

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

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8 SYNOPSIS: This bill would amend Act 2013-257 of the
9 2013 Regular Session, now appearing as Section
10 34-24-604 of the Code of Alabama 1975, the Alabama
11 Pain Management Act, to eliminate the current
12 requirement for a criminal background check in
13 order for a physician to register under the act.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Act 2013-257 of the 2013 Regular Session,
20 now appearing as Section 34-24-604 of the Code of Alabama
21 1975, relating to physician registration under the Alabama
22 Pain Management Act; to remove the requirement that physicians
23 must submit the results of a criminal background check to the
24 Alabama Board of Medical Examiners in order to register under
25 the act.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Act 2013-257 of the 2013 Regular Session,
2 now appearing as Section 34-24-604 of the Code of Alabama
3 1975, is amended to read as follows:

4 "§34-24-604.

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

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

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

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

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

17 "(2) Proof of a current drug enforcement
18 administration registration.

19 "(3) Proof of an Alabama controlled substances
20 certificate.

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

23 ~~"(5) The results of a criminal background check.
24 Each applicant shall submit a complete set of fingerprints to
25 the board. The board shall submit the fingerprints provided by
26 each applicant for registration to provide pain management
27 services to the Alabama Bureau of Investigation. The~~

1 ~~fingerprints shall be forwarded by the ABI to the Federal~~
2 ~~Bureau of Investigation for a national criminal history record~~
3 ~~check. Costs associated with conducting a criminal history~~
4 ~~background check shall be borne by the applicant. The board~~
5 ~~shall keep information received pursuant to this section~~
6 ~~confidential, except that such information received and relied~~
7 ~~upon in denying the registration of a physician to provide~~
8 ~~pain management services in this state may be disclosed as may~~
9 ~~be necessary to support the denial.~~

10 ~~"(6)(5)~~ A list of all registrants who own, co-own,
11 operate, or provide pain management services in the practice
12 location.

13 ~~"(7)(6)~~ The disclosure of any controlled substances
14 certificate or registration denial, restriction, or discipline
15 imposed on the registrant, or any disciplinary act against the
16 license of the registrant.

17 ~~"(8)(7)~~ Payment of the initial registration fee as
18 set forth in this section and in the rules of the Alabama
19 Board of Medical Examiners.

20 ~~"(9)(8)~~ A certification listing the current name of
21 the physician who will serve as the medical director.

22 ~~"(10)(9)~~ Any other information requested by the
23 board related to the qualifications to, or the provision of,
24 providing pain management services.

25 "(c) The applicant shall provide the board with a
26 physical address for each location where he or she provides
27 pain management services and a list of all physicians who work

1 at the practice location, including the name of the physician
2 who will serve as the medical director. For purposes of this
3 subsection, if a practice location is a hospital, the
4 physician applicant is not required to provide the names of
5 physicians at the hospital other than the medical director.

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

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

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

14 "(e) The board shall provide individual, entity, and
15 any categorical exemptions as, in its discretion, it deems
16 appropriate.

17 "(f) Any physician who is not included in
18 subdivisions (1) and (2) of subsection (d) may petition the
19 board for an exemption from the requirements of this section
20 for working at a particular entity. The board shall have the
21 sole discretion in determining whether the requested exemption
22 shall be granted or denied.

23 "(g) Fees.

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

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

4 "(h) Miscellaneous.

5 "(1) An applicant practicing in more than one
6 location shall submit a separate registration fee for each
7 practice.

8 "(2) If an applicant does not complete the initial
9 application process within 90 days of his or her first
10 submission to the board, then the application shall be closed,
11 the application fee shall not be refunded, and the applicant
12 shall be required to reapply for registration.

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

17 "(i) Renewal.

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

20 "(2) A registrant may renew a current registration
21 prior to its expiration date by submitting the following to
22 the board:

23 "a. A renewal application form prescribed by the
24 board.

25 "b. The required renewal fee.

1 "c. A certification that each location at which the
2 applicant provides pain management service has a medical
3 director.

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

8 "1. A felony.

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

12 "e. Any applicant who has been convicted of a crime
13 described in paragraph d. may request an interview before the
14 board, after which the board may approve or deny the
15 registration.

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

17 Section 2. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.