

1 HB319
2 157008-2
3 By Representatives Weaver, McClendon and Henry
4 RFD: Health
5 First Read: 21-JAN-14

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ENROLLED, An Act,

To amend Act 2013-257 of the 2013 Regular Session, now appearing as Section 34-24-604 of the Code of Alabama 1975, relating to physician registration under the Alabama Pain Management Act; to remove the requirement that physicians must submit the results of a criminal background check to the Alabama Board of Medical Examiners in order to register under the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 2013-257 of the 2013 Regular Session, now appearing as Section 34-24-604 of the Code of Alabama 1975, is amended to read as follows:

"§34-24-604.

"(a) Beginning January 1, 2014, and continuing each year thereafter:

"(1) All physicians providing pain management services shall obtain a pain management registration from the board.

"(2) All physicians who otherwise meet the criteria established by the board shall obtain a pain management registration from the board.

"(b) To register, a physician applicant shall submit the following to the board:

1 "(1) A completed application on a form prescribed by
2 the board.

3 "(2) Proof of a current drug enforcement
4 administration registration.

5 "(3) Proof of an Alabama controlled substances
6 certificate.

7 "(4) Proof of a current registration with the
8 Alabama Prescription Drug Monitoring Program.

9 "~~(5) The results of a criminal background check.~~
10 ~~Each applicant shall submit a complete set of fingerprints to~~
11 ~~the board. The board shall submit the fingerprints provided by~~
12 ~~each applicant for registration to provide pain management~~
13 ~~services to the Alabama Bureau of Investigation. The~~
14 ~~fingerprints shall be forwarded by the ABI to the Federal~~
15 ~~Bureau of Investigation for a national criminal history record~~
16 ~~check. Costs associated with conducting a criminal history~~
17 ~~background check shall be borne by the applicant. The board~~
18 ~~shall keep information received pursuant to this section~~
19 ~~confidential, except that such information received and relied~~
20 ~~upon in denying the registration of a physician to provide~~
21 ~~pain management services in this state may be disclosed as may~~
22 ~~be necessary to support the denial.~~

23 "~~(6)~~ (5) A list of all registrants who own, co-own,
24 operate, or provide pain management services in the practice
25 location.

1 "~~(7)~~(6) The disclosure of any controlled substances
2 certificate or registration denial, restriction, or discipline
3 imposed on the registrant, or any disciplinary act against the
4 license of the registrant.

5 "~~(8)~~(7) Payment of the initial registration fee as
6 set forth in this section and in the rules of the Alabama
7 Board of Medical Examiners.

8 "~~(9)~~(8) A certification listing the current name of
9 the physician who will serve as the medical director.

10 "~~(10)~~(9) Any other information requested by the
11 board related to the qualifications to, or the provision of,
12 providing pain management services.

13 "(c) The applicant shall provide the board with a
14 physical address for each location where he or she provides
15 pain management services and a list of all physicians who work
16 at the practice location, including the name of the physician
17 who will serve as the medical director. For purposes of this
18 subsection, if a practice location is a hospital, the
19 physician applicant is not required to provide the names of
20 physicians at the hospital other than the medical director.

21 "(d) Exemptions. The provisions of this article
22 shall not apply to any of the following:

23 "(1) A hospice program licensed by the Alabama
24 Department of Public Health, or any physicians while
25 performing work for that program.

1 "(2) A facility maintained or operated by the United
2 States or any of its departments, offices, or agencies, or any
3 physicians while performing work for that facility.

4 "(e) The board shall provide individual, entity, and
5 any categorical exemptions as, in its discretion, it deems
6 appropriate.

7 "(f) Any physician who is not included in
8 subdivisions (1) and (2) of subsection (d) may petition the
9 board for an exemption from the requirements of this section
10 for working at a particular entity. The board shall have the
11 sole discretion in determining whether the requested exemption
12 shall be granted or denied.

13 "(g) Fees.

14 "(1) An initial registration fee is provided in an
15 amount set by the board in its rules not to exceed three
16 hundred dollars (\$300).

17 "(2) Renewal fee. A renewal fee is provided in an
18 amount set by the board in its rules not to exceed three
19 hundred dollars (\$300).

20 "(h) Miscellaneous.

21 "(1) An applicant practicing in more than one
22 location shall submit a separate registration fee for each
23 practice.

24 "(2) If an applicant does not complete the initial
25 application process within 90 days of his or her first

1 submission to the board, then the application shall be closed,
2 the application fee shall not be refunded, and the applicant
3 shall be required to reapply for registration.

4 "(3) An application which is submitted to the board
5 may be withdrawn at any time prior to the granting or denial
6 of registration; provided, however, that the application fee
7 shall not be refunded.

8 "(i) Renewal.

9 "(1) A registration by a physician under this
10 article shall expire on December 31 of each year.

11 "(2) A registrant may renew a current registration
12 prior to its expiration date by submitting the following to
13 the board:

14 "a. A renewal application form prescribed by the
15 board.

16 "b. The required renewal fee.

17 "c. A certification that each location at which the
18 applicant provides pain management service has a medical
19 director.

20 "d. If the practice location is not a hospital, an
21 attestation that the practice location is not owned wholly or
22 partly by a person who has been convicted of or pled nolo
23 contendere to any of the following:

24 "1. A felony.

1 "2. An offense that constitutes a misdemeanor, the
2 facts of which relate to the distribution or illegal
3 prescription of any controlled substance.

4 "e. Any applicant who has been convicted of a crime
5 described in paragraph d. may request an interview before the
6 board, after which the board may approve or deny the
7 registration.

8 "f. Any other information requested by the board."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

