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**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 545 Department or Agency Alabama Medical Licensure Commission

Rule No. Chapter 545-X-5-.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 James E. West, MD

Date: May 25, 2012

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ALABAMA MEDICAL LICENSURE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medical Licensure Commission

RULE NO. & TITLE: 545-x-5-.04 Retired Physicians

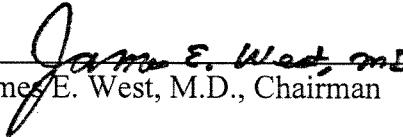
INTENDED ACTION: To amend rule 545-x-5-.04

SUBSTANCE OF PROPOSED ACTION: To amend rule to correct reference for continuing medical education requirement regarding retired physicians re-entry to practice

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: Karen H. Silas, Executive Assistant, Alabama Medical Licensure Commission, Post Office Box 887, Montgomery, Alabama 36101-0887, 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 and submit data, views or comments or arguments orally should contact Karen H. Silas, by telephone (334/242-4153) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments.

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

CONTACT PERSON AT AGENCY: Karen H. Silas


James E. West, M.D., Chairman

545-X-5-.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 545-X-5-.02.

Documentation necessary to establish compliance shall be in accordance with Rule 545-X-5-.~~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.

History: Filed November 2, 1990; effective October 1, 1991.

Amended: Filed August 20, 1996; effective September 24, 1996.

[Amended] Repealed and Replaced January 28, 2004.

Adopted as an Emergency Rule effective January 30, 2004

Repeal and Replace Approved for Publication, January 28, 2004

Filed January 30, 2004; Effective May 28, 2004

Amended: Adopted as an Emergency Rule filed/effective May 25, 2012,

Approved for Publication May 23, 2012, Filed May 25, 2012