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TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. 540-X-17-.06

Rule Title: Medical Records

_____ New Amend _____ Repeal _____ Adopt by Reference _____

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

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ YES

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ YES

Does the proposed rule have an economic impact? _____ NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer _____ 

Date: February 17, 2012

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**ALABAMA STATE BOARD
OF MEDICAL EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. & TITLE: 540-X-17-.06, Medical Records

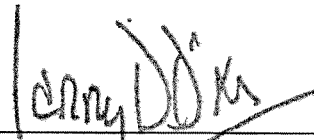
INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: To amend the rule concerning medical records regarding promotion and use of some substances for weight reduction

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Patricia E. Shaner, General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and including Wednesday, April 12, 2012. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Patricia E. Shaner, by telephone (334-242-4116) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments. The rule amendment will also be available at the Board's web site, www.albme.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 4, 2012

CONTACT PERSON AT AGENCY: Patricia E. Shaner



Larry D. Dixon, Executive Director

540-X-17-.06 Medical Records.

(1) Every physician who prescribes, orders, dispenses or administers a controlled substance to a patient for the purpose of weight reduction or treatment of obesity should maintain medical records in compliance with the provisions of this Chapter and Medical Licensure Commission Rule 545-X-4-.09, Minimum Standards for Medical Records.

(2) The treatment of obesity should be based on evidence based medicine.¹ The Board considers the promotion and use for weight reduction of controlled and non-controlled substances which have not been scientifically validated to be of questionable benefit (e.g., HCG, etc.). The promotion and use of these substances is under scrutiny by the Board for possible sanctions for non-legitimate medical use violations. Adequate medical documentation should be kept so that progress as well as the success or failure of any modality is easily ascertained.

(3) At a minimum, every thirty-five (35) days when a controlled substance is being provided to a patient for the purpose of weight reduction or treatment of obesity, the physician or PA or CRNP should record in the patient record, information demonstrating the patient's continuing efforts to lose weight, the patient's dedication to the treatment program and response to treatment, and the presence or absence of contraindications, adverse effects and indicators of possible substance abuse that would necessitate cessation of treatment utilizing controlled substances.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 34-24-53

History: Approved for publication: October 19, 2011. Effective Date: January 20, 2012.

¹An example of evidence based medicine would include the Bariatric Practice Guidelines as established by the American Society of Bariatric Physicians and which can be found on the website www.ASBP.org.