

APA-4  
Revised 1/2018

**CERTIFICATION OF EMERGENCY RULES  
FILED WITH LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency new rule is a correct copy as promulgated and adopted on the 18th day of August, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

RULE NO. AND TITLE: 540-X-7-.70ER, Applicants for Emergency License to Practice as a Physician Assistant

EFFECTIVE DATE OF RULE: August 18, 2021

EXPIRATION DATE (If less than 120 days):

NATURE OF EMERGENCY: See attached Statement of Reasons for Issuing Emergency Rules Pursuant to Ala. Code § 41-22-5(b)(1)

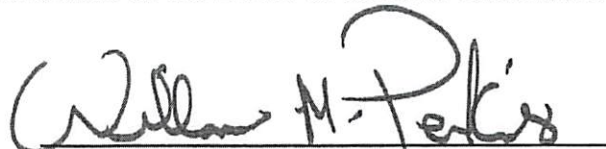
STATUTORY AUTHORITY: Code of Alabama 1975, § 34-24-337

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS \_\_\_ YES \_\_\_ X \_\_\_ NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Carla H. Kruger  
PO Box 946  
Montgomery AL 36101-0946  
(334) 242-4116

Text of rule and application forms are available at the Board of Medical Examiners' web site, [www.albme.org](http://www.albme.org).



Signature of officer authorized  
to promulgate and adopt rules and  
regulations or his or her deputy

REC'D & FILED

AUG 19 2021

LEGISLATIVE SVC AGENCY



## ALABAMA STATE BOARD OF MEDICAL EXAMINERS

P.O. BOX 946  
MONTGOMERY, ALABAMA 36101-0946  
848 WASHINGTON AVE.  
MONTGOMERY, ALABAMA 36104

TELEPHONE: (334) 242-4116  
FAX: (334) 242-4155  
E MAIL: [bme@albme.org](mailto:bme@albme.org)

### Statement of Reasons for Issuing Emergency Rules Pursuant to Ala. Code § 41-22-5(b)(1)

On August 13, 2021, the Governor of the State of Alabama declared the existence of a state public health emergency based on the extreme stress the steep rise in COVID-19 disease cases has put on Alabama hospitals.

Notably, the Governor's August 13, 2021, declaration of a state public health emergency found that "hospitalizations in Alabama have climbed from 235 (as of July 6, 2021) to 2,441 (as of August 12, 2021) . . . the current number of COVID-19-related hospitalizations is quickly approaching [a] record number . . . [and] as of August 12, 2021, 95 percent of beds in intensive care units in Alabama hospitals were occupied." The Governor further stated that "the COVID-19 virus persists in Alabama and the nation, and it continues to present a serious threat to public health, taxing Alabama hospitals, many of whom were already struggling to staff their facilities." The State Board of Medical Examiners agrees with this finding and assessment.

The August 13, 2021, emergency declaration authorizes the Alabama State Board of Medical Examiners to adopt emergency rules to allow expedited licensure for the practice of medicine within an inpatient unit, emergency department, or other acute care unit located within a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health.

The State Board of Medical Examiners hereby finds that the continued need for qualified physician assistants and anesthesiologist assistants to provide medical services in Alabama hospitals warrants the emergency adoption of these rules to provide for the issuance of emergency licenses to physician and anesthesiologist assistants licensed in other states who may assist with this health emergency. The State Board of Medical Examiners hereby finds that physician assistant applicants who satisfy the requirements of Ala. Admin. R. 540-X-7-.70ER are eligible for

emergency licenses and anesthesiologist assistant applicants who satisfy the requirements of Ala. Admin. R. 540-X-7-.71 are eligible for emergency licenses.

Before promulgating these rules, Board leadership consulted with Dr. Scott Harris, State Health Officer, and members of the Medical Licensure Commission, reviewed similar measures implemented by other states and state medical boards, and received input from interested stakeholders, including institutions representing license holders. As a result, the Board determined that relaxing the licensure process for physician assistants and anesthesiologist assistants during this state of emergency is necessary to protect the imminent threat to the health, safety, or welfare of the citizens of Alabama.

NEW

540-X-7-.70ER      Applicants for Emergency License to Practice as a Physician

Assistant.

(1) Preamble. On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the Severe Adult Respiratory Syndrome-Coronavirus-2 (SARS-CoV-2). On March 18, 2020, the Governor proclaimed the existence of conditions that warrant the implementation of extraordinary measures and relief during the existing state health emergency to guard public health and protect human life. On July 2, 2020, the Governor extended the state of emergency for a second time to last until September 9, 2020. The Governor found that "it is impossible to predict how long the COVID-19 pandemic will require the existence of a state of emergency." On July 6, 2021, the Governor terminated the public health emergency. On August 13, 2021, noting that the steep rise in COVID-19 cases in the weeks since the emergency was terminated has put extreme stress on Alabama hospitals, the Governor declared a state public health emergency for the disease referenced as "COVID-19" to include all existing and future variants, mutations, and forms of the SARS-CoV-2 virus. Accordingly, the State Board of Medical Examiners hereby finds that the need for qualified physician assistants to provide medical services in Alabama hospitals warrants the emergency adoption of this rule to provide for the issuance of an emergency license to practice as a physician assistant to physician assistants licensed in other states who may assist in hospitals with this health emergency. The intent of this rule is to provide for the expedited issuance of a license to practice as a physician assistant to qualified physician

assistants who desire to provide health care in a hospital setting to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19. The State Board of Medical Examiners hereby finds that physician assistant applicants who satisfy the requirements of this rule are eligible for an emergency license to practice as a physician assistant.

(2) The State Board of Medical Examiners may issue an emergency license to practice as a physician assistant on behalf of a person who presents evidence satisfactory to the Board showing all of the following:

(a) Possession of a full and unrestricted license to practice as a physician assistant issued by the appropriate licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Completion of a training program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), or its successor agency;

(c) Completion of the Physician Assistant National Certification Examination (PANCE) as administered by the National Commission on Certification of Physician Assistants (NCCPA);

(d) Has never been convicted, received adjudication, community supervision, or deferred disposition of any felony offense or any crime related to fraud, violence, sexual violations, or health care;

(e) Has never had his or her license to practice as a physician assistant subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

(f) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration;

(g) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction;

(h) Is a United States citizen, a national of the United States, or an alien lawfully present in the United States; and

(i) Has obtained and provides to the Board written verification from the hospital administrator or chief of the medical staff of a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health showing stating that the applicant will provide in-patient medical care to patients in inpatient units, emergency departments, or other acute care units and that the facility is providing care to persons suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(3) An emergency license to practice as a physician assistant issued under this rule shall expire one hundred twenty (120) days after the effective date of this rule. The effectiveness of this rule, and any licenses issued under it, may be extended by order of the Governor.

(4) An assistant to physicians who is issued an emergency certificate of qualification shall be restricted to providing medical care to patients in inpatient units, emergency departments, or other acute care units at the general acute care hospital, critical access hospital, or specialized hospital identified in his or her application. An assistant to physicians who is issued an emergency certificate of qualification may designate a new or additional practice site by providing to the Board written verification

from the hospital administrator or chief of the medical staff of the general acute care hospital, critical access hospital, or specialized hospital licensed as such by the Alabama Department of Public Health stating that the assistant to physicians will provide medical care to patients in inpatient units, emergency departments, or other acute care units and that the facility is providing care to persons suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(5) A physician assistant applying for an emergency license shall certify to the State Board of Medical Examiners that he or she intends to provide health care to citizens of Alabama suffering from and affected by SARS-CoV-2 and the disease known as COVID-19.

(6) Applicants for an emergency license to practice as a physician assistant shall not be required to pay a fee.

(7) Applicants shall be entitled to the expedited issuance of an emergency license to practice as a physician assistant upon certification of the applicant's satisfaction of this rule by the Executive Director or Associate Executive Director of the State Board of Medical Examiners, or his or her designee.

(8) The emergency license to practice as a physician assistant shall clearly indicate that it is an emergency license.

**Author:** Alabama Board of Medical Examiners.

**Statutory Authority:** Code of Alabama 1975, § 34-24-290, et seq.

**History:** Emergency New Rule Pursuant to Governor Kay Ivey's Declaration of State of Emergency August 13, 2021. Approved: August 18, 2021. Effective Date of Emergency Rule: August 18, 2021.