

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. 540-X-14-.04

Rule Title: Retired Physicians

_____ New X 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

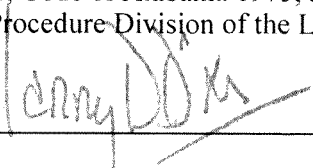
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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: May 25, 2012

APA-2
6/93

**ALABAMA STATE BOARD
OF MEDICAL EXAMINERS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. & TITLE: 540-X-14-.04, Retired Physicians

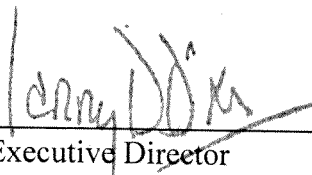
INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: To amend the rule to correct a section reference.

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, Office of General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, 848 Washington Avenue (36104), 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 Friday, August 3, 2012. Persons wishing to obtain copies of the text of this rule should contact Patricia E. Shaner, Office of General Counsel, (334-242-4116), PO Box 946, 848 Washington Avenue (36104), Montgomery, Alabama 36101-0946

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2012

CONTACT PERSON AT AGENCY: Patricia E. Shaner



Larry D. Dixon, Executive Director

540-X-14-.04 Retired Physicians. A retired physician who does not engage in the practice of medicine in any form, but who nevertheless desires to maintain a current license may be excused from the minimum continuing medical education requirement by submitting to the State Board of Medical Examiners an application for waiver and a statement in writing signed by the physician attesting that he is retired and is no longer practicing medicine in any form. An application for a waiver due to retirement shall be deemed a request for a voluntary restriction on the physician's certificate of qualification and license to practice medicine under Section 34-24-361(g) which prohibits the physician from engaging in the practice of medicine in any form while the waiver is in effect. During any period of time in which a physician with an active license to practice medicine has been granted a waiver due to retirement by the Board, the status of such physician's license shall be "active with restriction due to retirement". The restriction shall be considered non-disciplinary, shall not be reportable to the National Practitioner Data Bank and shall not be published in the Board of Medical Examiners' Newsletter. The restriction shall be a matter of public record and available to any person or organization requesting verification of the license status of the physician. In order to be granted a waiver due to retirement, the physician must voluntarily surrender his current Alabama Controlled Substances Registration Certificate, which must accompany the application for waiver. A retired physician who has claimed exemption from the minimum continuing medical education requirement pursuant to this rule and who at a subsequent time desires to re-enter the practice of medicine in any form shall submit to the Board an application for removal of waiver status and proof that he has complied with the continuing medical education requirement as set forth in Rule 540-X-14-.02.

Documentation necessary to establish compliance shall be in accordance with Rule 540-X-14-~~09~~10. Proof of compliance with the continuing medical education requirement is a condition precedent to re-entering medical practice and to the issuance, re-issuance or renewal of the physician's Alabama Controlled Substances Registration Certificate.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama 1975, §34-24-53 & Act 89-244.

History: Adopted: October 17, 1990. Filed: November 2, 1990. Effective Date: October 1, 1991. Amended/Approved For Publication: March 20, 1996. Approved/Adopted: May 15, 1996. Effective Date: June 24, 1996. Repealed and Replaced/Approved: January 21, 2004, Effective Date: May 28, 2004. Amended/approved: May 16, 2012.