

1 SB124
2 209374-1
3 By Senator Chesteen
4 RFD: Veterans and Military Affairs
5 First Read: 02-FEB-21
6 PFD: 01/29/2021

1
2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Board of Medical
9 Examiners is responsible for the regulation of
10 physicians, osteopaths, and assistants to
11 physicians in the state.

12 This bill would provide further for the
13 confidentiality of certain meetings of the board
14 where confidential materials are discussed or
15 examined.

16 This bill would update the names of the
17 accreditation organizations recognized by the board
18 and further provide for the requirements for the
19 issuance of a certificate of qualification.

20 This bill would clarify the process and role
21 of the Alabama State Bureau of Investigation in the
22 conducting of criminal history background checks by
23 the board.

24 This bill would also establish
25 qualifications and procedures for issuing temporary
26 certificates of qualification and licenses to
27 physician and assistant to physician applicants who

1 are relocated or stationed in this state under
2 official military orders.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to the Board of Medical Examiners and the
9 Medical Licensure Commission; to amend Sections 34-24-60,
10 34-24-70, 34-24-297, 34-24-302, 34-24-337, and 34-24-361, Code
11 of Alabama 1975; to provide further for the confidentiality of
12 board meetings where confidential materials are discussed; to
13 update the names of accreditation organizations recognized by
14 the board; to further provide for the requirements for the
15 issuance of a certificate of qualification; and to add
16 Sections 34-24-70.1 and 34-24-301.1 to the Code of Alabama
17 1975, to establish qualifications and procedures for issuing
18 temporary certificates of qualification and licenses to
19 physicians and assistants to physician applicants who are
20 relocated or stationed in this state under official military
21 orders.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 34-24-60, 34-24-70, 34-24-297,
24 34-24-302, 34-24-337, and 34-24-361, of the Code of Alabama
25 1975, are amended to read as follows:

26 "§34-24-60.

1 "(a) All reports of investigations; documents
2 subpoenaed by the board; reports of any investigative
3 committee appointed by the board; memoranda of the board's
4 counsel relating to investigations; statements of persons
5 interviewed by the board or any committee of the board; all
6 information, interviews, reports, statements, or memoranda of
7 any kind furnished to the board or any committee of the board;
8 and any findings, conclusions, or recommendations resulting
9 from proceedings of the board or any committee of the board,
10 unless presented as evidence at a public hearing, shall be
11 privileged and confidential, shall be used only in the
12 exercise of the proper functions of the board, and shall not
13 be public records nor be available for court subpoena or for
14 discovery proceedings. Meetings of the board in which any of
15 the aforementioned items are received, reviewed, deliberated,
16 voted on, or acted on by the board shall be closed sessions,
17 and any report or recording of the meeting shall be privileged
18 and confidential.

19 "Nothing contained herein shall apply to records
20 made in the regular course of business of an individual;
21 documents or records otherwise available from original sources
22 are not to be construed as immune from discovery or use in any
23 civil proceedings merely because they were presented or
24 considered during the proceedings of the Board of Medical
25 Examiners or the Medical Licensure Commission.

26 "(b) The board may authorize the release of
27 investigative records and files to municipal, county, state,

1 and federal law enforcement or regulatory agencies or
2 officials and to state and United States territorial medical
3 licensing agencies or officials.

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

9 "§34-24-70.

10 "(a) The following constitute the requirements for
11 the issuance of a certificate of qualification for a license
12 to practice medicine in this state:

13 "(1) MEDICAL EDUCATION REQUIREMENT. All applicants
14 for a certificate of qualification shall present a diploma or
15 evidence of graduation from any of the following institutions:

16 "a. A college of medicine or school of medicine
17 accredited by the Liaison Committee on Medical Education ~~of~~
18 ~~the American Medical Association.~~

19 "b. A college of osteopathy accredited by the
20 ~~American Osteopathic Association~~ Commission on Osteopathic
21 College Accreditation.

22 "c. A college of medicine or school of medicine not
23 accredited by the Liaison Committee on Medical Education which
24 is approved by the Board of Medical Examiners. The board ~~may~~,
25 within its discretion, may withhold approval of any college of
26 medicine not designated in either paragraph a.7 or ~~b.7~~ ~~above~~
27 which:

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

3 "2. Has had its authorization, certification, or
4 licensure revoked or withdrawn by a national or regional
5 governmental supervisory agency; or

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

10 "~~4. The board has determined, has~~ Has engaged in
11 fraudulent, criminal, or other practices which are
12 inconsistent with quality medical education, as determined by
13 the board.

14 "(2) POSTGRADUATE EDUCATION REQUIREMENT.

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

24 "~~a.1.~~ A program ~~listed in the directory of approved~~
25 ~~residency training programs published~~ accredited by the
26 ~~American Medical Association~~ Accreditation Council for
27 Graduate Medical Education.

1 "~~b.2.~~ A program accredited by the American
2 Osteopathic Association.

3 "~~c.3.~~ A program accredited by the Accreditation
4 Committee of the Royal College of Physicians and Surgeons of
5 Canada.

6 "~~d.4.~~ A program accredited by the College of Family
7 Physicians of Canada.

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

17 "~~a.1.~~ A program ~~listed in the directory of approved~~
18 ~~residency training programs published~~ accredited by the
19 ~~American Medical Association~~ Accreditation Council for
20 Graduate Medical Education.

21 "~~b.2.~~ A program accredited by the ~~American~~
22 ~~Osteopathic Association~~ Commission on Osteopathic College
23 Accreditation.

24 "~~c.3.~~ A program accredited by the Accreditation
25 Committee of the Royal College of Physicians and Surgeons of
26 Canada.

1 ~~"d.4.~~ A program accredited by the College of Family
2 Physicians of Canada.

3 "(3) EXAMINATION REQUIREMENTS. Applicants for a
4 certificate of qualification shall achieve a passing score ~~as~~
5 ~~determined by the Board of Medical Examiners on any~~ on one of
6 the licensure examinations listed below. The minimum passing
7 score, maximum number of attempts, and period of time within
8 which all portions of the examination must be completed may be
9 determined by rule of the Board of Medical Examiners. The
10 following examinations shall satisfy this requirement:

11 "a. The United States Medical Licensing Examination.

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

22 ~~"(ii) Applicants who are not dual degree candidates~~
23 ~~as specified in subparagraph (3)a.2. below and who are~~
24 ~~currently board certified by one or more of the specialty~~
25 ~~boards recognized by the American Board of Medical Specialties~~
26 ~~or the American Osteopathic Association shall not be required~~
27 ~~to pass Steps 1, 2, and 3 in the time period as set forth in~~

1 ~~subparagraph (3)a.1.(i) above, however, these applicants shall~~
2 ~~still be limited to a combined total of 10 attempts to pass~~
3 ~~Steps 1, 2, and 3 as set forth in subparagraph (3)a.1.(i)~~
4 ~~above.~~

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

21 ~~"b. The Federation Licensing Examination.~~

22 ~~"c. The National Board of Medical Examiners~~
23 ~~Examination.~~

24 ~~"d.b. The Comprehensive Osteopathic Medical~~
25 ~~Licensing Examination or its predecessor examination~~
26 ~~administered by the National Board of Osteopathic Medical~~
27 ~~Examiners Examination or its successor examination.~~

1 ~~"e.c. The Licensing Licentiate of the Medical~~
2 Council of Canada Examination.

3 ~~"f. Any other examination which is currently~~
4 ~~approved or which may later be approved by the Board of~~
5 ~~Medical Examiners and which examines in the following branches~~
6 ~~of medical learning: General medicine, surgery, obstetrics,~~
7 ~~gynecology, preventive medicine, jurisprudence, and any other~~
8 ~~branches as the board may require.~~

9 ~~"g. Beginning January 1, 2000, the following~~
10 ~~requirements shall apply:~~

11 ~~"1. All applicants for initial licensure by~~
12 ~~examination shall achieve a passing score, as determined by~~
13 ~~the Board of Medical Examiners, on the United States Medical~~
14 ~~Licensing Examination or the National Board of Osteopathic~~
15 ~~Medical Examiners Examination or its successor examination.~~

16 ~~"2. Applicants d. If the examination was completed~~
17 ~~before January 1, 2000, applicants by endorsement who are~~
18 ~~licensed in another state, the District of Columbia, a~~
19 ~~territory of the United States, or a province of Canada who~~
20 ~~completed any one of the licensing examinations listed above~~
21 ~~prior to January 1, 2000, are eligible for licensure upon~~
22 ~~proof of a passing score of such examination. on one of the~~
23 ~~following examinations:~~

24 ~~"1. The Federation Licensing Examination.~~

25 ~~"2. The National Board of Medical Examiners~~
26 ~~Examination.~~

1 ~~"3. Applicants by endorsement licensed in another~~
2 ~~state or the District of Columbia, or a territory of the~~
3 ~~United States, or a province of Canada whose licensing~~
4 ~~examination was completed after January 1, 2000, shall achieve~~
5 ~~a passing score, as determined by the Board of Medical~~
6 ~~Examiners, on the United States Medical Licensing Examination~~
7 ~~or the National Board of Osteopathic Medical Examiners~~
8 ~~Examination or its successor examination.~~

9 "4.e. The board may establish by regulation rule
10 acceptable combinations of the Federation Licensing
11 Examination, National Board of Medical Examiners Examination,
12 and/or United States Medical Licensing Examination through
13 January 1, 2000, in satisfaction of the examination
14 requirement for a certificate of qualification.

15 "(4) APPLICATION ~~AND EXAMINATION~~ FEE REQUIREMENT.
16 Payment in advance to the board of the required application
17 ~~fee or examination fee, or both, in amounts as~~ an amount
18 established in the regulations rules of the board. This fee is
19 not refundable once payment is received by the board.

20 "(5) CRIMINAL HISTORY BACKGROUND CHECK. In addition
21 to other requirements established by law and for the purpose
22 of determining an applicant's suitability for a certificate of
23 qualification for a license to practice medicine, each
24 applicant shall submit to a criminal history background check.
25 Each applicant shall submit a complete set of fingerprints to
26 the State Board of Medical Examiners, or any channeler
27 approved by the board. The board, or its channeler, shall

1 submit the fingerprints provided by each applicant for a
2 certificate of qualification for a license to practice
3 medicine to the Alabama State Bureau of Investigation ~~(ABI)~~
4 (SBI). The fingerprints shall be forwarded by the ~~ABI~~ SBI to
5 the Federal Bureau of Investigation (FBI) for a national
6 criminal history record check. Costs associated with
7 conducting a criminal history background check shall be borne
8 by the applicant and are payable directly to the board, or its
9 designee. The State Board of Medical Examiners shall keep
10 information received pursuant to this section confidential,
11 except that such information received and relied upon in
12 denying the issuance of a certificate of qualification for a
13 license to practice medicine in this state may be disclosed as
14 may be necessary to support the denial.

15 "(6) ADDITIONAL REQUIREMENTS FOR EXAMINATION FOR
16 CERTAIN APPLICANTS.

17 "a. All applicants who have not passed ~~a written~~
18 ~~state licensing examination, the examination given by the~~
19 ~~National Board of Medical Examiners,~~ the United States Medical
20 Licensing Examination, ~~the National Board of Osteopathic~~
21 ~~Medical Examiners Examination, the examination given by the~~
22 Comprehensive Osteopathic Medical Licensing Examination, the
23 Licensing Licentiate of the Medical Council of Canada
24 Examination, or the Special Purpose Examination, ~~or the~~
25 ~~Federation Licensing Examination~~ within 10 years immediately
26 preceding the date of the application shall either:

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

3 "2. Be certified by or achieve a passing score on a
4 recertification examination given by one of the specialty
5 boards approved by the American Board of Medical Specialties
6 or one of the specialty boards approved by the American
7 Osteopathic Association within 10 years immediately preceding
8 the date of the application. This requirement may be satisfied
9 by active participation by the applicant in a maintenance of
10 certification program, established by one of the specialty
11 boards approved pursuant to this subparagraph, for a period of
12 at least one year before submission of the application.

13 "b. All applicants who graduated from a college of
14 medicine not accredited by the Liaison Committee of Medical
15 Education or the ~~American Osteopathic Association~~ Commission
16 on Osteopathic College Accreditation shall achieve a
17 certification given by the Education Council for Foreign
18 Medical Graduates.

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

20 "(1) Applicants for a certificate of qualification
21 who are applying for initial licensure in the State of
22 Alabama, and who meet all qualifications for administration of
23 Step 3 of the United States Medical Licensing Examination are
24 eligible to take the United States Medical Licensing
25 Examination ~~in Alabama~~.

26 "(2) The following individuals are eligible to take
27 the Special Purpose Examination ~~in Alabama~~:

1 "a. Applicants who are applying for licensure in
2 Alabama who are required to take the examination under another
3 provision of this section.

4 "b. Individuals required to take the examination
5 pursuant to an order or directive of the State Board of
6 Medical Examiners or the Medical Licensure Commission.

7 "(3) Any individual eligible to take the Special
8 Purpose Examination pursuant to paragraph a. or b. of
9 subdivision (2) who has not achieved a passing score within
10 three administrations shall no longer be eligible to take the
11 Special Purpose Examination.

12 ~~"(c) Administrative requirements for examination by
13 the board.~~

14 ~~"(1) Each applicant shall pay an examination fee as
15 established by the board for each administration of the
16 required examination. The examination fee is not returnable to
17 an unsuccessful applicant.~~

18 ~~"(2) Examinations administered by the board may be
19 given in Montgomery or at any other location determined by the
20 board.~~

21 ~~"(3) Applicants who are required to take the Special
22 Purpose Examination or the United States Medical Licensing
23 Examination administered by the board shall, in addition to
24 the other requirements of this section, be eligible to sit for
25 and take the examination under the rules established by the
26 organization which created the examination.~~

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

4 ~~"(5) The board shall keep complete records of all~~
5 ~~examinations conducted, giving the name, age, residence,~~
6 ~~college, date of graduation of the applicant examined, and the~~
7 ~~results of the examination. These records shall be open to~~
8 ~~public inspection.~~

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

12 ~~"(d)~~ (c) Grounds for denial of a certificate of
13 qualification. The board may deny an application for a
14 certificate of qualification on any of the following grounds:

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

17 (2) Failure of the applicant to complete the
18 application form as specified by the board or to provide
19 additional information requested by the board in connection
20 with the application, including failure to provide information
21 to or submit to an evaluation recommended by the Alabama
22 Physician Wellness Committee, or its designee.

23 (3) A finding that the applicant has submitted or
24 caused to be submitted false, misleading, or untruthful
25 information to the board in connection with an application for
26 a certificate of qualification.

1 "(4) Failure to appear before the board or a
2 committee of the board if formally requested to appear in
3 connection with an application for a certificate of
4 qualification.

5 "(5) A finding by the board that the applicant has
6 committed any of the acts or offenses constituting grounds to
7 discipline the licensee to practice medicine in this state
8 pursuant to, but not limited to, Sections 16-47-128,
9 34-24-360, and 34-24-57.

10 "(6) Failure of the applicant to comply with any of
11 the requirements or rules for the issuance of a certificate of
12 qualification for a license to practice medicine in this
13 state.

14 "~~(e)~~ (d) Non-disciplinary citation with
15 administrative charge.

16 "(1) When a ground for denial of a certificate of
17 qualification exists, an applicant for a certificate of
18 qualification may request in writing to the Board of Medical
19 Examiners that a non-disciplinary citation with administrative
20 charge be assessed against the applicant in lieu of a decision
21 by the board to deny the application for a certificate of
22 qualification. The board may grant, if it deems appropriate, a
23 request for an assessment of a non-disciplinary citation with
24 administrative charge and issue a certificate of qualification
25 to the applicant.

26 "(2) The administrative charge shall be in amounts
27 established by the board in its regulations, not to exceed ten

1 thousand dollars (\$10,000). Payment of an administrative
2 charge assessed in a non-disciplinary citation shall be made
3 to the board prior to the issuance of a certificate of
4 qualification.

5 ~~"(3) If a certificate of qualification is issued by~~
6 ~~the board after the payment of an administrative charge in a~~
7 ~~non-disciplinary citation and the Medical Licensure Commission~~
8 ~~does not issue a license to practice medicine, the amount of~~
9 ~~the administrative charge shall be refunded by the board to~~
10 ~~the applicant. The administrative charge is not refundable~~
11 ~~once payment is received by the board.~~ The imposition of a
12 non-disciplinary citation with administrative charge ~~shall~~ is
13 considered public information and is not ~~be~~ considered a
14 disciplinary action against the applicant.

15 ~~"(f)~~ (e) Withdrawal of application for certificate of
16 qualification and certificate of qualification.

17 "(1) An applicant for a certificate of qualification
18 shall have six months from the date the initial signed
19 application form is received by the board to complete the
20 application, except that an applicant for a certificate of
21 qualification who is required to pass an examination as part
22 of the application process shall have 12 months from the date
23 the initial signed application form is received to complete
24 the application. After the expiration of the deadline for
25 completing an application established in the preceding
26 sentence, an incomplete application shall be withdrawn by the
27 board.

1 "(2) A certificate of qualification issued by the
2 board shall be withdrawn by the board after a period of six
3 months from the date of issuance unless the applicant has
4 filed an application for a license to practice medicine with
5 the Medical Licensure Commission of Alabama and paid the
6 required fee.

7 "(3) If either an application for a certificate of
8 qualification or a certificate of qualification is withdrawn
9 by the board, the applicant, to reapply, shall submit a new
10 application form including a new application fee.

11 "~~(g)~~ (f) Each applicant for a certificate of
12 qualification shall be a citizen of the United States or, if
13 not a citizen of the United States, a person who is ~~legally~~
14 lawfully present in the United States with appropriate
15 documentation from the federal government.

16 "§34-24-297.

17 "The following constitutes the requirements for the
18 issuance of a license to practice as an assistant to
19 physician:

20 "(1) Provide evidence, satisfactory to the board, of
21 successful completion of a training program accredited by the
22 Committee on Allied Health Education and Accreditation (CAHEA)
23 ~~or~~ the Commission on Accreditation of Allied Health Education
24 Programs (CAAHEP), the Accreditation Review Commission on
25 Education for the Physician Assistant (ARC-PA), or the
26 Accreditation Review Committee for the Anesthesiologist
27 Assistant (ARC-AA), or their successor agencies.

1 "(2) Provide evidence, satisfactory to the board, of
2 successful completion of the Physician Assistant National
3 Certification Examination (PANCE) as administered by the
4 National Commission on Certification of Physician Assistants
5 (NCCPA) or the National Certifying Examination for
6 Anesthesiologist Assistants (NCEAA) as administered by the
7 National Commission for Certification of Anesthesiologist
8 Assistants (NCCAA).

9 "(3) Submit an application on forms approved by the
10 board in its rules.

11 "(4) Pay in advance to the board the required
12 application fee in an amount established in the rules of the
13 board.

14 "(5) In addition to the above requirements and for
15 the purpose of determining an applicant's suitability for a
16 license to practice as an assistant to physician in this
17 state, each applicant shall submit to a criminal history
18 background check. Each applicant shall submit a complete set
19 of fingerprints to the Board of Medical Examiners, or any
20 channeler approved by the board. The board, or its channeler,
21 shall submit the fingerprints provided by each applicant for a
22 license to practice as an assistant to physician to the
23 Alabama State Bureau of Investigation ~~(ABI)~~ (SBI). The
24 fingerprints shall be forwarded by the ~~ABI~~ SBI to the Federal
25 Bureau of Investigation (FBI) for a national criminal history
26 record check. Costs associated with conducting a criminal
27 history background check shall be borne by the applicant and

1 are payable directly to the board, or its designee. The Board
2 of Medical Examiners shall keep information received pursuant
3 to this section confidential except that such information
4 received and relied upon in denying the issuance of a license
5 to practice as an assistant to physician in this state may be
6 disclosed as may be necessary to support the denial.

7 "§34-24-302.

8 "(a) The board ~~may~~, within its discretion, may deny
9 the issuance of a license to any person or, after notice and
10 hearing in accordance with board regulations, shall, within
11 its discretion, suspend, revoke, restrict, or otherwise
12 discipline the license of a person who shall be found guilty
13 on the basis of substantial evidence of any of the following
14 acts or offenses:

15 "(1) Conviction of a felony.

16 "(2) Conviction of any crime or other offense,
17 felony, or misdemeanor, reflecting on the ability of the
18 individual to render patient care in a safe manner.

19 "(3) Conviction of any violation of state or federal
20 laws relating to controlled substances.

21 "(4) Termination, restriction, suspension,
22 revocation, or curtailment of licensure, registration, or
23 certification as an assistant to physician by another state or
24 other licensing jurisdiction on grounds similar to those
25 stated herein.

1 "(5) The denial of a registration, a certification,
2 or a license to practice as an assistant to physician by
3 another state or other licensing jurisdiction.

4 "(6) Being unable to render patient care with
5 reasonable skill and safety by reason of illness, inebriation,
6 addiction to, or excessive use of alcohol, narcotics,
7 chemicals, drugs, or any other substance, or by reason of a
8 mental or physical condition or disability.

9 "(7) Revocation, termination, suspension, or
10 restriction of hospital privileges.

11 "(8) Knowingly submitting or causing to be submitted
12 any false, fraudulent, deceptive, or misleading information to
13 the board in connection with an application for licensure or
14 registration as an assistant to physician.

15 "(9) That the assistant to physician has represented
16 himself or herself or permitted another to represent him or
17 her as a physician.

18 "(10) That the assistant to physician has performed
19 otherwise than at the direction and under the supervision of a
20 physician approved by the board.

21 "(11) That the assistant to physician has been
22 delegated or has performed or attempted to perform tasks and
23 functions beyond his or her competence.

24 "(12) That the assistant to physician has performed
25 or attempted to perform tasks beyond those authorized in the
26 approved job description.

1 "(13) Practicing or permitting another to practice
2 as an assistant to physician without the required license and
3 registration from the board.

4 "(14) Prescribing by an assistant to physician in
5 violation of statutory authority or board rules or guidelines.

6 "(15) Intentional falsification of a certification
7 of compliance with the continuing medical education
8 requirement for assistants to physicians established in the
9 board rules.

10 "(b) As part of any investigation undertaken by the
11 Board of Medical Examiners regarding the denial, suspension,
12 revocation, restriction, or otherwise disciplining of the
13 license of an assistant to physician, the board may require a
14 criminal history background check of the assistant to
15 physician. In such event, the assistant to physician shall
16 submit a complete set of fingerprints to the Board of Medical
17 Examiners, or any channeler approved by the board. The board,
18 or its channeler, shall submit the fingerprints by the
19 assistant to physician to the Alabama State Bureau of
20 Investigation ~~(ABI)~~ (SBI). The fingerprints shall be forwarded
21 by the ~~ABI~~ SBI to the Federal Bureau of Investigation (FBI)
22 for a national criminal history record check. Costs associated
23 with conducting a criminal history background check shall be
24 borne by the assistant to physician and are payable directly
25 to the board, or its designee. The Board of Medical Examiners
26 shall keep information received pursuant to this section

1 confidential except that such information may be disclosed to
2 the assistant to physician.

3 "(c) When the issue is whether or not an assistant
4 to physician is physically or mentally capable of practicing
5 as an assistant to physician with reasonable skill and safety
6 to patients, then, upon a showing of probable cause to the
7 board that the assistant to physician is not capable of
8 practicing as an assistant to physician with reasonable skill
9 and safety to patients, the board may order and direct the
10 assistant to physician in question to submit to a physical,
11 mental, or laboratory examination or any combination of such
12 examinations to be performed by a physician or osteopath
13 designated by the board. The expense of such examination shall
14 be borne by the assistant to physician who is so examined.

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

26 "(e) Upon receipt of credible information that an
27 assistant to physician in this state has been evaluated or has

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

17 "(f) Failure or refusal by the assistant to
18 physician to comply with an order of the board directing the
19 execution and delivery to the board of an authorization and
20 release form as provided in subsection (e) shall constitute
21 grounds for the summary suspension of the assistant to
22 physician's license to practice as an assistant to physician
23 by the board, which suspension shall continue in effect until
24 such time as the assistant to physician complies with the
25 order of the board or the order is withdrawn by the board. The
26 provisions of this subsection supersede any provisions of

1 subsection (d) of Section 41-22-19 of the Alabama
2 Administrative Procedure Act that are in conflict.

3 "(g) All reports, records, and documents released to
4 the board under the provisions of subsection (e) are hereby
5 declared to be privileged and confidential and shall not be
6 public records nor available for court subpoena or for
7 discovery proceedings, but may be used by the board in the
8 course of its investigation and may be introduced as evidence
9 in administrative hearings conducted by the board.

10 "(h) Nothing contained herein shall apply to records
11 made in the regular course of business of an individual;
12 documents or records otherwise available from original sources
13 are not to be construed as immune from discovery or use in any
14 civil proceedings merely because they were presented or
15 considered during the proceedings of the State Board of
16 Medical Examiners.

17 "§34-24-337.

18 "(a) Renewal of license. Every person licensed to
19 practice medicine or osteopathy in the State of Alabama shall,
20 on or before December 31 of each succeeding year, apply to the
21 commission for renewal of a certificate of registration which
22 shall be effective during the next calendar year. All new
23 licenses issued by the commission, upon application, shall be
24 registered by the commission at the time of issuance, and a
25 certificate of registration, which shall be effective until
26 and including the following December 31, shall be issued to
27 the licensee. Each renewal application shall be made on a form

1 to be furnished by the commission. The application shall give
2 the name of the applicant in full, his or her address, the
3 date and number of the license issued to the applicant for the
4 practice of medicine or osteopathy, and such other facts as
5 shall tend to identify the applicant for registration as the
6 commission shall deem necessary. Each applicant for
7 registration shall submit with the application payment in an
8 amount to be set by the commission, not to exceed five hundred
9 dollars (\$500), as a registration fee.

10 "(b) Late fee. Each applicant for registration
11 submitting a renewal application during the period of time,
12 January 1 through January 31, in addition to the registration
13 fee set forth herein, shall pay to the commission a late fee
14 in an amount to be set by the Medical Licensure Commission not
15 to exceed two hundred dollars (\$200).

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

20 "(d) (1) When any licensee shall fail to register and
21 pay the annual registration fee and late fee on or before
22 January 31, as provided in this section, the license of such
23 person shall automatically become inactive without further
24 notice or hearing and such person shall not be authorized to
25 practice medicine; provided, that any person whose license
26 becomes automatically inactive as provided herein may make
27 application in writing to the commission for the reinstatement

1 of such license, which shall be accompanied by payment of all
2 fees which would have been assessed for past renewal periods
3 and the sum of two hundred fifty dollars (\$250) not to exceed
4 a total of eight hundred fifty dollars (\$850) for each
5 reinstatement.

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

1 "3) Reinstatement of the license shall be
2 accomplished in accordance with subsections (e) to (j),
3 inclusive, of this section.

4 "(e) Within five days after receipt of the written
5 application for reinstatement, the fees as provided above,
6 fingerprints, and related information, the commission shall
7 notify the Board of Medical Examiners that the applicant has
8 applied for reinstatement and shall furnish the board with a
9 copy of the application for reinstatement. Within 60 days from
10 the receipt of the application for reinstatement by the
11 commission, the board may file with the commission a notice
12 which shall be termed a "NOTICE OF INTENT TO CONTEST
13 REINSTATEMENT." The contents of the notice shall be sufficient
14 to inform the commission that the board has probable cause to
15 believe that grounds exist for the denial of the application
16 for reinstatement and informing the commission that a hearing
17 is requested before the commission prior to the reinstatement
18 of the license of the applicant. A copy of the NOTICE OF
19 INTENT TO CONTEST REINSTATEMENT shall be sent by the
20 commission to the applicant by certified mail return receipt.

21 "(f) After 60 days from the date that the commission
22 receives the application for reinstatement if the board has
23 not filed a NOTICE OF INTENT TO CONTEST REINSTATEMENT, or at
24 any time that the board notifies the commission in writing
25 that it has determined not to file a NOTICE OF INTENT TO
26 CONTEST REINSTATEMENT or that it has determined to withdraw a
27 NOTICE OF INTENT TO CONTEST REINSTATEMENT previously filed,

1 then the commission shall reinstate the license of the
2 applicant.

3 "(g) Within 30 days after the filing of a NOTICE OF
4 INTENT TO CONTEST REINSTATEMENT, the board shall file with the
5 commission a written complaint which shall be served upon the
6 applicant and set down for hearing by the commission in the
7 manner prescribed in subsection (e) of Section 34-24-361.

8 "(h) The commission may deny reinstatement of a
9 license upon a finding that the applicant has committed any of
10 the acts or offenses set forth in Sections 34-24-360,
11 34-24-57, 16-47-128, or any other provision of law
12 establishing grounds for the revocation, suspension, or
13 discipline of a license to practice medicine. In addition, the
14 commission may reinstate the license and impose any penalty,
15 restriction, or condition of probation provided for in
16 subsection (h) of Section 34-24-361 and Section 34-24-381 as
17 the commission deems necessary to protect the public health
18 and the patients of the applicant. If, at the conclusion of
19 the hearing, the commission determines that no violation has
20 occurred, the license of the applicant shall be reinstated.

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

25 "(j) When a license to practice medicine becomes
26 inactive under subsection (d) of this section for nonpayment
27 of the annual registration fee, the commission shall not be

1 deprived of jurisdiction to hear and adjudicate written
2 complaints filed by the Board of Medical Examiners under
3 subsection (e) of Section 34-24-361 and subsection (g) of this
4 section. In all cases where an application for reinstatement
5 is denied, the fees which accompany the application for
6 reinstatement shall not be refunded and no applicant shall
7 have the right to recover any part of such fees, the board
8 being empowered to retain all of the fees in order to
9 reimburse the state of expenses incident to the investigation
10 of the applicant and the conduct of hearings as provided in
11 this section.

12 "§34-24-361.

13 "(a) (1) The State Board of Medical Examiners on its
14 own motion may investigate any evidence which appears to show
15 that a physician or osteopath holding a certificate of
16 qualification to practice medicine or osteopathy in the State
17 of Alabama is or may be guilty of any of the acts, offenses,
18 or conditions set out in Section 34-24-360. As part of its
19 investigation, the board may require a criminal history
20 background check of the physician or osteopath. In such event,
21 the physician or osteopath shall submit a complete set of
22 fingerprints to the State Board of Medical Examiners, or any
23 channeler approved by the board. The board, or its channeler,
24 shall submit the fingerprints provided by the physician or
25 osteopath to the Alabama State Bureau of Investigation ~~(ABI)~~
26 (SBI). The fingerprints shall be forwarded by the ~~ABI~~ SBI to
27 the Federal Bureau of Investigation (FBI) for a national

1 criminal history record check. Costs associated with
2 conducting a criminal history background check shall be borne
3 by the physician or osteopath and are payable directly to the
4 board, or its designee. The State Board of Medical Examiners
5 shall keep information received pursuant to this section
6 confidential, except that such information received and relied
7 upon in an investigation by the board may be disclosed to the
8 physician or osteopath.

9 "(2) The board may, within its discretion and for
10 cause, order and direct that a physician or osteopath
11 successfully complete a course or courses of continuing
12 medical education on subjects related to the findings of the
13 investigation of the board. The course or courses of
14 continuing medical education ordered by the board may not
15 exceed 50 credit hours of instruction within the calendar year
16 in which the order is entered. Failure or refusal to comply
17 with the order or directive of the board entered pursuant to
18 this subdivision shall constitute grounds, after notice and a
19 hearing, for the suspension of the license to practice
20 medicine of the physician or osteopath in question by the
21 Medical Licensure Commission which shall continue in effect
22 until such time the physician or osteopath has complied with
23 the order or directive or the board has rescinded or withdrawn
24 the order or directive.

25 "(b) Any physician or osteopath holding a
26 certificate of qualification to practice medicine or
27 osteopathy in the State of Alabama shall and is hereby

1 required to, and any other person may, report to the board or
2 the commission any information such physician, osteopath, or
3 other person may have which appears to show that any physician
4 or osteopath holding a certificate of qualification to
5 practice medicine or osteopathy in the State of Alabama may be
6 guilty of any of the acts, offenses, or conditions set out in
7 Section 34-24-360, and any physician, osteopath, or other
8 person who in good faith makes such a report to the board or
9 to the commission shall not be liable to any person for any
10 statement or opinion made in such report.

11 "(c) If in the opinion of the board it appears that
12 such information provided to it under the provisions of this
13 section may be true, the board may request a formal interview
14 with the physician or osteopath.

15 "(d) If the physician or osteopath invited to a
16 formal interview before the board refuses to appear for such
17 interview, the commission shall have grounds to suspend or
18 revoke the certificate of qualification of such physician or
19 osteopath.

20 "(e) Any proceeding for suspension or revocation of
21 a license to practice medicine or osteopathy in the State of
22 Alabama shall be conducted in accord with the following
23 procedures:

24 "(1) A written administrative complaint signed by
25 any member of the State Board of Medical Examiners, any duly
26 licensed physician or osteopath, the executive officers of the

1 commission, or any other person shall be filed with the
2 Medical Licensure Commission.

3 "(2) The executive officer of the commission shall
4 set a date for the hearing of the administrative complaint,
5 shall notify the physician or osteopath against whom the
6 administrative complaint was filed of the time and place of
7 the hearing, and shall forward to such physician or osteopath
8 a copy of the administrative complaint filed against him or
9 her.

10 "(3) Such notice shall be served upon the physician
11 or osteopath against whom the complaint was filed at least 20
12 days prior to the hearing date.

13 "(4) The notice may be served by any sheriff of the
14 State of Alabama or by any person designated by the executive
15 officer of the commission, and if served by a person
16 designated by the executive officer, the return of service
17 shall be sworn to by that person before some officer
18 authorized to administer oaths.

19 "(5) If the physician or osteopath against whom a
20 complaint has been filed is out of the state, or evades
21 service, or cannot be served in person, then the service shall
22 be made by mailing a copy of the complaint and of the notice
23 to that person at his or her last known post office address in
24 this state, and the return shall show that service has been
25 made in this manner.

1 "(6) The investigation shall be held with as little
2 publicity as practicable, consistent with a fair and impartial
3 hearing.

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

8 "(8) The administrative complaint may be amended
9 without leave of the commission at any time more than 45 days
10 before the first setting of the case for hearing. Thereafter,
11 the commission may permit the administrative complaint to be
12 amended but no amendments shall be permitted that are not
13 germane to the acts, offenses, or conditions originally
14 charged or that materially alters the nature of any act,
15 offense, or condition charged; provided, however, that
16 amendments to conform to the evidence may be allowed in
17 conformance with Rule 15(b), Alabama Rules of Civil Procedure.

18 "(9) The commission shall have the right to
19 determine all questions as to the sufficiency of the
20 complaint, as to procedure, and as to the admissibility and
21 weight of evidence.

22 "(10) If a person whose qualifications are under
23 consideration absents himself or herself, or does not appear
24 after having been given the required notice, the hearing may
25 proceed in his or her absence.

26 "(f) The commission shall, temporarily, suspend the
27 license of a physician or osteopath without a hearing

1 simultaneously with the institution of proceedings for a
2 hearing provided under this section on the request of the
3 State Board of Medical Examiners if the board finds that
4 evidence in its possession indicates that the physician's or
5 osteopath's continuation in practice may constitute an
6 immediate danger to his or her patients or to the public. The
7 commission may meet by telephone conference call to act upon
8 any such request.

9 "(g) A physician or osteopath may surrender his or
10 her certificate of qualification or request in writing to the
11 State Board of Medical Examiners that a restriction be placed
12 upon his or her certificate of qualification to practice
13 medicine or osteopathy. The board may accept a surrender or
14 grant such a request for restriction and shall have the
15 authority, if it deems appropriate, to attach such
16 restrictions to the certificate of qualification of the
17 physician or osteopath to practice medicine or osteopathy
18 within the State of Alabama. Removal of a voluntary
19 restriction on a certificate of qualification shall be done
20 only with the approval of the State Board of Medical
21 Examiners. If the board accepts the surrender of a certificate
22 of qualification, it shall notify the commission and the
23 commission shall withdraw the physician's or osteopath's
24 license to practice medicine or osteopathy in the State of
25 Alabama. If the board attaches restrictions to a physician's
26 or osteopath's certificate of qualification, it shall notify
27 the commission of the restrictions and the commission shall

1 also place the restrictions on the physician's or osteopath's
2 license to practice medicine or osteopathy in the State of
3 Alabama. If the board denies a request by an applicant for
4 reinstatement of his or her certificate of qualification or
5 for removal of a voluntary restriction, the applicant shall
6 have the right of appeal to the commission which has the
7 authority to either affirm the board's action or order the
8 board to modify its action as the commission deems
9 appropriate. Applications requesting reinstatement of a
10 certificate of qualification filed with the Board of Medical
11 Examiners within 24 months of the effective date of the
12 applicant's voluntary surrender of the certificate of
13 qualification may be dismissed by the board as prematurely
14 filed. An application as described above which is filed with
15 the board more than 24 months following the effective date of
16 the voluntary surrender may be granted or may be set for a
17 hearing before the board. The hearing shall be conducted as a
18 contested case under the Alabama Administrative Procedure Act.
19 The Board of Medical Examiners shall be without jurisdiction
20 to reinstate the certificate of qualification of a physician
21 or osteopath whose certificate of qualification was
22 voluntarily surrendered while under investigation or during
23 the pendency of the administrative hearing if the application
24 for reinstatement of the certificate of qualification is
25 received by the board more than five years after the effective
26 date of the surrender of the certificate of qualification. In
27 the event the Medical Licensure Commission is without

1 jurisdiction to reinstate a license to practice medicine or
2 osteopathy or the Board of Medical Examiners is without
3 jurisdiction to reinstate the certificate of qualification,
4 any existing, corresponding certificate of qualification of
5 any licensee over whom the commission or board has lost the
6 aforementioned jurisdiction, shall become null and void.

7 "(h) Subsequent to the holding of a hearing and the
8 taking of evidence by the commission as provided for in this
9 section, the commission shall request and consider but not be
10 bound by a recommendation from the State Board of Medical
11 Examiners. After receipt of the board's recommendation, if the
12 commission finds that a physician or osteopath is guilty of
13 any of the acts, offenses, or conditions enumerated in Section
14 34-24-360, the commission may take any of the following
15 actions or any combinations of the following actions:

16 "(1) Enter a judgment and impose a penalty.

17 "(2) Suspend imposition of judgment and penalty.

18 "(3) Order that the respondent physician or
19 osteopath pay to the board such costs, fees, and expenses as
20 the commission shall deem appropriate.

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

26 "(5) As a condition of probation the commission may
27 require the physician or osteopath to submit to care,

1 counseling, or treatment by physicians designated by the
2 commission. The expense of such care, counseling, or treatment
3 shall be borne by the physician or osteopath on probation.

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

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

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

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

1 osteopathy filed with the commission within 24 months from the
2 effective date of the commission's order may, within the
3 discretion of the commission, be dismissed by the commission
4 as prematurely filed, subject to the right of the applicant to
5 refile the application at a later date. An application as
6 described above which is filed with the commission more than
7 24 months following the effective date of the commission's
8 order may be granted, or may be set for a hearing before the
9 commission, and such hearing shall be conducted as a contested
10 case under the Alabama Administrative Procedure Act. The
11 Medical Licensure Commission shall be without jurisdiction to
12 reinstate the license to practice medicine or osteopathy of a
13 physician or osteopath whose license was revoked by the
14 commission or voluntarily surrendered while under
15 investigation or during the pendency of an administrative
16 hearing if the application for reinstatement is received more
17 than five years after the effective date of the revocation or
18 surrender of the license.

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

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

8 Section 2. Sections 34-24-70.1 and 34-24-301.1 are
9 added to the Code of Alabama 1975, to read as follows:

10 §34-24-70.1.

11 (a) (1) The board, at its discretion and subject to
12 the rules adopted by the board, may issue a temporary
13 certificate of qualification to a physician applicant who is
14 relocated to or stationed in this state under official
15 military orders and who satisfies any of the following:

16 a. Is an active duty, reserve, or transitioning
17 member of a branch of the United States Armed Forces,
18 including the National Guard.

19 b. Is the spouse of an active duty, reserve, or
20 transitioning member of a branch of the United States Armed
21 Forces, including the National Guard.

22 c. Is the surviving spouse of a service member who,
23 at the time of his or her death, was serving on active duty.

24 (2) For the purposes of this section, a
25 transitioning service member is a member of the United States
26 Armed Forces, including the National Guard, on active duty

1 status or on separation leave who is within 24 months of
2 retirement or 12 months of separation.

3 (b) The Medical Licensure Commission, at its
4 discretion and subject to the rules adopted by the commission,
5 may issue a temporary license to practice medicine to an
6 applicant who has been issued a temporary certificate of
7 qualification by the board under this section.

8 (c) A physician may receive a temporary certificate
9 of qualification issued under subsection (a) if he or she
10 satisfies the requirements of subsection (a), to the
11 satisfaction of the board, and presents evidence satisfactory
12 to the board of all of the following:

13 (1) Possession of a full and unrestricted license to
14 practice medicine issued by the appropriate medical licensing
15 board of another state, the District of Columbia, a territory
16 of the United States, or a province of Canada.

17 (2) Graduation from a medical school accredited by
18 the Liaison Committee on Medical Education or the Commission
19 on Osteopathic College Accreditation, or a medical school
20 listed on the International Medical Education Directory or its
21 equivalent.

22 (3) Pursuant to the qualifications set forth in
23 Section 34-24-70(a) (3) and any rule adopted pursuant to that
24 section, passage of each component of the United States
25 Medical Licensing Examination (USMLE), the Comprehensive
26 Osteopathic Medical Licensing Examination (COMLEX-USA), the
27 Licentiate of the Medical Council of Canada Examination, or

1 any of their predecessor examinations, accepted by the board
2 as an equivalent examination for licensure purposes.

3 (4) Successful completion of graduate medical
4 education approved by the Accreditation Council for Graduate
5 Medical Education or the American Osteopathic Association.

6 (5) Has never been convicted, received adjudication,
7 community supervision, or deferred disposition of any felony
8 offense or any crime related to fraud, violence, sexual
9 violations, or related to the practice of medicine.

10 (6) Has never had his or her medical license
11 subjected to discipline by a licensing agency in any state,
12 federal, or foreign jurisdiction, excluding any action related
13 to the nonpayment of fees related to a license.

14 (7) Has never had a controlled substance license or
15 permit suspended or revoked by a state or the United States
16 Drug Enforcement Administration.

17 (8) Is not currently under investigation by a
18 licensing agency or law enforcement authority in any state,
19 federal, or foreign jurisdiction.

20 (9) Is a United States citizen, a national of the
21 United States, or an alien lawfully present in the United
22 States.

23 (d) A physician who is issued a temporary
24 certificate of qualification under this section shall apply
25 for a certificate of qualification pursuant to Section
26 34-24-70 within 12 months after the issuance of a temporary
27 certificate of qualification.

1 (1) A temporary certificate of qualification issued
2 under subsection (a) shall expire 12 months after the date of
3 issuance if an application for a certificate of qualification
4 pursuant to Section 34-24-70 is not received by the board.

5 (2) A physician who applies for a certificate of
6 qualification pursuant to Section 34-24-70 and the rules
7 adopted by the board within 12 months after issuance of a
8 temporary certificate of qualification may practice medicine
9 under a license issued by the commission under this section
10 until such time as the application is acted upon by the board
11 and the Medical Licensure Commission.

12 (e) The State Board of Medical Examiners and the
13 Medical Licensure Commission may each adopt rules to implement
14 this section and to permit the expedited processing of
15 applications for a temporary certificate of qualification and
16 medical license.

17 (f) A temporary certificate of qualification and
18 license shall clearly indicate that it is a temporary
19 certificate or license for military service members or their
20 spouses.

21 (g) Any physician issued a temporary license under
22 this section shall be subject to having his or her license
23 suspended or revoked by the Medical Licensure Commission for
24 the same causes or reasons, and in the same manner, as
25 provided by law for other physicians licensed pursuant to this
26 chapter.

27 §34-24-301.1.

1 (a) (1) The board, at its discretion and subject to
2 the rules adopted by the board, may issue a temporary license
3 to an assistant to physician applicant who is relocated to or
4 stationed in this state under official military orders and who
5 satisfies any of the following:

6 a. Is an active duty, reserve, or transitioning
7 member of a branch of the United States Armed Forces,
8 including the National Guard.

9 b. Is the spouse of an active duty, reserve, or
10 transitioning member of a branch of the United States Armed
11 Forces, including the National Guard.

12 c. Is the surviving spouse of a service member who,
13 at the time of his or her death, was serving on active duty.

14 (2) For the purposes of this section, a
15 transitioning service member is a member of the United States
16 Armed Forces, including the National Guard, on active duty
17 status or on separation leave who is within 24 months of
18 retirement or 12 months of separation.

19 (b) An assistant to physician may receive a
20 temporary license issued under subsection (a) if he or she
21 satisfies the requirements of subsection (a), to the
22 satisfaction of the board, and presents evidence satisfactory
23 to the board of all of the following:

24 (1) Possession of a full and unrestricted license to
25 practice as an assistant to physician issued by the
26 appropriate licensing board of another state, the District of

1 Columbia, a territory of the United States, or a province of
2 Canada.

3 (2) Completion of a training program accredited by
4 the Committee on Allied Health Education and Accreditation
5 (CAHEA), the Commission on Accreditation of Allied Health
6 Education Programs (CAAHEP), the Accreditation Review
7 Commission on Education for the Physician Assistant (ARC-PA),
8 or the Accreditation Review Committee for the Anesthesiologist
9 Assistant (ARC-AA), or their successor agencies.

10 (3) Completion of the Physician Assistant National
11 Certification Examination (PANCE) as administered by the
12 National Commission on Certification of Physician Assistants
13 (NCCPA) or the National Certifying Examination for
14 Anesthesiologist Assistants (NCEAA) as administered by the
15 National Commission for Certification of Anesthesiologist
16 Assistants (NCCAA).

17 (4) Has never been convicted, received adjudication,
18 community supervision, or deferred disposition of any felony
19 offense or any crime related to fraud, violence, sexual
20 violations, or related to health care.

21 (5) Has never had his or her license to practice as
22 an assistant to physician subjected to discipline by a
23 licensing agency in any state, federal, or foreign
24 jurisdiction, excluding any action related to the nonpayment
25 of fees related to a license.

1 (6) Has never had a controlled substance license or
2 permit suspended or revoked by a state or the United States
3 Drug Enforcement Administration.

4 (7) Is not currently under investigation by a
5 licensing agency or law enforcement authority in any state,
6 federal, or foreign jurisdiction.

7 (8) Is a United States citizen, a national of the
8 United States, or an alien lawfully present in the United
9 States.

10 (c) An assistant to physician who is issued a
11 temporary license under this section shall apply for a license
12 to practice as an assistant to physician pursuant to Section
13 34-24-297 within 12 months after the issuance of a temporary
14 license.

15 (1) A temporary license issued under subsection (a)
16 shall expire 12 months after the date of issuance if an
17 application for a license to practice as an assistant to
18 physician pursuant to Section 34-24-297 is not received by the
19 board.

20 (2) An assistant to physician who applies for a
21 license pursuant to Section 34-24-297 and the rules adopted by
22 the board within 12 months after issuance of a temporary
23 license may practice as an assistant to physician under a
24 license issued by the board under this section until such time
25 as the application is acted upon by the board.

26 (d) The board may adopt rules to implement this
27 section and to permit the expedited processing of applications

1 for a temporary license to practice as an assistant to
2 physician.

3 (e) A temporary license shall clearly indicate that
4 it is a temporary license for military service members or
5 their spouses.

6 (f) Any assistant to physician issued a temporary
7 license under this section shall be subject to having his or
8 her license suspended or revoked by the board for the same
9 causes or reasons, and in the same manner, as provided by law
10 for other assistants to physicians licensed pursuant to this
11 chapter.

12 Section 3. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.