failure of the applicant to achieve a passing  
26 score on any examination required under this section.

1           "(2) Failure of the applicant to complete the  
2 application form as specified by the board, ~~or~~ to provide  
3 additional information requested by the board in connection  
4 with the application, or to pay the fee as provided in Section  
5 34-24-71.

6           "(3) A finding that the applicant has submitted or  
7 caused to be submitted false, misleading, or untruthful  
8 information to the board in connection with an application for  
9 a ~~certificate of qualification~~ license.

10           "(4) Failure to appear before the board or a  
11 committee of the board if formally requested to appear in  
12 connection with an application for a ~~certificate of~~  
13 ~~qualification~~ license.

14           "(5) A finding by the board that the applicant has  
15 committed any of the acts or offenses constituting grounds to  
16 discipline the licensee to practice medicine in this state  
17 pursuant to, but not limited to, Sections 16-47-128,  
18 34-24-360, and 34-24-57.

19           "(6) Failure of the applicant to comply with any of  
20 the requirements or rules for the issuance of a ~~certificate of~~  
21 ~~qualification for a~~ license to practice medicine in this  
22 state.

23           "(e) Non-disciplinary citation with administrative  
24 charge.

25           "(1) When a ground for denial of a ~~certificate of~~  
26 ~~qualification~~ license exists for lack of meeting the  
27 qualifications of this section, an applicant for a ~~certificate~~

1 ~~of qualification license~~ may request in writing to the Board  
2 ~~of Medical Examiners board~~ that a non-disciplinary citation  
3 with administrative charge be assessed against the applicant  
4 in lieu of a decision by the board to deny the application for  
5 ~~a certificate of qualification license~~. The board may grant,  
6 if it deems appropriate, a request for an assessment of a  
7 non-disciplinary citation with administrative charge and issue  
8 ~~a certificate of qualification license~~ to the applicant  
9 provided the applicant otherwise meets the requirements of  
10 Section 34-24-71.

11 "(2) The administrative charge shall be in amounts  
12 established by the board in its ~~regulations~~ rules, not to  
13 exceed ten thousand dollars (\$10,000). ~~Payment of an~~ The  
14 applicant shall pay the administrative charge assessed in a  
15 non-disciplinary citation ~~shall be made~~ to the board prior to  
16 the issuance of a ~~certificate of qualification license~~.

17 "(3) ~~If a certificate of qualification is issued by~~  
18 ~~the board after the payment of an administrative charge in a~~  
19 ~~non-disciplinary citation and the Medical Licensure Commission~~  
20 ~~does not issue a license to practice medicine, the amount of~~  
21 ~~the administrative charge shall be refunded by the board to~~  
22 ~~the applicant.~~ The imposition of a non-disciplinary citation  
23 with administrative charge shall not be considered a  
24 disciplinary action against the applicant.

25 "(f) Withdrawal of application for ~~certificate of~~  
26 ~~qualification and certificate of qualification license~~.

1           "(1) An applicant for a ~~certificate of qualification~~  
2 license shall have six months from the date the initial signed  
3 application form is received by the board under Section  
4 34-24-71 to complete the application, except that an applicant  
5 for a ~~certificate of qualification~~ license who is required to  
6 pass an examination as part of the application process shall  
7 have 12 months from the date the initial signed application  
8 form is received to complete the application. After the  
9 expiration of the deadline for completing an application  
10 established in the preceding sentence, an incomplete  
11 application shall be withdrawn by the board.

12           "~~(2) A certificate of qualification issued by the~~  
13 ~~board shall be withdrawn by the board after a period of six~~  
14 ~~months from the date of issuance unless the applicant has~~  
15 ~~filed an application for a license to practice medicine with~~  
16 ~~the Medical Licensure Commission of Alabama and paid the~~  
17 ~~required fee.~~

18           "~~(3)~~ (2) If either an application for a ~~certificate~~  
19 ~~of qualification or a certificate of qualification~~ license is  
20 withdrawn by the board, the applicant, to reapply, shall  
21 submit a new application form including a new application fee.

22           "(g) Each applicant for a ~~certificate of~~  
23 ~~qualification~~ license shall be a citizen of the United States  
24 or, if not a citizen of the United States, ~~a person an~~  
25 individual who is legally present in the United States with  
26 appropriate documentation from the federal government.

27           "§34-24-71.

1           "(a) An applicant ~~shall,~~ for a license to practice  
2 medicine, before being permitted to enter upon an examination,  
3 ~~fill out an appliation blank~~ to determine whether the  
4 applicant meets the qualifications for licensure as provided  
5 in Section 34-24-70 shall submit to the board an application  
6 form giving his or her name, age, residence, college and date  
7 of graduation education, references, and such other data as  
8 ~~the State Board of Medical Examiners~~ any other information the  
9 board may require under Section 34-24-70. The board may  
10 establish and charge reasonable fees for providing an  
11 application packet or a blank license application form, or  
12 both. The applicant shall make an affidavit certifying that he  
13 or she is the ~~person~~ individual he or she represents himself  
14 or herself to be and that he or she shall faithfully observe  
15 all rules governing the examination. Any member of the ~~State~~  
16 ~~Board of Medical Examiners~~ board or the supervisors of  
17 examinations appointed by the board may administer the oath  
18 prescribed.

19           "(b) The board may refuse to examine ~~a person~~ an  
20 individual whose reputation ~~is such as to render~~ renders him  
21 or her unworthy of membership in the medical profession."

22           Section 6. Sections 34-24-71.1, 34-24-71.2, and  
23 34-24-71.3 are added to the Code of Alabama 1975, to read as  
24 follows:

25           §34-24-71.1.

26           (a) If the board determines an applicant for a  
27 license to practice medicine meets the requirements to qualify

1 for a license described in Section 34-24-70, is of good moral  
2 character, and meets all other requirements for licensure  
3 under this chapter, the board shall issue a license to the  
4 applicant, along with an initial certificate of registration.  
5 The certificate of registration shall be effective through  
6 December 31 of the year the license and registration  
7 certificate are issued.

8 (b) If the board refuses to examine an applicant as  
9 provided in subsection (b) of Section 34-24-71 or otherwise  
10 denies a license application for good cause, the board shall  
11 promptly notify the applicant of its action, and the notice  
12 shall contain the reason for the board's refusal to examine or  
13 denial of the application. In all cases where an examination  
14 is refused or an application is denied, any fee that  
15 accompanied the application for the examination and license as  
16 provided in Section 34-24-71 shall not be refunded.

17 (c) Each license shall be dated, numbered in the  
18 order of issuance, and signed by the chair of the board.

19 (d) Each individual who receives a license and  
20 certificate of registration under this chapter, within 10 days  
21 of commencing practice in any county, shall have the license  
22 recorded in the office of the judge of probate of each county  
23 in which he or she practices.

24 (e) The board, as a condition to practice medicine  
25 in this state, shall require all licensees to annually  
26 register with the board by maintaining a valid certificate of  
27 registration, as provided in Section 34-24-337. If any

1 registrant changes his or her address during the year for  
2 which any certificate of registration has been issued, the  
3 registrant, within 15 days of the change, shall notify the  
4 board of the change, and the board shall issue to the  
5 registrant, without additional fee, a revised registration  
6 certificate.

7 §34-24-71.2.

8 (a) A licensee whose license has been lost or  
9 destroyed may apply to the board for a replacement license  
10 certificate. The application shall be accompanied by an  
11 affidavit stating the facts concerning the loss or destruction  
12 of the license.

13 (b) A licensee whose name has changed by marriage or  
14 court order may surrender his or her license and apply to the  
15 board for a replacement license certificate. The application  
16 shall be accompanied by legal documentation as required by the  
17 board.

18 (c) The fee for any replacement license certificate  
19 may not exceed fifty dollars (\$50).

20 §34-24-71.3.

21 Any individual licensed to practice medicine in this  
22 state who is retired or may hereafter retire from his or her  
23 practice shall not be required to register as required by this  
24 article; provided, the individual shall file with the board an  
25 affidavit, on a form furnished by the board, which states the  
26 date on which the individual retired from practice and any  
27 other facts that verify the retirement as the board deems

1 necessary. If an individual who has retired returns to the  
2 practice of medicine, the individual shall register with the  
3 board as provided by this article.

4 Section 7. Sections 34-24-73, 34-24-75, 34-24-75.1,  
5 34-24-336, 34-24-337, 34-24-340, 34-24-343, 34-24-360,  
6 34-24-360.1, 34-24-361, 34-24-361.1, 34-24-362, 34-24-363,  
7 34-24-365, 34-24-366, 34-24-367, 34-24-381, 34-24-382,  
8 34-24-383, 34-24-384, 34-24-501, 34-24-502, 34-24-503,  
9 34-24-506, 34-24-507, and 34-24-508, Code of Alabama 1975, are  
10 amended to read as follows:

11 "§34-24-73.

12 "(a) ~~The State Board of Medical Examiners~~ board may  
13 establish reciprocal agreements for licensure by endorsement  
14 with similar boards of other states, the District of Columbia,  
15 the territories of the United States, and the provinces of  
16 Canada ~~in reference to the issuance of certificates of~~  
17 ~~qualifications~~. Reciprocal agreements shall not be established  
18 with a board of examiners that does not require examination  
19 upon substantially the same branches of medical learning as  
20 those examinations required for licensure in this state, and  
21 that does not maintain a standard of proficiency at least  
22 equal to that maintained by the Board of Medical Examiners of  
23 this state. When reciprocal agreements have been established,  
24 subject to the requirements of Section 34-24-70, a ~~certificate~~  
25 ~~of qualification~~ license may be issued by endorsement ~~in on~~  
26 behalf of ~~a person~~ an individual who presents evidence of  
27 compliance with the requirements of a reciprocating board. The



1 fee for a license issued under this section shall be ten  
2 dollars (\$10) and shall be paid to the board.

3 " (b) ~~The State Board of Medical Examiners~~ board may  
4 issue a ~~certificate of qualification~~ license by endorsement ~~in~~  
5 on behalf of ~~a person~~ an individual who presents evidence of  
6 compliance with the requirements of the appropriate board of  
7 examiners of another state, the District of Columbia, a  
8 territory of the United States, or a province of Canada, if  
9 that board requires examination upon substantially the same  
10 branches of medical learning as those examinations required  
11 for licensure in this state and maintains a standard of  
12 proficiency at least equal to that maintained by the State  
13 Board of Medical Examiners of this state, whether or not it  
14 has established reciprocal agreements with the appropriate  
15 board of examiners. Subject to the requirements of Section  
16 34-24-70, the State Board of Medical Examiners may also issue  
17 a ~~certificate of qualification~~ license by endorsement ~~in~~ on  
18 behalf of ~~a person~~ an individual who presents evidence  
19 satisfactory to the board of successful completion of the  
20 Federation Licensing Examination or the examination given by  
21 the National Board of Medical Examiners, or the United States  
22 Medical Licensing Examination or the National Board of  
23 Osteopathic Medical Examiners Examination or the Licensing  
24 Medical Council of Canada Examination with a passing score  
25 acceptable to the ~~State Board of Medical Examiners~~ board.

26 " (c) Any ~~certificate of qualification~~ license issued  
27 in accordance with this section shall include on its face a

1 statement that the ~~certificate~~ license was issued pro forma  
2 and by endorsement.

3 "(d) Any certificate of qualification or license  
4 previously issued by the State Board of Medical Examiners  
5 under this section is validated, ratified, and confirmed if  
6 that certificate or license could have been legally issued as  
7 the section now reads.

8 "(e) No ~~person~~ individual in on whose behalf a  
9 reciprocal or pro forma certificate of qualification has been  
10 issued shall practice in this state unless the person obtains  
11 a license ~~and certificate of registration~~ from the ~~State~~  
12 ~~Medical Licensure Commission~~ board.

13 "§34-24-75.

14 "(a) (1) The ~~State Board of Medical Examiners may, in~~  
15 ~~its discretion and~~ board, subject to rules ~~and regulations~~  
16 ~~promulgated~~ adopted by the board, may issue a ~~certificate of~~  
17 ~~qualification~~ license without examination ~~in behalf of to~~  
18 full-time employed physicians teaching in any medical college  
19 in Alabama, approved by the Association of American Medical  
20 Colleges or the board.

21 "(2) The dean of the medical ~~college~~ colleges  
22 located in this state shall be required to annually certify to  
23 the board the names of members of the college's faculty who  
24 have not had a license issued ~~in their behalf a certificate of~~  
25 ~~qualification~~ by the board and who, in the opinion of the  
26 dean, possess the qualifications as the board has or may  
27 prescribe including qualifications in the basic sciences,

1 medical education, and other qualifications. ~~The~~ When  
2 certifying the names, the dean, in submitting the certificate  
3 of qualifications, shall submit, ~~in addition to the~~  
4 ~~certificate and other~~ relevant information regarding each  
5 applicant, as required by rule, a dossier on the applicant to  
6 include the following: Name, place of birth, all places of  
7 residence, race, religious beliefs including, but not limited  
8 to, any convictions of any crimes, education showing  
9 institution degrees, medical training degrees and experience,  
10 internships by years and place, and any other honorary degrees  
11 or recognitions. The dean shall include any other remarks  
12 appropriate. The statement shall be signed by the applicant  
13 under oath. The dean shall verify the records including the  
14 last statement upon "information and belief." The ~~record~~  
15 records shall be public records and shall be submitted to the  
16 board and kept as permanent records for the use of the board  
17 and for public inspection for due cause.

18 "(3) If the board concurs in the opinion of the  
19 dean, the board may waive any requirement of examination or  
20 citizenship, but ~~teacher~~ teaching physician applicants must be  
21 at least 21 years of age and of good moral character.  
22 ~~Physicians having certificates issued hereunder~~ Teaching  
23 physicians who are licensed under this subsection must limit  
24 their practice to the confines of the medical center of which  
25 the medical college is a part, and as an adjunct to their  
26 teaching functions in that college. ~~Certification~~ Licensure  
27 ~~will~~ shall be automatically withdrawn and automatically

1 expires without notice when full-time employment is  
2 terminated. ~~The State Board of Medical Examiners shall make~~  
3 board shall adopt rules and regulations it considers as  
4 necessary to carry out the purpose of this ~~section~~ subsection.  
5 ~~Certificates issued hereunder and licenses based thereon~~  
6 Licenses issued under this subsection shall state on their  
7 face that the practice is limited to the confines of a  
8 particular medical center of which a certain medical college  
9 is a part and are issued pro forma without examination.  
10 Teaching physicians ~~in whose behalf a certificate of~~  
11 ~~qualification is issued hereunder~~ who are licensed under this  
12 subsection shall be subject to having their ~~certificates of~~  
13 ~~qualification~~ licenses suspended or revoked by the board for  
14 the same causes or reasons and in the same manner as is  
15 provided by law in the case of other physicians. ~~Certificates~~  
16 ~~of qualification~~ Licenses issued under this subsection shall  
17 expire annually. Teaching physicians may apply to the ~~Board of~~  
18 ~~Medical Examiners~~ board to renew their ~~certificates of~~  
19 ~~qualification~~ licenses, but the board shall have full  
20 discretion to accept or reject the application for renewal.

21 "(4) Teaching physicians to whom a ~~certificate~~  
22 license is issued under this subsection shall be required to  
23 pay the board for the initial ~~certificate~~ license the same  
24 amount of fees as are now or as may be required of applicants  
25 for a ~~certificate~~ license by endorsement. Fees charged by the  
26 board for renewal of ~~certificates~~ licenses issued under this  
27 subsection shall not exceed fifteen dollars (\$15).

1           "(5) Nothing in this subsection shall be construed  
2 ~~so as~~ to authorize any physician ~~certified hereunder~~ licensed  
3 under this subsection to practice medicine in any manner  
4 outside the confines of the medical center in which he or she  
5 is employed and any practice or attempt to practice medicine  
6 outside the confines of that medical center shall result in  
7 the immediate and automatic revocation without notice of any  
8 ~~certificate of qualification~~ license issued pursuant to this  
9 subsection.

10           "(b) (1) ~~The State Board of Medical Examiners may, in~~  
11 ~~its discretion and~~ board, subject to rules ~~and regulations~~  
12 ~~promulgated~~ adopted by the board, may issue a ~~certificate of~~  
13 ~~qualification~~ license without examination ~~in~~ on behalf of any  
14 physician employed full-time at any state penal institution or  
15 any state mental institution or any other state institution  
16 approved by the ~~Board of Medical Examiners~~ board. Physicians  
17 ~~having certificates issued hereunder~~ licensed under this  
18 subsection must limit their practice to the confines of the  
19 institution in which they are employed. ~~Certification A~~  
20 license issued under this subsection ~~will~~ shall be  
21 automatically withdrawn and automatically expires without  
22 notice when full-time employment is terminated. The ~~State~~  
23 ~~Board of Medical Examiners shall make~~ board shall adopt rules  
24 ~~and regulations it considers~~ as necessary to carry out the  
25 purpose of this ~~section~~ subsection. ~~Certificates issued~~  
26 ~~hereunder and licenses based thereon~~ Licenses issued under  
27 this subsection shall state on their face that the practice is

1 limited to the confines of a state institution and are issued  
2 pro forma without examination. Physicians ~~in whose behalf a~~  
3 ~~certificate of qualification is issued hereunder~~ who are  
4 licensed under this subsection shall be subject to having  
5 their ~~certificates of qualification~~ licenses suspended or  
6 revoked by the board for the same causes or reasons and in the  
7 same manner as is provided by law in the case of other  
8 physicians. ~~Certificates of qualification~~ Licenses issued  
9 under this subsection shall expire annually. Physicians may  
10 apply to the ~~Board of Medical Examiners~~ board to renew their  
11 ~~certificates of qualification~~ licenses, but the board shall  
12 have full discretion to accept or reject the application for  
13 renewal.

14 "(2) Physicians to whom a ~~certificate~~ license is  
15 issued under this subsection shall be required to pay the  
16 board for the initial ~~certificate~~ license the same amount of  
17 fees as are now or as may be required of applicants for a  
18 ~~certificate~~ license by endorsement. Fees charged by the board  
19 for renewal of ~~certificates~~ licenses issued under this  
20 subsection shall not exceed fifteen dollars (\$15).

21 "(3) Nothing in this subsection shall be construed  
22 ~~so as~~ to authorize any physician ~~certified hereunder~~ licensed  
23 under this subsection to practice medicine in any manner  
24 outside the confines of the institution in which he or she is  
25 employed, and any practice or attempt to practice medicine  
26 outside the confines of that institution shall result in the  
27 immediate and automatic revocation without notice of any

1 ~~certificate of qualification~~ license issued pursuant to this  
2 subsection.

3           "(c) (1) ~~The State Board of Medical Examiners may, in~~  
4 ~~its discretion and~~ board, subject to the rules ~~and regulations~~  
5 ~~promulgated~~ adopted by the board, may issue a ~~certificate of~~  
6 ~~qualification~~ license without examination ~~in~~ on behalf of  
7 physicians enrolled in a residency training program approved  
8 by the board. The board ~~shall also have the authority to~~ may  
9 require the verification and certification it deems necessary  
10 to insure that the applicant is qualified for a ~~certificate of~~  
11 ~~qualification~~ license. Physicians ~~having certificates issued~~  
12 ~~hereunder~~ licensed under this subsection must limit their  
13 practice to the confines of the institution in which they are  
14 placed pursuant to their training program. ~~Certification A~~  
15 license issued under this subsection ~~will~~ shall be  
16 automatically withdrawn and automatically expires without  
17 notice when the physician is no longer enrolled in the  
18 training program. ~~The State Board of Medical Examiners shall~~  
19 ~~promulgate~~ board shall adopt rules ~~and regulations~~ ~~it~~  
20 ~~considers~~ as necessary to carry out the intent of this  
21 subsection. ~~Certificates issued hereunder and licenses based~~  
22 ~~thereon~~ Licenses issued under this subsection shall state on  
23 their ~~faces~~ face that the practice is limited to the confines  
24 of the institution in which the physician is placed pursuant  
25 to his or her training program and shall specifically name  
26 that institution. ~~Certificates issued hereunder and licenses~~  
27 ~~based thereon~~ Licenses issued under this subsection shall also

1 state on their faces that they are issued pro forma without  
2 examination. Any physician ~~in whose behalf a certificate of~~  
3 ~~qualification is issued hereunder~~ licensed under this  
4 subsection shall be subject to having his or her ~~certificate~~  
5 ~~of qualification~~ license suspended or revoked by the board for  
6 the same causes or reasons and in the same manner as is  
7 provided by law in the case of other physicians. ~~Certificates~~  
8 ~~of qualification~~ Licenses issued under this subsection shall  
9 expire annually. Physicians may apply to the ~~Board of Medical~~  
10 ~~Examiners~~ board to renew their ~~certificates of qualification~~  
11 licenses, but the board shall have full discretion to accept  
12 or reject ~~the~~ an application for renewal.

13 "(2) Physicians to whom a ~~certificate~~ license is  
14 issued under this subsection shall be required to pay the  
15 board for the initial ~~certificate~~ license the same amount of  
16 fees as are now or as may be required of applicants for a  
17 ~~certificate~~ license by endorsement. Fees charged by the board  
18 for renewal of ~~certificates~~ licenses issued under this  
19 subsection shall not exceed fifteen dollars (\$15).

20 "(3) Nothing in this subsection shall be construed  
21 so as to authorize any physician ~~certified hereunder~~ licensed  
22 under this subsection to practice medicine in any manner  
23 outside the confines of the institution in which he or she is  
24 placed pursuant to this training program, and any practice or  
25 attempt to practice medicine outside the confines of an  
26 institution shall result in the immediate and automatic



1 revocation without notice of any ~~certificate of qualification~~  
2 license issued pursuant to this subsection.

3 "§34-24-75.1.

4 "(a) ~~The State Board of Medical Examiners may, at~~  
5 ~~its discretion and board,~~ subject to the rules ~~and regulations~~  
6 ~~promulgated~~ adopted by the board, may issue ~~a certificate of~~  
7 ~~qualification in behalf of~~ licenses to physicians meeting the  
8 requirements for participation in the Retired Senior Volunteer  
9 Program. The Retired Senior Volunteer Program is created for  
10 the purpose of permitting doctors of medicine and doctors of  
11 osteopathy who are fully retired from the active practice of  
12 medicine to obtain a limited license without cost which would  
13 permit the provision of outpatient health care services at  
14 established free clinics operated pursuant to the Volunteer  
15 Medical Professional Act, Section 6-5-660, et seq. Physicians  
16 having ~~certificates~~ licenses issued under this section must  
17 perform no fewer than 100 hours of voluntary service annually  
18 and must limit their practice to the confines of an  
19 established free medical clinic, as that term is defined in  
20 Section 6-5-662, or ~~such~~ other nonprofit organizations or  
21 facilities located in Alabama which are approved by the board  
22 and which provide outpatient medical care to individuals  
23 unable to pay for it. ~~Certificates~~ Licenses issued under this  
24 section ~~and licenses based thereon~~ shall be issued without  
25 cost and shall state on their ~~faces that they are issued under~~  
26 ~~the RSVP and are subject to restrictions.~~ face: "Issued  
27 subject to restrictions under the Retired Senior Volunteer

1 Program." Any physician ~~in whose behalf a certificate of~~  
2 ~~qualification is~~ issued a license under this section shall be  
3 subject to having his or her license suspended, ~~or~~ revoked,  
4 restricted, placed on probation, or subjected to other  
5 sanctions by the ~~Medical Licensure Commission~~ board for the  
6 same causes or reasons and in the same manner as provided ~~by~~  
7 ~~law in the case of other physicians. Certificates of~~  
8 qualification for the disciplining of a physician's license to  
9 practice medicine under Section 34-24-360. Licenses issued  
10 under this section shall expire annually and physicians may  
11 apply to the board for renewal of their ~~certificate~~ license,  
12 but the board shall have full discretion to accept or reject  
13 the application for renewal.

14 "(b) A physician is eligible to receive a  
15 ~~certificate of qualification~~ license issued under subsection  
16 (a) if he or she meets the following qualifications:

17 "(1) The applicant currently has or has had a full  
18 and unrestricted license to practice medicine in the State of  
19 Alabama or in any other state of the United States or the  
20 District of Columbia, which license is or was at the time of  
21 expiration unrestricted and in good standing with no pending  
22 disciplinary actions or investigations at the time of  
23 expiration.

24 "(2) The applicant certifies, on a form prescribed  
25 by the board, that he or she is fully retired from the active  
26 practice of medicine.

27 "(3) The applicant is of good moral character.

1           "~~(3)~~(4) The applicant is in good health and is not  
2 currently undergoing treatment for a physical or mental  
3 condition which would impair the individual's ability to  
4 practice medicine with reasonable skill and safety to  
5 patients.

6           "~~(4)~~(5) The applicant certifies, on a form  
7 prescribed by the board, that he or she intends to limit his  
8 or her medical practice to the provision of outpatient  
9 services at an established free medical clinic as that term is  
10 defined in Section 6-5-662 or ~~such~~ other nonprofit  
11 organization or facility that has been approved by the board  
12 and that furnishes outpatient medical care to patients unable  
13 to pay for it.

14           "~~(5)~~(6) The applicant certifies, on a form  
15 prescribed by the board, that his or her license to practice  
16 medicine in any state or the District of Columbia has never  
17 been revoked, suspended, placed on probation, or otherwise  
18 subject to disciplinary action and that the applicant has not  
19 had his or her hospital medical staff privileges revoked,  
20 suspended, curtailed, limited, or surrendered while under  
21 investigation.

22           "~~(6)~~(7) The applicant acknowledges, on a form  
23 prescribed by the board, that he or she is subject to the  
24 continuing medical education requirements for physicians as  
25 specified in Chapter ~~14 of the rules and regulations of the~~  
26 ~~State Board of Medical Examiners~~ 540-X-14 of the Alabama  
27 Administrative Code.

1           "~~(7)~~(8) The applicant furnishes a certification of  
2 the employment arrangements or agreement with the qualified  
3 clinic or nonprofit organization.

4           "(c) A ~~certificate of qualification~~ license issued  
5 under ~~subsection (a)~~ this section shall be issued at no cost  
6 to the applicant.

7           "~~(d) The Medical Licensure Commission and the State~~  
8 ~~Board of Medical Examiners are each authorized to promulgate~~  
9 board may adopt reasonable rules ~~and regulations~~ necessary to  
10 implement ~~the requirements of this section and subsection (b)~~  
11 ~~of Section 34-24-333.~~

12           "§34-24-336.

13           "~~(a) It shall be the duty of the State Board of~~  
14 ~~Medical Examiners to promote continuing medical education of~~  
15 ~~all physicians and osteopaths licensed by the commission and~~  
16 ~~is empowered to spend a portion of its funds in any manner it~~  
17 ~~deems desirable for carrying out this purpose. The board is~~  
18 ~~specifically empowered to provide funds to any nonprofit~~  
19 ~~corporation for the purpose of conducting continuing medical~~  
20 ~~education programs without being bound by the provisions of~~  
21 ~~any law requiring competitive bidding. Such programs must be~~  
22 ~~open to all licensed physicians and osteopaths without regard~~  
23 ~~to membership in any professional organization.~~

24           "~~(b)~~ (a) The board shall adopt a program of  
25 continuing medical education for all licensees ~~living in the~~  
26 ~~State of Alabama not later than October 1, 1991. After that~~  
27 ~~date, successful~~ who reside in the state. Successful

1 completion of the requirements of the continuing medical  
2 education program shall be a requisite for license renewal.  
3 ~~Licenseses who reside outside of Alabama are exempt from the~~  
4 ~~provisions of this subsection.~~

5 ~~"(c) Effective January 1, 2003, the~~ The board may  
6 require all ~~physicians and osteopaths~~ licensees to  
7 successfully complete a prescribed course of continuing  
8 medical education on a subject or subjects designated by the  
9 board. ~~The board~~ and may prescribe ~~by regulation~~ a fixed  
10 period of time or deadline for completion of the prescribed  
11 continuing medical education course or courses. The board may  
12 make provision for a ~~physician or osteopath~~ licensee to be  
13 excused from this requirement for reasons satisfactory to the  
14 board.

15 "(b) Notwithstanding the authority granted under  
16 subsection (a), the board may not administer or provide, nor  
17 may any member of the board serve as a speaker at, or  
18 participate in, any continuing medical education course that  
19 is approved or required by the board.

20 ~~"(c) The Medical Licensure Commission of Alabama may~~  
21 ~~board,~~ subject to notice and hearing, ~~within its discretion,~~  
22 may indefinitely suspend the license to practice medicine of a  
23 physician or osteopath who fails to successfully complete the  
24 course or courses of continuing medical education required by  
25 this ~~subsection~~ section or impose administrative fines or  
26 other penalties as authorized by Section 34-24-381.

1           "(d) The board shall adopt rules to implement this  
2 section.

3           "(e) Licensees who reside outside the state are  
4 exempt from this section.

5           "§34-24-337.

6           "(a) Renewal of license. ~~Every person licensed to~~  
7 ~~practice medicine or osteopathy in the State of Alabama shall~~  
8 Each licensee, on or before December 31 of each succeeding  
9 year, shall apply to the ~~commission~~ board on a form  
10 established by the board pursuant to board rule for renewal of  
11 a certificate of registration which shall be effective during  
12 the next calendar year. ~~All new licenses issued by the~~  
13 ~~commission, upon application, shall be registered by the~~  
14 ~~commission at the time of issuance, and a certificate of~~  
15 ~~registration, which shall be effective until and including the~~  
16 ~~following December 31, shall be issued to the licensee. Each~~  
17 ~~renewal application shall be made on a form to be furnished by~~  
18 ~~the commission.~~ The renewal application shall give the name of  
19 the applicant in full, his or her address, the date and number  
20 of the license issued to the applicant for the practice of  
21 medicine or osteopathy, and such other facts ~~as shall tend to~~  
22 identify the applicant for registration as the ~~commission~~  
23 ~~shall deem~~ board deems necessary. Each applicant for  
24 registration shall submit with the application payment in an  
25 amount to be set by the ~~commission~~ board, not to exceed five  
26 hundred dollars (\$500), as a registration fee.

1           "(b) Late fee. Each applicant for registration  
2 submitting a renewal application during the period of time,  
3 January 1 through January 31, in addition to the registration  
4 fee set forth ~~herein~~ in subsection (a), shall pay to the  
5 ~~commission board~~ a late fee in an amount to be set by the  
6 ~~Medical Licensure Commission board~~ not to exceed two hundred  
7 dollars (\$200).

8           "(c) Grace period. When a licensee fails to renew  
9 his or her license on or before December 31, the license shall  
10 remain in full force and effect during the period January 1  
11 through January 31.

12           "(d) (1) When ~~any a~~ licensee ~~shall fail~~ fails to  
13 register and pay the annual registration fee and late fee on  
14 or before January 31, as provided in this section, the license  
15 of ~~such person~~ the individual shall automatically become  
16 inactive without further notice or hearing, and ~~such person~~  
17 the individual shall not be authorized to practice medicine;  
18 provided, that any ~~person~~ individual whose license becomes  
19 automatically inactive ~~as provided herein~~ under this  
20 subsection may ~~make~~ seek to have his or her license reinstated  
21 in accordance with this subsection.

22           "(2) An individual seeking reinstatement of his or  
23 her license shall submit to the board an application in  
24 writing to the commission for the for reinstatement of such  
25 license, which shall be accompanied by along with the payment  
26 of all fees which that would have been assessed for past  
27 renewal periods and the sum of two hundred fifty dollars

1 (\$250), not to exceed a total of eight hundred fifty dollars  
2 (\$850) for each reinstatement.

3 "(3) ~~In addition to other requirements established~~  
4 ~~by law and for~~ For the purpose of determining an applicant's  
5 suitability for reinstatement of a license to practice  
6 medicine, each applicant shall submit to a criminal history  
7 background check. ~~Each~~ An applicant shall submit a complete  
8 set of fingerprints to the ~~Medical Licensure Commission~~ board.  
9 The ~~commission~~ board shall submit the fingerprints provided by  
10 each applicant for reinstatement of a license to practice  
11 medicine to the ~~Alabama State~~ Bureau of Investigation ~~(ABI)~~.  
12 The fingerprints shall be forwarded to the Federal Bureau of  
13 Investigation (FBI) for a national criminal history record  
14 check. Costs associated with conducting a criminal history  
15 background check shall be borne by the applicant. The ~~Medical~~  
16 ~~Licensure Commission~~ board shall keep information received  
17 pursuant to this section confidential, except that any ~~such~~  
18 information received and relied upon in denying the  
19 reinstatement of a license to practice medicine in this state  
20 may be disclosed as necessary to support the denial.

21 "~~Reinstatement of the license shall be accomplished~~  
22 ~~in accordance with subsections (e) to (j), inclusive, of this~~  
23 ~~section.~~

24 "~~(e) Within five days after receipt of the written~~  
25 ~~application for reinstatement, the fees as provided above,~~  
26 ~~fingerprints, and related information, the commission shall~~  
27 ~~notify the Board of Medical Examiners that the applicant has~~



1 applied for reinstatement and shall furnish the board with a  
2 copy of the application for reinstatement. Within 60 days from  
3 the receipt of the application for reinstatement by the  
4 commission, the board may file with the commission a notice  
5 which shall be termed a "NOTICE OF INTENT TO CONTEST  
6 REINSTATEMENT." The contents of the notice shall be sufficient  
7 to inform the commission that the board has probable cause to  
8 believe that grounds exist for the denial of the application  
9 for reinstatement and informing the commission that a hearing  
10 is requested before the commission prior to the reinstatement  
11 of the license of the applicant. A copy of the NOTICE OF  
12 INTENT TO CONTEST REINSTATEMENT shall be sent by the  
13 commission to the applicant by certified mail return receipt.

14 ~~"(f)(4)~~ After 60 days from the date that the  
15 commission receives the application for reinstatement if the  
16 board has not filed a NOTICE OF INTENT TO CONTEST  
17 REINSTATEMENT, or at any time that the board notifies the  
18 commission in writing that it has determined not to file a  
19 NOTICE OF INTENT TO CONTEST REINSTATEMENT or that it has  
20 determined to withdraw a NOTICE OF INTENT TO CONTEST  
21 REINSTATEMENT previously filed, then the commission Within 60  
22 days of receipt of an application for reinstatement of a  
23 license and fees described in subdivision (2), fingerprints,  
24 and any related information required by board rule, the board  
25 shall reinstate the license of the applicant unless the board  
26 has probable cause to deny the application for reinstatement  
27 as further provided in subdivision (5).

1           "~~(g)~~ (5) a. ~~Within 30 days after the filing of a~~  
2 ~~NOTICE OF INTENT TO CONTEST REINSTATEMENT, the board shall~~  
3 ~~file with the commission a written complaint which shall be~~  
4 ~~served upon the applicant and set down for hearing by the~~  
5 ~~commission~~ If the board determines during the 60-day period  
6 described in subdivision (4) that it has probable cause to  
7 believe that grounds exist for the denial of the  
8 reinstatement, the board shall serve notice to the applicant,  
9 not more than 30 days of making the determination, on a form  
10 prescribed by the board stating the grounds upon which the  
11 board may deny reinstatement and the date for a hearing before  
12 the board if the applicant contests the denial. Service shall  
13 be made in the manner prescribed in subsection ~~(e)~~ (f) of  
14 Section 34-24-361.

15           "~~(h)~~ b. ~~The commission~~ At a hearing held by the  
16 board, the board may deny reinstatement of a license upon a  
17 finding that the applicant has ~~committed~~ violated any of the  
18 acts or offenses set forth in Sections 34-24-360, 34-24-57,  
19 16-47-128, or any other ~~provision of~~ law establishing grounds  
20 for the revocation, suspension, or discipline of a ~~license~~  
21 licensee to practice medicine. In addition, the ~~commission~~  
22 board may reinstate the license and impose any penalty,  
23 restriction, or condition of probation provided for in  
24 subsection ~~(h)~~ (j) of Section 34-24-361 ~~and or~~ Section  
25 34-24-381 as the ~~commission~~ board deems necessary to protect  
26 the public health and the patients of the applicant. If, at  
27 the conclusion of the hearing, the commission determines that

1 no violation has occurred, the license of the applicant shall  
2 be reinstated.

3 ~~"(i)c.~~ All hearings and appeals under this section  
4 shall be governed by ~~Sections 34-24-310 to 34-24-384,~~  
5 ~~inclusive,~~ Article 8 and the Alabama Administrative Procedure  
6 Act, Section 41-22-1, et seq.

7 ~~"(j)d.~~ When a license to practice medicine becomes  
8 inactive under subsection (d) of this section for nonpayment  
9 of the annual registration fee, the commission shall not be  
10 deprived of jurisdiction to hear and adjudicate written  
11 complaints filed by the Board of Medical Examiners under  
12 subsection (e) of Section 34-24-361 and subsection (g) of this  
13 section. In all cases where an application for reinstatement  
14 is denied, the fees ~~which~~ that accompany the application for  
15 reinstatement shall not be refunded, and no applicant shall  
16 have the right to recover any part of ~~such~~ the fees, the board  
17 being empowered to retain all of the fees in order to  
18 reimburse the state of expenses incident to the investigation  
19 of the applicant and the conduct of hearings as provided in  
20 this section.

21 "§34-24-340.

22 "(a) Fees for examination and license application,  
23 the issuance of licenses to practice medicine or osteopathy,  
24 and registration fees shall be collected and kept by the ~~State~~  
25 ~~Board of Medical Examiners which shall furnish all employees~~  
26 ~~and facilities utilized by the commission. The State Board of~~  
27 ~~Medical Examiners shall continue to collect fees for~~

1 ~~examination, certificates of qualification, and such other~~  
2 ~~fees as are authorized by law or this article board.~~

3 "(b) Fees for physicians participating in a  
4 collaborative practice with a certified registered nurse  
5 practitioner or a certified nurse midwife shall be collected  
6 and kept by the ~~State Board of Medical Examiners~~ board. The  
7 fee for a physician participating in a collaborative practice  
8 shall be set by the ~~State Board of Medical Examiners~~ board, in  
9 an amount not to exceed two hundred dollars (\$200).

10 "§34-24-343.

11 "Any ~~person who shall practice~~ individual who  
12 practices medicine or osteopathy without first having complied  
13 with all the provisions of this article and Article 3, and any  
14 person who ~~shall violate any of the provisions of~~ violates  
15 this article or Article 3, upon conviction, shall be guilty of  
16 a Class C felony ~~and shall be subject to the punishment~~  
17 ~~prescribed for a Class C felony~~. Each day ~~such person shall~~  
18 ~~practice~~ an individual practices medicine or osteopathy  
19 ~~without meeting all the requirements of all laws now in force~~  
20 ~~and of~~ in violation of this article or Article 3 shall  
21 constitute a separate offense; ~~and any person filing or~~  
22 ~~attempting to file, as his or her own, a diploma or license of~~  
23 ~~another or a forged affidavit of identification shall be~~  
24 ~~guilty of a felony and shall be subject to the punishment~~  
25 ~~prescribed for forgery in the second degree.~~

26 "§34-24-360.

1           "a ~~The Medical Licensure Commission shall have the~~  
2 ~~power and duty to~~ board may suspend, revoke, or restrict any  
3 ~~license~~ licensee to practice medicine ~~or osteopathy~~ in the  
4 State of Alabama or place on probation or fine any licensee  
5 ~~whenever the licensee shall be found guilty~~ upon a finding by  
6 the board, on the basis of substantial evidence, that the  
7 licensee has engaged in ~~of~~ any of the following acts or  
8 offenses:

9           "(1) Fraud in applying for or procuring a  
10 ~~certificate of qualification to practice medicine or~~  
11 ~~osteopathy or a~~ license to practice medicine ~~or osteopathy~~ in  
12 the State of Alabama.

13           "(2) Unprofessional conduct as defined herein in  
14 this article or in the rules ~~and regulations promulgated by~~  
15 ~~the commission~~ adopted by the board.

16           "(3) Practicing medicine or osteopathy in such a  
17 manner as to endanger the health of the patients of the  
18 practitioner.

19           "(4) Conviction of a felony; a copy of the record of  
20 conviction, certified to by the clerk of the court entering  
21 the conviction, shall be conclusive evidence.

22           "(5) Conviction of any crime or offense which  
23 reflects the inability of the practitioner to practice  
24 medicine or osteopathy with due regard for the health or  
25 safety of his or her patients; a copy of the record of  
26 conviction, certified ~~to~~ by the clerk of the court entering  
27 the conviction, shall be conclusive evidence.

1           "(6) Conviction for any violation of a federal or  
2 state law relating to controlled substances; a copy of the  
3 record of conviction, certified to by the clerk of the court  
4 entering the conviction, shall be conclusive evidence.

5           "(7) Use of any untruthful or deceptive or  
6 improbable statements concerning the licensee's qualifications  
7 or the effects or results of his or her proposed treatment.

8           "(8) Distribution by prescribing, dispensing,  
9 furnishing, or supplying of controlled substances to any  
10 person or patient for any reason other than a legitimate  
11 medical purpose.

12           "(9) Gross malpractice or repeated malpractice or  
13 gross negligence in the practice of medicine or osteopathy.

14           "(10) Division of fees or agreement to split or  
15 divide the fees received for professional services with any  
16 person for bringing or referring a patient.

17           "(11) Performance of unnecessary diagnostic tests or  
18 medical or surgical services.

19           "(12) Charging fees determined by the ~~commission~~  
20 board to be grossly excessive or intentionally filing or  
21 causing to be filed false or fraudulent claims, as defined by  
22 the ~~commission~~ board, for medical or surgical services to any  
23 private or government third party payor having a legal or  
24 contractual obligation to pay ~~such~~ the claims on behalf of a  
25 patient.

26           "(13) Aiding or abetting the practice of medicine by  
27 any ~~person~~ individual not licensed by the ~~commission~~ board.

1           "(14) Conviction of fraud in filing Medicare or  
2 Medicaid claims or conviction of fraud in filing claims to any  
3 third party payor; a copy of the record of conviction,  
4 certified to by the clerk of the court entering the  
5 conviction, shall be conclusive evidence.

6           "(15) Any disciplinary action taken by another state  
7 against a licensee to practice medicine or osteopathy, based  
8 upon acts by the licensee similar to acts described in this  
9 section; a certified copy of the record of the disciplinary  
10 action of the state making such an action is conclusive  
11 evidence thereof.

12           "(16) Refusal to appear before the ~~State Board of~~  
13 ~~Medical Examiners~~ board after having been formally requested  
14 to do so in writing by the executive director of the board.

15           "(17) Making any fraudulent or untrue statement to  
16 the ~~commission or to the State Board of Medical Examiners~~  
17 board.

18           "(18) The termination, revocation, probation,  
19 restriction, denial, failure to renew, suspension, reduction,  
20 or resignation of staff privileges of a licensee by a hospital  
21 in this or any other state when such action is related to  
22 negligence or incompetence in the practice of medicine, moral  
23 turpitude, sexual misconduct, abusive or disruptive behavior,  
24 or drug or alcohol abuse.

25           "(19)a. Being unable to practice medicine or  
26 osteopathy with reasonable skill and safety to patients by  
27 reason of illness, inebriation, excessive use of drugs,

1       narcotics, alcohol, chemicals, or any other substance, or as a  
2       result of any mental or physical condition.

3               "~~b. When the issue is whether or not a doctor is~~  
4       ~~physically or mentally capable of practicing medicine or~~  
5       ~~osteopathy with reasonable skill and safety to patients, then,~~  
6       In enforcing this subdivision, upon a showing of probable  
7       cause to the board ~~or commission~~ that the ~~doctor~~ licensee is  
8       not capable of practicing medicine or osteopathy with  
9       reasonable skill and safety to patients, the board ~~or~~  
10       ~~commission~~ may order and direct the ~~doctor~~ licensee in  
11       question, upon reasonable grounds, to submit to either a  
12       physical, mental, or laboratory examination or any combination  
13       of ~~such~~ examinations to be performed by a physician or  
14       osteopath designated by the board. The expense of ~~such~~ the  
15       examination shall be borne by the ~~physician or osteopath~~  
16       licensee who is so examined.

17               "c. Every physician licensed to practice medicine ~~or~~  
18       ~~osteopathy in the State of Alabama~~ this state who accepts the  
19       privilege of practicing medicine or osteopathy in ~~the State of~~  
20       ~~Alabama~~ this state by actually practicing or by the making and  
21       filing of an annual registration to practice medicine or  
22       osteopathy shall be deemed to have given his or her consent to  
23       submit to a mental, physical, or laboratory examination or to  
24       any combination of such examinations and to waive all  
25       objections to the admissibility of the examining physician's  
26       testimony or examination reports on the ground that they  
27       constitute privileged doctor-patient communications.



1            "d. Upon receipt of credible information that a  
2 ~~physician or osteopath in this state~~ licensee has been  
3 evaluated or has received inpatient or outpatient treatment  
4 for any physical, psychiatric, or psychological illness or for  
5 chemical dependency, drug addiction, or alcohol abuse, the  
6 board may order that the ~~physician~~ licensee execute and  
7 deliver to the board an authorization and release form  
8 directed to each and every facility or treatment provider  
9 authorizing and directing the release to the board of any  
10 reports of evaluation, mental or physical, or examination,  
11 including psychiatric, psychological, and neuropsychiatric  
12 examinations, hospital and treatment provider medical records,  
13 reports of laboratory tests for the presence of alcohol or  
14 drugs, rehabilitation records, or mental competency  
15 evaluations. ~~Any and all~~ All expenses incurred in the  
16 furnishing of the reports, records, or documents ~~which~~ that  
17 are the subject of an order issued by the board shall be borne  
18 by the ~~physician or osteopath~~ licensee who is the subject of  
19 the order.

20            "e. Failure or refusal by the physician ~~or osteopath~~  
21 to comply with an order of the board directing the execution  
22 and delivery to the board of an authorization and release form  
23 as provided in paragraph d. ~~above~~ shall constitute grounds,  
24 after notice and a hearing in accordance with Section  
25 34-24-361, for the summary suspension of the physician's ~~or~~  
26 ~~osteopath's~~ license to practice medicine. ~~by the Medical~~  
27 ~~Licensure Commission, which~~ All hearings before the board

1 shall be conducted on an expedited basis, and any suspension  
2 shall continue in effect until such time as the physician or  
3 osteopath complies with the order of the board or the order is  
4 withdrawn by the board or the order is terminated by the  
5 Medical Licensure Commission after a through the pendency of  
6 any hearing. A physician adversely affected by a decision of  
7 the board resulting from a hearing may obtain judicial review  
8 in accordance with Sections 41-22-20 and 34-24-367. The  
9 provisions of this ~~subsection~~ subdivision supersede any  
10 provisions of subsection (d) of Section 41-22-19 of the  
11 Alabama Administrative Procedure Act that are in conflict.

12 "f. All reports, records, and documents released to  
13 the board under the provisions of paragraph d. ~~above~~ are  
14 ~~hereby declared to be~~ privileged and confidential and shall  
15 not be public records nor available for court subpoena or for  
16 discovery proceedings but may be used by the board in the  
17 course of its investigations and may be introduced as evidence  
18 in administrative hearings conducted by the board ~~or by the~~  
19 ~~Medical Licensure Commission.~~ Nothing Notwithstanding the  
20 foregoing, nothing contained herein in this paragraph shall  
21 apply to records made in the regular course of business of an  
22 individual~~r,~~ and documents or records otherwise available from  
23 original sources are not to be construed as immune from  
24 discovery or use in any civil proceedings ~~merely~~ because they  
25 were presented or considered during the proceedings of the  
26 ~~State Board of Medical Examiners or the Medical Licensure~~  
27 ~~Commission~~ board.

1           ~~"g. A physician or osteopath whose license to~~  
2 ~~practice medicine has been suspended by the Medical Licensure~~  
3 ~~Commission under the authority of paragraph e. above may~~  
4 ~~obtain judicial review in accordance with Sections 41-22-20~~  
5 ~~and 34-24-367.~~

6           "(20)a. Being unable to practice medicine or  
7 osteopathy with reasonable skill and safety to patients by  
8 reason of a demonstrated lack of basic medical knowledge or  
9 clinical competency.

10           ~~"b. When the issue is whether or not a physician or~~  
11 ~~osteopath has demonstrated a lack of basic medical knowledge~~  
12 ~~or clinical competency then, In enforcing this subdivision,~~  
13 upon a showing of probable cause to the board that the  
14 ~~physician or osteopath~~ licensee is not presently capable of  
15 practicing medicine or osteopathy with reasonable skill and  
16 safety to patients, the board may order and direct that the  
17 ~~physician or osteopath~~ licensee in question submit to a test  
18 of medical knowledge as designated by the board or to an  
19 evaluation of clinical competency by such means as directed by  
20 the board or to any combination of ~~such~~ examinations or  
21 evaluations, to be performed by or under the direction of a  
22 testing, evaluation, or examination facility or provider  
23 approved by the board. The expense of ~~such~~ the examinations  
24 and evaluations shall be borne by the ~~physician or osteopath~~  
25 licensee who is examined or evaluated.

26           "c. Failure or refusal by a licensed physician ~~or~~  
27 ~~osteopath~~ to comply with an order of the board issued pursuant

1 to paragraph b. ~~above~~ shall constitute grounds, after notice  
2 and a hearing in accordance with Section 34-24-361, for the  
3 summary suspension of the physician's ~~or osteopath's~~ license  
4 to practice medicine. ~~by the Medical Licensure Commission,~~  
5 ~~which~~ All hearings before the board shall be conducted on an  
6 expedited basis, and any suspension shall continue in effect  
7 until such time as the physician ~~or osteopath~~ complies with  
8 the order of the board or the order is withdrawn by the board  
9 ~~or the order is terminated by the Medical Licensure Commission~~  
10 ~~after a hearing.~~ A physician adversely affected by a decision  
11 of the board resulting from a hearing may obtain judicial  
12 review in accordance with Sections 41-22-20 and 34-24-367. The  
13 provisions of this ~~subsection~~ paragraph supersede any  
14 provisions of subsection (d) of Section 41-22-19 of the  
15 Alabama Administrative Procedure Act that are in conflict.

16 "d. ~~A physician or osteopath whose license to~~  
17 ~~practice medicine has been summarily suspended by the Medical~~  
18 ~~Licensure Commission under the authority of paragraph c. above~~  
19 ~~may obtain judicial review in accordance with Sections~~  
20 ~~41-22-20 and 34-24-367.~~

21 "e. d. In the event that an examination or  
22 evaluation ordered by the board under ~~the authority of~~  
23 paragraph b. ~~above~~ demonstrates that the physician ~~or~~  
24 ~~osteopath~~ lacks basic medical knowledge or clinical training  
25 sufficient to engage in the practice of medicine with  
26 reasonable skill and safety to patients, ~~then~~ the board may  
27 order that a restriction be placed upon the ~~certificate of~~

1 ~~qualification and license to practice medicine of the~~  
2 ~~physician, or osteopath~~ which restriction may require any of  
3 the following:

4 "1. The medical practice of the physician ~~or~~  
5 ~~osteopath~~ in question be limited or restricted in a manner  
6 consistent with the findings of the examination or evaluation.

7 "2. That the physician ~~or osteopath~~ successfully  
8 complete a course or courses of remedial education or clinical  
9 training as directed by the board.

10 "3. That the physician ~~or osteopath~~ successfully  
11 pass or complete an examination of basic medical knowledge or  
12 clinical competency as designated by the board.

13 "4. Any combination of ~~the foregoing~~ subparagraphs  
14 1., 2., or 3.

15 "e. The expense of any of the examinations,  
16 evaluations, and educational or training courses ~~which that~~  
17 are the subject of a restriction imposed pursuant to paragraph  
18 d. by the board ~~on the certificate of qualification and~~  
19 ~~license to practice medicine~~ shall be borne by the physician  
20 ~~or osteopath~~ in question. A physician ~~or osteopath~~ whose  
21 ~~certificate of qualification and license to practice medicine~~  
22 has been restricted by the board ~~under the authority of this~~  
23 ~~section~~ under paragraph d. may request a hearing before the  
24 ~~Medical Licensure Commission of Alabama.~~ board in accordance  
25 with Section 34-24-361. All hearings before the board shall be  
26 conducted on an expedited basis, and any restriction shall  
27 continue in effect through the pendency of the hearing. At

1 such a hearing, it the board shall ~~be~~ have the burden of the  
2 ~~board to demonstrate to the reasonable satisfaction of the~~  
3 ~~commission demonstrating~~ that the restriction or restrictions  
4 are consistent with the findings of the examination or  
5 evaluation ordered by the board. ~~All hearings before the~~  
6 ~~Medical Licensure Commission shall be conducted on an~~  
7 ~~expedited basis and any restricting or restrictions shall not~~  
8 ~~be stayed by the commission during the pendency of the~~  
9 ~~hearing. The Medical Licensure Commission may consider, in any~~  
10 ~~hearing resulting from a decision of the board to impose a~~  
11 ~~restriction or restrictions on the certificate of~~  
12 ~~qualification and license to practice medicine of the~~  
13 ~~physician or osteopath in question,~~ The board may consider the  
14 results of all examinations or evaluations of basic medical  
15 knowledge or clinical competency upon which the board relied  
16 and such other evidence as the ~~commission~~ board deems relevant  
17 to the issues presented. In rendering a decision, the ~~Medical~~  
18 ~~Licensure Commission is authorized to~~ board may affirm the  
19 restriction or restrictions, modify the restriction or  
20 restrictions, or order the removal of the restriction or  
21 restrictions imposed by the board.

22 "f. A physician ~~or osteopath~~ adversely affected by a  
23 decision of the ~~Medical Licensure Commission~~ board resulting  
24 from a hearing ~~under the preceding paragraph e.~~ may obtain  
25 judicial review in accordance with Sections 41-22-20 and  
26 34-24-367.

1           ~~"g. f. The Medical Licensure Commission may, within~~  
2 ~~its discretion,~~ board may revoke or suspend the license to  
3 practice medicine of a physician ~~or osteopath~~ who fails to  
4 abide by or violates a restriction imposed by the board on the  
5 ~~certificate of qualification and~~ license to practice medicine  
6 of the physician ~~or osteopath~~ in question, or may impose  
7 administrative fines or other penalties as authorized by  
8 Section 34-24-361 and Section 34-24-381.

9           "(21) Excessive prescribing, dispensing, furnishing,  
10 or supplying of a Schedule II controlled substance. A  
11 physician ~~or osteopath~~ violates this subdivision if he or she  
12 prescribes, orders, dispenses, administers, supplies, or  
13 otherwise distributes any Schedule II amphetamine or Schedule  
14 II amphetamine like anorectic drug or Schedule II  
15 sympathomimetic amine drug or compound thereof, or any salt,  
16 compound, isomer, derivative, or preparation of the foregoing  
17 which are chemically equivalent thereto, or other nonnarcotic  
18 Schedule II stimulant drug, which drugs or compounds are  
19 classified under Schedule II of the Alabama Uniform Controlled  
20 Substances Act, Section 20-2-24, to any ~~person~~ individual  
21 except for the therapeutic treatment of any of the following:

22           "a. Narcolepsy.

23           "b. Hyperkinesis.

24           "c. Brain dysfunction of sufficiently specific  
25 diagnosis, or etiology which clearly indicates the need for  
26 these substances in treatment or control.

27           "d. Epilepsy.

1 "e. Differential psychiatric evaluation of  
2 clinically significant depression; provided however, that ~~such~~  
3 the treatment shall not extend beyond a period of 30 days  
4 unless the patient is referred to a licensed practitioner  
5 specializing in the treatment of depression.

6 "f.1. Clinically significant depression shown to be  
7 refractory to other therapeutic modalities; provided however,  
8 that ~~such~~ the treatment shall not extend beyond a period of 30  
9 days unless the patient is referred to a licensed practitioner  
10 specializing in the treatment of depression; or for the  
11 clinical investigation of the effects of such drugs or  
12 compounds, in which case an investigative protocol must be  
13 submitted to and reviewed and approved by the ~~State Board of~~  
14 ~~Medical Examiners~~ board before the investigation has begun.

15 "2. A physician prescribing, ordering, or otherwise  
16 distributing the controlled substances listed ~~above~~ in this  
17 subdivision in the manner permitted by this subdivision shall  
18 maintain a complete record ~~which~~ that must include  
19 documentation of the diagnosis and reason for prescribing, the  
20 name, dose, strength, and quantity of the drug, and the date  
21 prescribed or distributed. The records required under this  
22 subparagraph shall be made available for inspection by the  
23 certifying board or its authorized representative upon  
24 request. Those Schedule II stimulant drugs enumerated ~~above~~ in  
25 this subdivision shall not be dispensed or prescribed for the  
26 treatment or control of exogenous obesity.



1           "(22) Failure to maintain for a patient a medical  
2 record ~~which~~ that meets the minimum standards stated in the  
3 rules ~~and regulations promulgated by the commission~~ adopted by  
4 the board.

5           "(23) Failure to comply with any rule of the ~~Board~~  
6 ~~of Medical Examiners or Medical Licensure Commission~~ board.

7           "§34-24-360.1.

8           "The certifying boards under the Alabama Uniform  
9 Controlled Substances Act, and the State Board of Medical  
10 Examiners ~~and the Medical Licensure Commission~~ are each  
11 authorized to ~~promulgate such rules and regulations~~ adopt  
12 rules as may be required to implement ~~the provisions of~~  
13 Section 34-24-360.

14          "§34-24-361.

15          "(a) (1) The ~~State Board of Medical Examiners~~ board,  
16 on its own motion, may investigate any evidence ~~which~~ that  
17 appears to show that a physician ~~or osteopath~~ holding a  
18 ~~certificate of qualification~~ license to practice medicine ~~or~~  
19 ~~osteopathy in the State of Alabama~~ in this state is or may be  
20 guilty in violation of any of the acts, offenses, or  
21 conditions set out in Section 34-24-360. By order of the chair  
22 of the board or the executive director, the board may subpoena  
23 witnesses and command the production of documents, records, or  
24 other evidence as it deems pertinent to any matter under  
25 investigation.

26          "(2) As part of its investigation, the board may  
27 require a criminal history background check of ~~the~~ a licensed

1 physician, ~~or osteopath. In such event,~~ in which case the  
2 physician ~~or osteopath~~ shall submit a complete set of  
3 fingerprints to the ~~State Board of Medical Examiners~~ board.  
4 The board shall submit the fingerprints provided by the  
5 physician ~~or osteopath~~ to the ~~Alabama~~ State Bureau of  
6 Investigation ~~(ABI)~~. The fingerprints shall be forwarded by  
7 the ~~ABI~~ State Bureau of Investigation to the Federal Bureau of  
8 Investigation (FBI) for a national criminal history record  
9 check. Costs associated with conducting a criminal history  
10 background check shall be borne by the physician ~~or osteopath~~.  
11 The ~~State Board of Medical Examiners~~ board shall keep  
12 information received pursuant to this section confidential,  
13 except that ~~such~~ the information received and relied upon in  
14 an investigation by the board may be disclosed to the  
15 physician ~~or osteopath~~.

16 ~~"(2) (b)~~ The board, ~~may, within its discretion and~~  
17 for cause, may order and direct that a physician ~~or osteopath~~  
18 successfully complete a course or courses of continuing  
19 medical education on subjects related to the findings of the  
20 investigation of the board. The course or courses of  
21 continuing medical education ordered by the board may not  
22 exceed 50 credit hours of instruction within the calendar year  
23 in which the order is entered. Failure or refusal to comply  
24 with the order or directive of the board entered pursuant to  
25 this ~~subdivision~~ subsection shall constitute grounds, after  
26 notice and a hearing, for the suspension of the license to  
27 practice medicine of the physician ~~or osteopath~~ in question by

1 the ~~Medical Licensure Commission~~ board which shall continue in  
2 effect until such time the physician ~~or osteopath~~ has complied  
3 with the order or directive or the board has rescinded or  
4 withdrawn the order or directive.

5 "~~(b)~~ (c) Any physician ~~or osteopath~~ holding a  
6 ~~certificate of qualification~~ license to practice medicine ~~or~~  
7 ~~osteopathy in the State of Alabama~~ in this state shall ~~and is~~  
8 ~~hereby required to~~, and any other ~~person~~ individual may,  
9 report to the board ~~or the commission~~ any information ~~such the~~  
10 physician, ~~osteopath,~~ or other ~~person~~ individual may have  
11 which appears to show that any physician ~~or osteopath~~ holding  
12 a ~~certificate of qualification to practice medicine or~~  
13 ~~osteopathy in the State of Alabama~~ license to practice  
14 medicine in this state may ~~be guilty of~~ have violated any of  
15 the acts, offenses, or conditions set out in Section  
16 34-24-360, and any physician, ~~osteopath,~~ or other ~~person~~  
17 individual who in good faith makes such a report to the board  
18 ~~or to the commission~~ shall not be liable to any person for any  
19 statement or opinion made in ~~such the~~ report.

20 "~~(c)~~ (d) If, in the opinion of the board, it appears  
21 that ~~such the~~ information provided ~~to it under the provisions~~  
22 ~~of this section~~ pursuant to subsection (c) may be true, the  
23 board may request a formal interview with the physician ~~or~~  
24 ~~osteopath~~.

25 "~~(d)~~ (e) If the physician ~~or osteopath~~ invited to a  
26 formal interview before the board refuses to appear for ~~such~~  
27 the interview, the ~~commission~~ board shall have grounds to

1 suspend or revoke the ~~certificate of qualification of such~~  
2 license of the physician or osteopath.

3 "~~(e)~~ (f) Any proceeding for suspension or revocation  
4 of a license ~~to practice medicine or osteopathy in the State~~  
5 ~~of Alabama~~ shall be conducted in ~~accord~~ accordance with the  
6 following procedures:

7 "(1) A written administrative complaint signed by  
8 any member of the ~~State Board of Medical Examiners~~ board, the  
9 executive director of the board, any duly licensed physician  
10 ~~or osteopath, the executive officers of the commission,~~ or any  
11 other ~~person~~ individual as provided in subsection (c), shall  
12 be filed with the ~~Medical Licensure Commission~~ board.

13 "(2) The executive ~~officer of the commission~~  
14 director shall set a date for the hearing of ~~the~~ an  
15 administrative complaint, shall notify the physician ~~or~~  
16 ~~osteopath~~ against whom the administrative complaint was filed  
17 of the time and place of the hearing, and shall forward to  
18 ~~such~~ the physician ~~or osteopath~~ a copy of the administrative  
19 complaint filed against him or her.

20 "(3) ~~Such~~ The notice shall be served upon the  
21 physician ~~or osteopath~~ against whom the complaint was filed at  
22 least 20 days prior to the hearing date in accordance with  
23 subsection (a) of Section 34-24-54.1.

24 "~~(5)~~ (4) If the physician ~~or osteopath~~ against whom a  
25 complaint has been filed is out of the state, ~~or~~ evades  
26 service, or cannot be served in person, then the service shall  
27 be made by mailing a copy of the complaint and ~~of~~ the notice

1 to ~~that person~~ the physician at his or her last known ~~post~~  
2 ~~office~~ address in this state, and the return shall show that  
3 service has been made in this manner.

4 "~~(6)~~ (5) The investigation shall be held with as  
5 little publicity as practicable, consistent with a fair and  
6 impartial hearing.

7 "~~(7)~~ (6) At the hearing, the physician ~~or osteopath~~  
8 against whom the complaint has been filed shall have the right  
9 to be represented by counsel and shall have the right to call  
10 any witnesses germane to the issues under consideration.

11 "~~(8)~~ (7) ~~The~~ After notice has been served, an  
12 administrative complaint may only be amended ~~without leave of~~  
13 ~~the commission at any time more than 45 days before the first~~  
14 ~~setting of the case for hearing. Thereafter, the commission~~  
15 ~~may permit the administrative complaint to be amended but no~~  
16 ~~amendments shall be permitted that are not~~ by the board if the  
17 amendment relates to newly discovered information that is  
18 germane to the acts, offenses, or conditions originally  
19 charged or that materially ~~alters~~ alter the nature of any act,  
20 offense, or condition charged; provided, however, that an  
21 ~~amendments~~ to conform to the evidence may be allowed in  
22 conformance with Rule 15(b), Alabama Rules of Civil Procedure.

23 "~~(9)~~ (8) The ~~commission~~ board shall ~~have the right to~~  
24 determine all questions as to ~~the sufficiency of the~~  
25 ~~complaint, as to procedure,~~ and ~~as to~~ the admissibility and  
26 weight of evidence.

1           ~~"(10) (9)~~ If a ~~person whose qualifications are under~~  
2 ~~consideration absents himself or herself, or does not appear~~  
3 ~~after having been given the required notice~~ physician against  
4 whom a complaint is filed who has been given proper notice  
5 does not appear at a hearing, the hearing may proceed in his  
6 or her absence.

7           "(g) The board may issue a subpoena to compel  
8 attendance of a witness at a hearing or to compel production  
9 of documents, records, or other evidence. A subpoena shall be  
10 signed by the chair of the board or by the executive director  
11 and shall be served in accordance with subsection (a) of  
12 Section 34-24-54.1. Witnesses at a hearing may be sworn by the  
13 chair or by another member of the board discharging the duties  
14 of the chair.

15           ~~"(f) (h)~~ The ~~commission board~~ shall, temporarily,  
16 suspend the license of a physician ~~or osteopath~~ without a  
17 hearing simultaneously with the institution of proceedings for  
18 a hearing provided under this section ~~on the request of the~~  
19 ~~State Board of Medical Examiners~~ if the board finds that  
20 evidence in its possession indicates that the physician's ~~or~~  
21 ~~osteopath's~~ continuation in practice may constitute an  
22 immediate danger to his or her patients or to the public. The  
23 ~~commission board~~ may meet by telephone conference call to ~~act~~  
24 ~~upon any such request~~ effectuate a suspension under this  
25 subsection.

26           ~~"(g) (i) (1)~~ A physician ~~or osteopath~~ may surrender  
27 his or her ~~certificate of qualification~~ license to practice

1 ~~medicine~~ or request in writing to the ~~State Board of Medical~~  
2 ~~Examiners~~ board that a restriction be placed upon his or her  
3 ~~certificate of qualification~~ license to practice medicine or  
4 osteopathy. ~~The board may accept~~ If the board accepts a  
5 surrender or ~~grant such a~~ request for restriction, the board  
6 and shall ~~have the authority, if it deems appropriate, to~~  
7 attach such restrictions to the ~~certificate of qualification~~  
8 ~~of the physician or osteopath~~ physician's license to practice  
9 medicine or osteopathy within the State of Alabama in the  
10 state.

11 " (2) Removal of a voluntary restriction on a  
12 ~~certificate of qualification shall be done~~ license may occur  
13 only with the approval of the ~~State Board of Medical Examiners~~  
14 board. ~~If the board accepts the surrender of a certificate of~~  
15 ~~qualification, it shall notify the commission and the~~  
16 ~~commission shall withdraw the physician's or osteopath's~~  
17 ~~license to practice medicine or osteopathy in the State of~~  
18 ~~Alabama. If the board attaches restrictions to a physician's~~  
19 ~~or osteopath's certificate of qualification, it shall notify~~  
20 ~~the commission of the restrictions and the commission shall~~  
21 ~~also place the restrictions on the physician's or osteopath's~~  
22 ~~license to practice medicine or osteopathy in the State of~~  
23 ~~Alabama. If the board denies a request by an applicant for~~  
24 ~~reinstatement of his or her certificate of qualification or~~  
25 ~~for removal of a voluntary restriction, the applicant shall~~  
26 ~~have the right of appeal to the commission which has the~~  
27 ~~authority to either affirm the board's action or order the~~

1 ~~board to modify its action as the commission deems~~  
2 ~~appropriate.~~ Applications requesting reinstatement of a  
3 ~~certificate of qualification license~~ filed with the ~~Board of~~  
4 ~~Medical Examiners~~ board within 24 months of the effective date  
5 of the applicant's voluntary surrender of the ~~certificate of~~  
6 ~~qualification license~~ may be dismissed by the board as  
7 prematurely filed. An application ~~as described above which is~~  
8 for reinstatement filed with the board more than 24 months  
9 following the effective date of the voluntary surrender may be  
10 granted or may be set for a hearing before the board. The  
11 hearing shall be conducted as a contested case under the  
12 Alabama Administrative Procedure Act.

13 " (3) ~~The Board of Medical Examiners shall be without~~  
14 ~~jurisdiction to~~ board may not ~~reinstate the certificate of~~  
15 ~~qualification license~~ of a physician ~~or osteopath whose~~  
16 ~~certificate of qualification that~~ was voluntarily surrendered  
17 while the physician was under investigation or during the  
18 pendency of the administrative hearing if the application for  
19 reinstatement ~~of the certificate of qualification~~ is received  
20 by the board more than five years after the effective date of  
21 the surrender of the ~~certificate of qualification license~~. In  
22 the event the Medical Licensure Commission is without  
23 ~~jurisdiction to reinstate a license to practice medicine or~~  
24 ~~osteopathy or the Board of Medical Examiners is without~~  
25 ~~jurisdiction to reinstate the certificate of qualification,~~  
26 ~~any existing, corresponding certificate of qualification of~~



1 any licensee over whom the commission or board has lost the  
2 aforementioned jurisdiction, shall become null and void.

3 ~~"(h)(j)(1)~~ Subsequent to After the holding of a  
4 hearing, ~~and the taking of evidence by the commission as~~  
5 ~~provided for in this section, the commission shall request and~~  
6 ~~consider but not be bound by a recommendation from the State~~  
7 ~~Board of Medical Examiners. After receipt of the board's~~  
8 ~~recommendation, if the commission~~ if the board finds that a  
9 physician ~~or osteopath is guilty of~~ has violated any of the  
10 acts, offenses, or conditions enumerated in Section 34-24-360,  
11 the ~~commission~~ board may take any of the following actions or  
12 any combinations of the following actions:

13 ~~"(1)~~ a. Enter a judgment and impose a penalty.

14 ~~"(2)~~ b. Suspend imposition of judgment and penalty.

15 ~~"(3)~~ c. Order that the respondent physician ~~or~~  
16 ~~osteopath~~ pay to the board such costs, fees, and expenses as  
17 the ~~commission shall deem~~ board deems appropriate.

18 ~~"(4)~~ d. Impose judgment and penalty, but suspend  
19 enforcement thereof by placing the physician ~~or osteopath~~ on  
20 probation, which probation shall be revocable if the  
21 ~~commission~~ board finds the conditions of the probation order  
22 are not followed by the physician ~~or osteopath~~.

23 ~~"(5)~~ e. As a condition of probation, ~~the commission~~  
24 ~~may~~ require the physician ~~or osteopath~~ to submit to care,  
25 counseling, or treatment by physicians designated by the  
26 ~~commission~~ board. The expense of ~~such~~ the care, counseling, or

1 treatment shall be borne by the physician ~~or osteopath~~ on  
2 probation.

3 ~~"(6) f.~~ f. If a license to practice medicine ~~or~~  
4 ~~osteopathy~~ is suspended, or revoked, or a licensee is placed  
5 on probation, ~~the commission may order,~~ as a condition for  
6 lifting the suspension or reinstating the license, ~~or~~ as a  
7 condition of probation, order that the licensee, at his or her  
8 own expense, be evaluated or tested for mental or physical  
9 impairment, drug or alcohol impairment, medical ~~competence~~  
10 incompetence, sexual misconduct or addiction, or behavioral  
11 problems. The results of ~~such~~ the evaluation or testing may be  
12 considered by the ~~commission~~ board in making any further or  
13 additional orders or rulings with regard to ~~such~~ the  
14 physician's ~~or osteopath's~~ license.

15 ~~"(7) (2)~~ (2) The ~~commission may~~ board at any time may  
16 modify the conditions of ~~the~~ probation and may include ~~among~~  
17 ~~them~~ any reasonable condition for the purpose of the  
18 protection of the public or for the purpose of the  
19 rehabilitation of the probationer or both.

20 ~~"(8) (3)~~ (3) If a license to practice medicine ~~or~~  
21 ~~osteopathy in the State of Alabama~~ is suspended, the holder of  
22 the license shall not practice during the term of suspension.

23 ~~"(9) (4)~~ (4) Applications for reinstatement of a license  
24 to practice medicine ~~or osteopathy which~~ that have been  
25 revoked or suspended by the ~~commission~~ board and applications  
26 for modification or termination of probation or removal or  
27 modification of restrictions concerning a license to practice

1 medicine ~~or osteopathy~~ filed with the ~~commission~~ board within  
2 24 months from the effective date of the ~~commission's~~ board's  
3 order may, ~~within the discretion of the commission,~~ be  
4 dismissed by the ~~commission~~ board as prematurely filed,  
5 subject to the right of the applicant to refile the  
6 application at a later date. An application ~~as described above~~  
7 ~~which is~~ filed with the ~~commission~~ board more than 24 months  
8 following the effective date of the ~~commission's~~ board's order  
9 may be granted, or may be set for a hearing before the  
10 ~~commission~~ board, and ~~such~~ the hearing shall be conducted as a  
11 contested case under the Alabama Administrative Procedure Act.  
12 The ~~Medical Licensure Commission shall be without jurisdiction~~  
13 ~~to~~ board may not reinstate the license to practice medicine ~~or~~  
14 ~~osteopathy~~ of a physician ~~or osteopath~~ whose license was  
15 revoked by the ~~commission~~ board or voluntarily surrendered  
16 while under investigation or during the pendency of an  
17 administrative hearing if the application for reinstatement is  
18 received more than five years after the effective date of the  
19 revocation or surrender of the license.

20 ~~"(i)(k) Complaints submitted for hearing before the~~  
21 ~~Medical Licensure Commission under this section or before the~~  
22 ~~State Board of Medical Examiners or testimony with respect~~  
23 ~~thereto shall be absolutely privileged and no lawsuit~~  
24 ~~predicated thereon may be instituted. Members of the State~~  
25 ~~Board of Medical Examiners, the Medical Licensure Commission,~~  
26 Members of the board, any agent, employee, consultant, or  
27 attorney of the board ~~or the commission,~~ the members of any

1 committee of physicians impaneled by the board ~~or the~~  
2 ~~commission, or any person~~ individual making any report or  
3 rendering any opinion or supplying any evidence or information  
4 or offering any testimony to the board ~~or to the commission~~ in  
5 connection with an investigation or hearing conducted by the  
6 board, ~~or the commission~~ as authorized in this article, shall  
7 be immune from suit for any conduct in the course of their  
8 official duties with respect to ~~such~~ the investigations or  
9 hearings.

10 "§34-24-361.1.

11 "(a) All hearings conducted by the ~~commission~~ board  
12 shall be closed. The record in ~~such~~ board hearings, including  
13 witness testimony, exhibits, and pleadings, shall be  
14 confidential, shall not be public record, and shall not be  
15 available for court subpoena or for discovery proceedings. All  
16 administrative complaints, orders to show cause, notices of  
17 hearings, and statements of charges, and all amendments  
18 thereto, and all orders of the ~~commission which~~ board that are  
19 dispositive of the issues raised ~~thereby~~, shall be public  
20 record.

21 "(b) Nothing contained ~~herein~~ in subsection (a)  
22 shall apply to records made in the regular course of business  
23 of an individual, ~~and~~ and documents or records otherwise  
24 available from original sources are not to be construed as  
25 immune from discovery or use in any civil proceedings merely  
26 because ~~they~~ the documents or records were presented or

1 considered during ~~the~~ proceedings of the ~~State Board of~~  
2 ~~Medical Examiners or the Medical Licensure Commission~~ board.

3 "§34-24-362.

4 "Whenever a license to practice medicine ~~or~~  
5 ~~osteopathy~~ in the State of Alabama has been suspended or  
6 revoked, it shall be unlawful for the ~~person~~ individual whose  
7 license has been so suspended or revoked to practice ~~his or~~  
8 ~~her profession~~ medicine or osteopathy in this state, but the  
9 ~~commission~~ board may issue ~~in behalf of such person~~ to the  
10 individual, either with or without reexamination, a new  
11 license whenever ~~it~~ the board deems ~~such course~~ doing so safe  
12 and just. ~~Prior to such decision to reissue a license, the~~  
13 ~~commission shall request and consider but not be bound by the~~  
14 ~~recommendation of the State Board of Medical Examiners.~~

15 "§34-24-363.

16 "(a) ~~To any such hearing witnesses~~ Any hearing  
17 witness may be subpoenaed by the ~~commission on its own motion,~~  
18 ~~or on the demand of either side by subpoena signed by the~~  
19 ~~chairman of the commission, or by the executive officer of the~~  
20 ~~commission, and such subpoenas may be served by any sheriff of~~  
21 ~~the State of Alabama, or by the executive officer of the~~  
22 ~~commission or by any person designated by the executive~~  
23 ~~officer; and, if served by anyone other than a sheriff, the~~  
24 ~~return of service shall be sworn to by the person before some~~  
25 ~~officer authorized to administer oaths.~~ board and served in  
26 accordance with subsection (a) of Section 34-24-54.1.

27 Witnesses may be sworn by the ~~chairman~~ chair or by the person

1 discharging the duties of the ~~chairman~~ chair. Similar  
2 subpoenas may be issued directing the production of books,  
3 papers, or documents at the hearing.

4 ~~"(b) In conducting its investigations, the State~~  
5 ~~Board of Medical Examiners shall have the authority to~~  
6 ~~subpoena witnesses and command the production at any of its~~  
7 ~~meetings of such books, documents, records, and papers as it~~  
8 ~~deems pertinent to any matter under investigation. The board,~~  
9 ~~by order of its chairman or executive director, may require~~  
10 ~~any person to produce within this state, at such reasonable~~  
11 ~~time and place as it may designate, any books, documents,~~  
12 ~~records, or papers kept in any office or place without or~~  
13 ~~within this state, or certified copies thereof, whenever the~~  
14 ~~production thereof is reasonably required and pertinent to any~~  
15 ~~matter under investigation before the board, in order that an~~  
16 ~~examination thereof may be made by the board, or by any person~~  
17 ~~employed by the board.~~

18 ~~"(c) (b)~~ In case of failure or refusal ~~on the part of~~  
19 ~~any person by any individual~~ to comply with any subpoena, ~~or~~  
20 ~~on the refusal of any witness~~ or to testify or answer as to  
21 any matter regarding which he or she may lawfully be  
22 interrogated, any circuit court in this state, ~~or any judge~~  
23 ~~thereof,~~ on application of the board or ~~its~~ executive  
24 director, may issue an attachment for ~~such person~~ the  
25 individual and compel him or her to comply with ~~such~~ the  
26 order, or to attend before the board and produce ~~such~~  
27 documents and give his or her testimony upon ~~such~~ matters as

1 may be lawfully required., and the court or judge shall have  
2 the power to punish for contempt as in cases of disobedience  
3 of a like order or subpoena issued by or from such court, or a  
4 refusal to testify therein. An individual may be held in  
5 contempt of court for failure to testify or comply with a  
6 subpoena.

7 "§34-24-365.

8 "The ~~commission,~~ board or, with the consent of the  
9 ~~commission~~ board, any party to any proceeding before the  
10 ~~commission~~ board, may cause depositions of witnesses residing  
11 within or ~~without~~ outside the state to be taken in the manner  
12 prescribed by law for depositions in civil actions in circuit  
13 courts, ~~such depositions to be taken on a commission to be~~  
14 ~~issued by the executive officer of the commission or by the~~  
15 ~~executive director of the board and made returnable to either~~  
16 ~~the commission or the board.~~

17 "§34-24-366.

18 "~~The commission shall~~ For purposes of Sections  
19 34-24-360 and 34-24-361, the board may not order the  
20 suspension or revocation of a license unless at least five  
21 members of the ~~commission~~ board are present and a majority of  
22 those present vote ~~for such~~ in favor of the suspension or  
23 revocation. However, the ~~commission~~ board may appoint hearing  
24 panels consisting of no fewer than three ~~commission~~ board  
25 members. ~~The public member of the commission may be, but shall~~  
26 ~~not be required to be, a member of each such hearing panel.~~  
27 ~~Such~~ The hearing panels are authorized to conduct hearings in

1       contested cases in the same manner as the full ~~commission~~  
2       board is authorized to conduct hearings. At the conclusion of  
3       each hearing conducted by a hearing panel, ~~such~~ the hearing  
4       panel shall prepare an order which shall be presented to the  
5       full ~~commission~~ board for ratification and, if ratified by the  
6       ~~commission~~ board, ~~such~~ the order shall be the order of the  
7       ~~commission~~. ~~It shall not be necessary for the~~ board. The  
8       members of the ~~commission~~ board not on the hearing panel are  
9       not required to review the record of the hearing prior to  
10      ratifying the hearing panel's order.

11               "§34-24-367.

12              "(a) Judicial review of the orders and decisions of  
13      the ~~Medical Licensure Commission~~ board shall be governed by  
14      ~~the provisions of~~ Section 41-22-20 ~~(the Alabama Administrative~~  
15      ~~Procedure Act)~~; provided however, that the ~~following~~  
16      procedures provided in this section shall ~~take precedence over~~  
17      supersede the provisions of Section 41-22-20(c) relating to  
18      the issuance of a stay of any order of the ~~licensure~~  
19      ~~commission~~ board suspending or revoking a license to practice  
20      medicine.

21              "(b) The suspension or revocation of a license to  
22      practice medicine shall be given immediate effect, it being  
23      the expressly stated legislative purpose and intent that the  
24      imposition of the penalty of suspension or revocation of a  
25      license to practice medicine shall create a presumption that  
26      the continuation in practice of the physician constitutes an  
27      immediate danger to ~~the~~ public health, safety, and welfare. No



1 stay or supersedeas shall be granted pending judicial review  
2 of a decision by the ~~licensure commission~~ board to suspend or  
3 revoke a license to practice medicine unless a reviewing  
4 court, upon proof by the party seeking judicial review, finds  
5 in writing that the action of the ~~licensure commission~~ board  
6 was taken without statutory authority, was arbitrary or  
7 capricious, or constituted a gross abuse of discretion.

8 "(c) An order of the ~~licensure commission~~ board  
9 temporarily suspending a license to practice medicine under  
10 the authority of subsection (h) of Section 34-24-361~~(f)~~ shall  
11 not be stayed pending judicial review permitted under Section  
12 41-22-20 of any preliminary, procedural, or intermediate  
13 ruling or decision of the ~~licensure commission~~ board unless  
14 the reviewing court, upon proof by the party seeking judicial  
15 review, finds in writing that the action of the ~~licensure~~  
16 ~~commission~~ board was taken without statutory authority, was  
17 arbitrary or capricious, constituted a gross abuse of  
18 discretion, or was made in violation of the requirements of  
19 subsection (d) of Section 41-22-19~~(d)~~. ~~Notwithstanding any~~  
20 ~~other provision of law to the contrary, any~~

21 "(d) Any action commenced for the purpose of seeking  
22 judicial review of the ~~administrative decisions of the Medical~~  
23 ~~Licensure Commission~~ a decision of the board, including writ  
24 of mandamus, or judicial review pursuant to the Alabama  
25 Administrative Procedure Act, Chapter 22 of Title 41, must be  
26 filed, commenced, and maintained in the Alabama Court of Civil  
27 Appeals.

1           "§34-24-381.

2           "(a) In addition to any other penalty authorized by  
3 subsection (i) of Section 34-24-361, ~~(h) the Medical Licensure~~  
4 ~~Commission may in its discretion~~ the board may assess  
5 administrative fines not to exceed ten thousand dollars  
6 (\$10,000) for each violation of any of the provisions of  
7 Section 34-24-360 or any rule ~~or regulation duly promulgated~~  
8 ~~by the commission~~ adopted by the board. The ~~Medical Licensure~~  
9 ~~Commission may also in its discretion~~ board may also issue  
10 public or private reprimands, public or private censures, and  
11 may impose involuntary restrictions upon the ~~certificate of~~  
12 ~~qualification and/or~~ license to practice medicine of any  
13 physician ~~or osteopath~~ for each violation of any of the  
14 provisions of Section 34-24-360.

15           "(b) In addition to the administrative fine  
16 authorized in subsection (a), the ~~commission, upon application~~  
17 ~~of the Board of Medical Examiners,~~ board may require a  
18 physician ~~or osteopath~~ found to be in violation of Section  
19 34-24-360 to pay the costs, fees, and expenses of the board  
20 incurred in connection with any proceedings before the  
21 ~~commission~~ board, including, but not limited to, the actual  
22 costs of independent medical review and expert testimony,  
23 reasonable and necessary attorney fees and expenses,  
24 deposition costs, travel expenses for board staff, charges  
25 incurred for obtaining documentary evidence, and ~~such~~ other  
26 categories of expenses as may be prescribed in ~~regulations~~  
27 ~~published~~ rules adopted by the board ~~and the commission.~~

1 Payment of any costs, fees, or expenses ordered by the  
2 ~~commission board~~ shall be ~~made and~~ enforced in the same manner  
3 as an administrative fine.

4 "§34-24-382.

5 "All administrative fines assessed by the ~~State~~  
6 ~~Board of Medical Examiners and the Medical Licensure~~  
7 ~~Commission board~~ shall be paid to the board and may be  
8 expended for the general operation of the board and  
9 commission. ~~The board is authorized to expend a portion of its~~  
10 ~~funds for the development, administration, and presentation of~~  
11 ~~programs of continuing medical education for physicians~~  
12 ~~licensed to practice medicine in this state. The board is~~  
13 ~~authorized to enter into contracts for the purchase of~~  
14 ~~programs, services, and materials without regard to the~~  
15 ~~competitive bid laws for expenditures made in connection with~~  
16 ~~the development, administration, and presentation of~~  
17 ~~continuing medical education programs.~~

18 "§34-24-383.

19 "The ~~Medical Licensure Commission board~~ shall not  
20 renew the annual certificate of registration as set forth in  
21 Section 34-24-337 of any physician against whom an  
22 administrative fine has been assessed by the ~~Board of Medical~~  
23 ~~Examiners or the Medical Licensure Commission board~~ until such  
24 the fine is paid in full. However, if an order of the ~~Medical~~  
25 ~~Licensure Commission or the Board of Medical Examiners board~~  
26 allows for the payment of a fine or costs in installments and  
27 if the licensee is current with the installment payment, then

1 the physician shall be permitted to renew his or her license.  
2 In the event that the fine is subsequently reduced or set  
3 aside on judicial review, ~~as provided in the Alabama~~  
4 ~~Administrative Procedure Act~~ the physician shall be entitled  
5 to a prompt refund of the amount of the fine but shall not be  
6 entitled to interest thereon.

7 "§34-24-384.

8 "The ~~Board of Medical Examiners and the Medical~~  
9 ~~Licensure Commission~~ are each authorized to promulgate rules  
10 and regulations necessary for the implementation of the  
11 provisions of board may adopt rules to implement this  
12 division. The ~~Board of Medical Examiners~~ board is specifically  
13 authorized to establish criteria for determining any amounts  
14 to be expended on behalf of an impaired physician for  
15 education, rehabilitation, and treatment and may require ~~that~~  
16 any physician on whose behalf ~~such~~ funds are expended to repay  
17 or reimburse the Alabama Physicians Education Fund in  
18 accordance with rules ~~established~~ adopted by the board.  
19 Reimbursement shall be required on any funds expended for the  
20 treatment of ~~alcohol and/or drug related problems~~ drug or  
21 alcohol abuse in accordance with a schedule agreeable to the  
22 board ~~or commission~~.

23 "§34-24-501.

24 "(a) (1) The practice of medicine or osteopathy  
25 across state lines means the practice of medicine or  
26 osteopathy as defined in Section 34-24-50~~(1)~~, as it applies to  
27 either of the following:

1           "~~(1)~~ a. The rendering of a written or otherwise  
2 documented medical opinion concerning the diagnosis or  
3 treatment of a patient located within this state by a  
4 physician located outside this state as a result of  
5 transmission of individual patient data by electronic or other  
6 means from within this state to such physician or his or her  
7 agent; or

8           "~~(2)~~ b. The rendering of treatment to a patient  
9 located within this state by a physician located outside this  
10 state as a result of transmission of individual patient data  
11 by electronic or other means from this state to such physician  
12 or his or her agent.

13           "~~(3)~~ (2) This definition ~~is not intended to~~ does not  
14 include an informal consultation between a licensed physician  
15 located in this state and a physician located outside this  
16 state provided that the consultation is conducted without  
17 compensation to or the expectation of compensation to either  
18 physician and does not result in the formal rendering of a  
19 written or otherwise documented medical opinion concerning the  
20 diagnosis or treatment of a patient by the physician located  
21 outside the state.

22           "(b) Board means the State Board of Medical  
23 Examiners created under Section 34-24-53.

24           "~~(c) Commission means the Medical Licensure~~  
25 ~~Commission created under Section 34-24-310.~~

26           "§34-24-502.

1           "(a) License requirement. No ~~person~~ individual shall  
2 engage in the practice of medicine or osteopathy across state  
3 lines in this state, hold himself or herself out as qualified  
4 to do the same, or use any title, word, or abbreviation to  
5 indicate to or induce others to believe that he or she is  
6 licensed to practice medicine or osteopathy across state lines  
7 in this state unless he or she has been issued a special  
8 purpose license to practice medicine or osteopathy across  
9 state lines in accordance with the provisions of this article;  
10 provided however, that no ~~person~~ individual who holds a full,  
11 unrestricted, and current license issued under ~~Sections~~  
12 ~~34-24-310 to 34-24-343, inclusive,~~ Article 3 shall be required  
13 to obtain a special purpose license to practice medicine or  
14 osteopathy across state lines.

15           "(b) Issuance of license. ~~The Medical Licensure~~  
16 ~~Commission shall issue~~ An individual seeking a special purpose  
17 license to practice medicine or osteopathy across state lines  
18 ~~upon presentation by an applicant of a certificate of~~  
19 ~~qualification issued by the State Board of Medical Examiners~~  
20 ~~in accordance with this section. The authority of the~~  
21 ~~commission to issue, revoke, or suspend the special purpose~~  
22 ~~license to practice medicine or osteopathy across state lines~~  
23 ~~shall be the same as the general authority granted to the~~  
24 ~~commission under Sections 34-24-310 to 34-24-406, inclusive.~~  
25 ~~The State Board of Medical Examiners shall issue a certificate~~  
26 ~~of qualification to the Medical Licensure Commission~~  
27 ~~certifying an applicant for~~ shall submit an application on a

1 form prescribed by rule and provided by the board. The board  
2 shall issue a special purpose license to practice medicine or  
3 osteopathy across state lines to an applicant who has met all  
4 of the following requirements:

5 "(1) The applicant holds a full and unrestricted  
6 license to practice medicine or osteopathy in any ~~and all~~  
7 ~~states~~ other state or territory of the United States, ~~or in~~  
8 ~~territories in which such individual is licensed; and~~

9 "(2) The applicant has not had any previous  
10 disciplinary action or other action taken against the  
11 applicant by any state or licensing jurisdiction.

12 "(3) The applicant remits an application fee in an  
13 amount established by the board by rule.

14 ~~"(3)(c) In the event of previous disciplinary or~~  
15 ~~other action against the applicant, the board may issue a~~  
16 ~~certificate of qualification~~ Notwithstanding subdivision (2)  
17 of subsection (b), the board may issue a special purpose  
18 license to an applicant who has had a previous disciplinary  
19 action or other action taken against him or her if it the  
20 board finds that the previous disciplinary or other action  
21 does not indicate that the physician is a potential threat to  
22 the public. An individual shall submit an application for a  
23 certificate of qualification for a special purpose license to  
24 practice medicine or osteopathy across state lines on a form  
25 provided by the board and shall remit an application fee in an  
26 amount established by the board in its regulations.

1           "(d) The authority of the board to issue, revoke, or  
2 suspend a special purpose license to practice medicine or  
3 osteopathy across state lines shall be the same as the general  
4 authority granted to the board under Articles 3 and 8.

5           "~~(c)~~ (e) A special purpose license issued ~~by the~~  
6 ~~commission to practice medicine or osteopathy across state~~  
7 ~~lines~~ pursuant to this section limits the licensee solely to  
8 the practice of medicine or osteopathy across state lines as  
9 defined ~~herein~~ in this division. The special purpose license  
10 in this state is valid for a period of three years, shall  
11 expire on a renewal date established by rule by the ~~commission~~  
12 ~~in its regulations~~ board in the third calendar year after its  
13 issuance~~7~~ and may be renewed upon receipt of a renewal fee as  
14 established by the ~~commission~~ board in its ~~regulations~~ rules.  
15 Failure to renew a license according to the renewal schedule  
16 established by the ~~commission~~ board shall result in the  
17 automatic revocation of the special purpose license to  
18 practice medicine or osteopathy across state lines; provided,  
19 however, that an applicant may re-apply following automatic  
20 revocation for failure to renew.

21           "§34-24-503.

22           "(a) The issuance by the ~~commission~~ board of a  
23 special purpose license to practice medicine or osteopathy  
24 across state lines subjects the licensee to the jurisdiction  
25 of the board ~~and the commission~~ in all matters set forth in  
26 ~~Sections 34-24-50 to 34-24-83, inclusive, and Sections~~  
27 ~~34-24-310 to 34-24-406, inclusive,~~ Articles 3 and 8 and the



1 implementing rules ~~and regulations of the commission and of~~  
2 the board, including all matters related to discipline. It  
3 shall be the affirmative duty of every licensee to report to  
4 the ~~Board of Medical Examiners~~ board in writing within 15 days  
5 of the initiation of any disciplinary action against the  
6 license to practice medicine or osteopathy of the licensee by  
7 any state or territory in which the licensee is licensed. In  
8 addition, the licensee agrees, by acceptance of ~~such the~~  
9 license, to produce patient medical records or materials as  
10 requested by the board ~~or the commission~~ or to appear before  
11 the board ~~or the commission~~ or any of its committees following  
12 receipt of a written notice issued by the board. ~~or~~  
13 ~~commission. Such notice may~~ Notice shall be issued by the  
14 board ~~or the commission pursuant to the authority granted~~  
15 ~~under Sections 34-24-52, 34-24-56, and Sections 34-24-310 to~~  
16 ~~34-24-406, inclusive.~~ in accordance with subsection (a) of  
17 Section 34-24-54.1.

18 "(b) ~~The Medical Licensure Commission is hereby~~  
19 ~~authorized to~~ board may temporarily suspend a special purpose  
20 license to practice medicine or osteopathy across state lines  
21 without a hearing on either of the following grounds:

22 "(1) The failure of the licensee to appear or  
23 produce records or materials as requested by the board. ~~or the~~  
24 ~~commission; or~~

25 "(2) The initiation of a disciplinary action against  
26 the licensee by any state or territorial licensing

1 jurisdiction in which the licensee holds a license to practice  
2 medicine or osteopathy.

3 "(c) Notwithstanding any other provision of law  
4 including the Alabama Administrative Procedure Act to the  
5 contrary, the temporary suspension provided ~~herein~~ under  
6 subsection (b) shall remain in effect until either the  
7 licensee has complied with the request of the board ~~or~~  
8 ~~commission~~ or the disciplinary action pending against the  
9 licensee has been terminated in favor of the licensee and the  
10 temporary suspension is terminated by a written order of the  
11 ~~Medical Licensure Commission~~ board. In addition to ~~the~~  
12 ~~foregoing~~ a temporary suspension, a special purpose license to  
13 practice medicine or osteopathy across state lines is subject  
14 to each of the grounds for disciplinary action as provided in  
15 Section 34-24-360, in accordance with procedures set out in  
16 Section 34-24-361, and the Alabama Administrative Procedure  
17 Act.

18 "§34-24-506.

19 "(a) Any person who violates ~~the provisions of~~ this  
20 article is subject to criminal prosecution for the unlicensed  
21 practice of medicine or osteopathy under ~~the provisions of~~  
22 Section 34-24-51, or injunctive or other action authorized in  
23 this state to prohibit or penalize continued practice without  
24 a license under ~~the provisions of~~ Section 34-24-52.

25 "(b) Nothing in this article shall be interpreted to  
26 limit or restrict the ~~commission's~~ board's authority to  
27 discipline any physician licensed to practice in this state

1 who violates ~~the provisions of Sections 34-24-310 to~~  
2 ~~34-24-406, inclusive,~~ Articles 3 or 8 while engaging in the  
3 practice of medicine within this or any other state.

4 "§34-24-507.

5 "Notwithstanding any of the provisions of this  
6 article, the ~~commission~~ board shall only issue a special  
7 purpose license to practice medicine or osteopathy across  
8 state lines to an applicant whose principal practice location  
9 and license to practice is located in a state or territory of  
10 the United States whose laws permit or allow for the issuance  
11 of a special purpose license to practice medicine or  
12 osteopathy across state lines or similar license to a  
13 physician whose principal practice location and license is  
14 located in this state. It is the ~~stated~~ intent of this article  
15 that physicians and osteopaths who hold a full and current  
16 license in the State of Alabama be afforded the opportunity to  
17 obtain, on a reciprocal basis, a license to practice medicine  
18 or osteopathy across state lines in any state or territory of  
19 the United States as a pre-condition to the issuance of a  
20 special purpose license as authorized by this article to a  
21 physician or osteopath licensed in such state or territory.  
22 The ~~State Board of Medical Examiners~~ board shall determine  
23 which states or territories have reciprocal licensure  
24 requirements meeting the qualifications of this section.

25 "§34-24-508.

26 "The ~~State Board of Medical Examiners and the~~  
27 ~~Medical Licensure Commission~~ are each vested with authority to

1 ~~adopt and promulgate rules and regulations~~ board may adopt  
2 rules to effect the purposes of this article."

3 Section 8. Sections 13A-6-201, 13A-9-21, and  
4 27-1-17.1, Code of Alabama 1975, are amended to read as  
5 follows:

6 "§13A-6-201.

7 "No physician, as defined ~~under Section 34-24-50.1~~  
8 in Section 34-24-50, who is licensed to practice medicine in  
9 this state, shall be subject to Sections 13A-6-192, 13A-6-193,  
10 and 13A-6-194 for any acts or omissions constituting the  
11 practice of medicine.

12 "§13A-9-21.

13 "(a) A person commits the crime of submitting a  
14 false or fraudulent application for a ~~certificate of~~  
15 ~~qualification or~~ license to practice medicine if:

16 "(1) In connection with the submission of an  
17 application for a ~~certificate of qualification or~~ license to  
18 practice medicine, he or she submits or causes some other  
19 person to submit any materially false, fraudulent, l or  
20 deceptive statement in any document connected with the  
21 application for ~~certificate of qualification or~~ a license to  
22 practice medicine.

23 "(2) In connection with the submission of an  
24 application for a ~~certificate of qualification or~~ license to  
25 practice medicine, he or she makes or causes another person to  
26 make any false, fraudulent, l or deceptive statement to the  
27 employees, agents, l or members of the ~~Medical Licensure~~

1 ~~Commission or~~ State Board of Medical Examiners to whom he or  
2 she has submitted an application for a license.

3 "(3) In connection with sitting for an examination  
4 administered by the State Board of Medical Examiners, he or  
5 she attempts to give assistance to another or attempts to use  
6 the assistance of another in answering questions or solving  
7 problems contained in the licensing examination.

8 "(4) In connection with sitting for an examination  
9 administered by the State Board of Medical Examiners, he or  
10 she attempts to use unauthorized notes, symbols, ~~of~~ or other  
11 ~~memorandums~~ means to assist him or her in answering questions  
12 or solving problems contained in the licensing examination  
13 during the actual administration of the licensing examination.

14 "(5) In connection with sitting for an examination  
15 administered by the State Board of Medical Examiners, he or  
16 she attempts to use an unauthorized copy of the licensing  
17 examination obtained by himself or herself or by another  
18 person in preparing to sit for the licensing examination.

19 "(6) In connection with an examination administered  
20 by the State Board of Medical Examiners, he or she attempts to  
21 make or obtain an unauthorized copy of the examination or  
22 questions of the examination or retains a copy of the  
23 examination or a question of the examination which he or she  
24 is directed to return to the board.

25 "(b) Submitting a false or fraudulent application is  
26 a Class C felony.

27 "§27-1-17.1.

1           "(a) As used in this section, the following words  
2 shall have the following meanings:

3           "(1) ACH ELECTRONIC FUNDS TRANSFER. An electronic  
4 funds transfer through the Health Insurance Portability and  
5 Accountability Act (HIPPA) standard Automated Clearing House  
6 network.

7           "(2) COVERED HEALTH CARE PROVIDER. A physician as  
8 defined in Section ~~34-24-50.1~~ 34-24-50; a dentist as defined  
9 in Section 34-9-1; a chiropractor as defined in Section  
10 34-24-120; an individual engaged in the practice of optometry  
11 as defined in Section 34-22-1; other licensed health care  
12 professionals as defined in Title 34; a hospital as defined in  
13 Section 22-21-20; and a health care facility, or other  
14 provider who or that is accredited, licensed, or certified and  
15 who or that is performing within the scope of that  
16 accreditation, license, or certification.

17           "(3) HEALTH INSURANCE PLAN. Any hospital and medical  
18 expense incurred policy, health maintenance organization  
19 subscriber contract, or any other health care plan, policy,  
20 coverage, or arrangement that pays for or furnishes medical or  
21 health care services, whether by insurance or otherwise,  
22 offered in this state. The term does not include a regional  
23 care organization.

24           "(4) HEALTH INSURER. An entity or person that offers  
25 or administers a health insurance plan in this state, or  
26 contracts with covered health care providers to furnish  
27 specified health care services to enrollees covered under a

1 health insurance plan. The term includes corporations  
2 organized pursuant to Article 6 of Chapter 20 of Title 10A,  
3 commencing at Section 10A-20-6.01, and to policies, plans, or  
4 contracts entered into, issued by, or administered by such  
5 corporations.

6 "(5) REGIONAL CARE ORGANIZATION. An organization as  
7 defined in Section 22-6-150.

8 "(b) Contracts issued, amended, or renewed on or  
9 after January 1, 2017, between a health insurer or its  
10 contracted vendor or a regional care organization and a  
11 covered health care provider shall include the following  
12 language, set off from other language in bold, 12-point type  
13 and in all capital letters: "If a covered health care provider  
14 requests payment under a health insurance plan from a health  
15 insurer or its contracted vendor or a regional care  
16 organization be made using ACH electronic funds transfer, that  
17 request must be honored. Furthermore, such a request may not  
18 be used to delay or reject a transaction, or attempt to  
19 adversely affect the covered health care provider."

20 "(c) Nothing in this section prohibits or adopts any  
21 standards for other methods of electronic funds transfers  
22 outside of the Automated Clearing House network. Alternative  
23 electronic funds transfer methods, including wire transfer and  
24 payment by card or otherwise through a private card network,  
25 are expressly permitted to pay a covered health care  
26 provider."

1                   Section 9. Sections 34-24-50.1, 34-24-310,  
2                   34-24-311, 34-24-311.1, 34-24-312, 34-24-313, 34-24-314,  
3                   34-24-330, 34-24-331, 34-24-332, 34-24-333, 34-24-334,  
4                   34-24-335, 34-24-338, 34-24-339, 34-24-341, and 34-24-342,  
5                   Code of Alabama 1975, generally relating to the authorities  
6                   and duties of the Medical Licensure Commission, are repealed.

7                   Section 10. Section 2 of this act shall become  
8                   effective immediately, and the remaining sections of this act  
9                   shall become effective January 1, 2022, following its passage  
10                  and approval by the Governor, or its otherwise becoming law.