



PRESCRIPTION MONITORING PROGRAM STATE PROFILES – ALABAMA

Research current through July 2014.

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ALABAMA

<http://www.adph.org/PDMP>

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- Status of Program: Operational
- Housing Entity: Department of Public Health
- Advisory Commission: Yes
- Funding: surcharge on controlled substance registration certificate and on the Qualified Alabama Controlled Substances Registration Certificate for the purpose of the development, implementation, operation, and maintenance of the PMP
- Drugs Monitored: Schedules II – V
- Who's Required to Report Dispensing Information: licensed pharmacies, mail order pharmacies or pharmacy benefit programs, licensed physicians, dentists, podiatrists, optometrists, or veterinarians who dispense directly to patients
- Exemptions from Reporting: pharmacies of general and specialized hospitals, nursing homes, or other facilities that provide inpatient care, so long as the controlled substance is administered and used by the patient on the premises of the facility; dispensing of sample medications; controlled substances administered directly to patients during the course of treatment
- Nonresident Pharmacies Required to Report: Yes
- Veterinarians Required to Report: Yes
- Data Collection Interval: Weekly/7 Days
- Notice to Consumers: No
- Interstate Sharing: With Other PMPs
- Persons Authorized to Receive Information: licensing boards; practitioners; physician assistants; pharmacists; state, local, and federal law enforcement with declaration of probable cause; Medicare/Medicaid and/or state health insurance program; nurse practitioner; nurse midwife
- Delegates Allowed: Yes
- De-Identified Data Provided: No
- Unsolicited Reports: To Prescribers and Pharmacists
- Training Required: No
- Mandatory Enrollment: Yes; Physicians; Physicians with or seeking a pain management registration; Physician Assistances; Certified Nurse Practitioners; Certified Nurse Midwives
- Mandatory Access: No

Code of Alabama (2014)
Title 20. Food, Drugs, and Cosmetics.
Chapter 2. Controlled Substances.
Article 10. . Controlled Substances Prescription Database.

§ 20-2-212. Controlled substances prescription database program; powers and duties of department; trust fund; committee membership and meetings.

The department is hereby authorized to establish, create, and maintain a controlled substances prescription database program. In order to carry out its responsibilities under this article, the department is hereby granted the following powers and authority:

(1) To adopt regulations, in accordance with the Alabama Administrative Procedure Act, governing the establishment and operation of a controlled substances prescription database program.

(2) To receive and to expend for the purposes stated in this article funds in the form of grants, donations, federal matching funds, interagency transfers, and appropriated funds designated for the development, implementation, operation, and maintenance of the controlled substances prescription database. The funds received pursuant to this subdivision shall be deposited in a new fund that is hereby established as a separate special revolving trust fund in the State Treasury to be known as the Alabama State Controlled Substance Database Trust Fund. No monies shall be withdrawn or expended from the fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to this article. Any monies appropriated shall be budgeted and allocated pursuant to the Budget Management Act in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act.

(3) To enter into one or more contracts with the State Board of Pharmacy for the performance of designated operational functions for the controlled substances prescription database, including, but not limited to, the receipt, collection, input, and transmission of controlled substances prescription data and such other operational functions as the department may elect.

(4) To create a Controlled Substances Prescription Database Advisory Committee. The mission of the advisory committee is to consult with and advise the State Health Officer on matters related to the establishment, maintenance, and operation of the database, access to the database information, how access is to be regulated, and security of information contained in the database. The committee shall consist of one representative designated by each of the following organizations:

- a. The Medical Association of the State of Alabama.
- b. The Alabama Dental Association.
- c. The Alabama Pharmacy Association.

- d. The Alabama Veterinary Medicine Association.
- e. The State Health Officer, or his or her designee.
- f. The Alabama Hospital Association.
- g. The Executive Director of the Alabama State Board of Pharmacy.
- h. The Executive Director of the Board of Medical Examiners.
- i. The Alabama Optometric Association.
- j. One representative from each of the certifying boards established under the Alabama Uniform Controlled Substances Act.
- k. The Alabama Medicaid Agency.
- l. The Alabama Podiatry Association.
- m. The Alabama Department of Mental Health.

(5) If a member of the Controlled Substances Prescription Database Advisory Committee is unable to attend a meeting, the organization which appointed that member may designate one of its employees or agents as a proxy. A proxy may participate in all deliberations of the committee and vote on all questions considered by the advisory committee. Designations of a proxy must be in writing, must specify by name the individual who will serve as proxy, and must specify the date of the meeting at which the proxy is authorized to serve. There must be a separate written proxy designation for each meeting at which a proxy will serve.

(6) The membership of the committee shall be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state. The committee shall annually report to the Legislature by the second legislative day of each regular session the extent to which the committee has complied with the diversity provisions provided for in this subdivision.

(7) Members of the Controlled Substances Prescription Database Advisory Committee may participate in a meeting by means of conference telephone, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time. Participation by such means shall constitute presence in person at a meeting for all purposes, including the establishment of a quorum. Telephone or video conference or similar communications equipment shall also allow members of the public the opportunity to simultaneously listen to or observe the meetings.

Code of Alabama (2014)
Title 20. Food, Drugs, and Cosmetics.
Chapter 2. Controlled Substances.
Article 10. . Controlled Substances Prescription Database.

§ 20-2-213. Reporting requirements.

(a) Each of the entities designated in subsection (b) shall report to the department, or to an entity designated by the department, controlled substances prescription information as designated by regulation pertaining to all Class II, Class III, Class IV, and Class V controlled substances in such manner as may be prescribed by the department by regulation.

(b) The following entities or practitioners are subject to the reporting requirements of subsection (a):

(1) Licensed pharmacies, not including pharmacies of general and specialized hospitals, nursing homes, and any other healthcare facilities which provide inpatient care, so long as the controlled substance is administered and used by a patient on the premises of the facility.

(2) Mail order pharmacies or pharmacy benefit programs filling prescriptions for or dispensing controlled substances to residents of this state.

(3) Licensed physicians, dentists, podiatrists, optometrists, or veterinarians who dispense Class II, Class III, Class IV, and Class V controlled substances directly to patients, or in the case of veterinarians, for administration to animals, but excluding sample medications. For the purposes of this article, sample medications are defined as those drugs labeled as a sample, not for resale under the laws and regulations of the Federal Food and Drug Administration. Controlled substances administered to patients by injection, topical application, suppository administration, or oral administration during the course of treatment are excluded from the reporting requirement.

(c) The manner of reporting controlled substance prescription information shall be in such manner and format as designated in the regulations of the department.

(d) The following data elements shall be used in transmitting controlled substance prescription information:

(1) Name or other identifying designation of the prescribing practitioner.

(2) Date prescription was filled or medications dispensed.

(3) Name of person and full address for whom the prescription was written or to whom the medications were dispensed.

(4) National Drug Code (NDC) of controlled substance dispensed.

(5) Quantity of controlled substance dispensed.

(6) Name or other identifying designation of dispensing pharmacy or practitioner.

(7) Other data elements consistent with standards established by the American Society for Automation in Pharmacy as may be designated by regulations adopted by the department.

(8) Method of payment and third-party payor identification of the controlled substance dispensed.

(e) In addition to any other applicable law or regulation, the failure of a licensed pharmacy or pharmacist or a licensed practitioner to comply with the requirements of this section shall constitute grounds for disciplinary action against the license of the pharmacy, pharmacist, or licensed practitioner by the appropriate licensing board or commission, and the imposition of such penalties as the licensing board or commission may prescribe. The department shall report to the appropriate licensing board, agency, or commission the failure of a licensed pharmacist or a licensed practitioner to comply with the reporting requirements of this section. Any report made by the department to a licensing board, agency, or commission shall be deemed a formal complaint and shall be investigated and appropriate action taken thereon.

Code of Alabama (2014)
Title 20. Food, Drugs, and Cosmetics.
Chapter 2. Controlled Substances.
Article 10. . Controlled Substances Prescription Database.

§ 20-2-214. Limited access to database permitted for certain persons or entities.

The following persons or entities shall be permitted access to the information in the controlled substances database, subject to the limitations indicated below:

(1) Authorized representatives of the certifying boards, provided, however, that access shall be limited to information concerning the licensees of the certifying board, however, authorized representatives from the Board of Medical Examiners may access the database to inquire about certified registered nurse practitioners (CRNPs), or certified nurse midwives (CNMs) that hold a Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(2) A licensed practitioner approved by the department who has authority to prescribe, dispense, or administer controlled substances. The licensed practitioner's access shall be limited to information concerning himself or herself, registrants who possess a Qualified Alabama Controlled Substances Registration Certificate over whom the practitioner exercises physician supervision or with whom they have a joint practice agreement, a certified registered nurse practitioner and a certified nurse midwife with a Qualified Alabama Controlled Substances Registration Certificate over whom the practitioner exercises professional oversight and direction pursuant to an approved collaborative practice agreement, a current patient of the practitioner, and individuals seeking treatment from the practitioner. Practitioners shall have no requirement or obligation, under this article, to access or check the information in the controlled substances database prior to prescribing, dispensing, or administering medications or as part of their professional practice. However, the applicable licensing boards, in their discretion, may impose such a requirement or obligation by regulations.

(3) A licensed physician approved by the department who has authority to prescribe, dispense, or administer controlled substances may designate up to two employees who may access the database on the physician's behalf.

(4) A licensed certified registered nurse practitioner or a licensed certified nurse midwife approved by the department who is authorized to prescribe, administer, or dispense pursuant to a Qualified Alabama Controlled Substances Registration Certificate; provided, however, that such access shall be limited to information concerning a current or prospective patient of the registered nurse practitioner or certified nurse midwife.

(5) A licensed assistant to physician approved by the department who is authorized to prescribe, administer, or dispense pursuant to a Qualified Alabama Controlled Substances Registration Certificate; provided, however, that such access shall be limited to information concerning a current patient of the assistant to the physician or an individual seeking treatment from the assistant to physician.

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(6) A licensed pharmacist approved by the department, provided, however, that such access is limited to information related to the patient or prescribing practitioner designated on a controlled substance prescription that a pharmacist has been asked to fill. Pharmacists shall have no requirement or obligation to access or check the information in the controlled substances database prior to dispensing or administering medications or as part of their professional practices.

(7) State and local law enforcement authorities as authorized under Section 20-2-91, and federal law enforcement authorities authorized to access prescription information upon application to the department accompanied by a declaration that probable cause exists for the use of the requested information.

(8) Employees of the department and consultants engaged by the department for operational and review purposes.

(9) The prescription drug monitoring program of any of the other states or territories of the United States, if recognized by the Alliance for Prescription Drug Monitoring Programs under procedures developed by the United States Department of Justice or the Integrated Justice Information Systems Institute or successor entity subject to or consistent with limitations for access prescribed by this chapter for the Alabama Prescription Drug Monitoring Program.

(10) Authorized representatives of the Alabama Medicaid Agency; provided, however, that access shall be limited to inquiries concerning possible misuse or abuse of controlled substances by Medicaid recipients.

Code of Alabama (2014)
Title 20. Food, Drugs, and Cosmetics.
Chapter 2. Controlled Substances.
Article 10. . Controlled Substances Prescription Database.

§ 20-2-217. Surcharge on controlled substance registration certificate.

There is hereby assessed a surcharge in the amount of ten dollars (\$10) per year on the controlled substance registration certificate of each licensed medical, dental, podiatric, optometric, and veterinary medicine practitioner authorized to prescribe or dispense controlled substances and on the Qualified Alabama Controlled Substances Registration Certificate (QACSC) of each licensed assistant to physician, certified registered nurse practitioner, or certified nurse midwife. This surcharge shall be effective for every practitioner certificate and every Qualified Alabama Controlled Substances Registration Certificate (QACSC) issued or renewed, shall be in addition to any other fees collected by the certifying boards, and shall be collected by each of the certifying boards and remitted to the department at such times and in such manner as designated in the regulations of the department. The proceeds of the surcharge assessed herein shall be used exclusively for the development, implementation, operation, and maintenance of the controlled substances prescription database.

Code of Alabama (2014)
Title 20. Food, Drugs, and Cosmetics.
Chapter 2. Controlled Substances.
Article 10. . Controlled Substances Prescription Database.

§ 20-2-219. Database funding.

The department may make deposits into the fund from any source, public or private, including grants or contributions of money or other items of value, which it determines necessary to carry out the purpose of the program. Notwithstanding amounts contained in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in future years.

Code of Alabama (2014)
Title 34. Professions and Businesses.
Chapter 24. Physicians and Other Practitioners of Healing Arts.
Article 11. Alabama Pain Management Act.

§ 34-24-604. (Final placement and text of 2014 legislation is subject to editorial action of the Code Commissioner) Annual registration.

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

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

(3) Proof of an Alabama controlled substances certificate.

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

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

(6) The disclosure of any controlled substances certificate or registration denial, restriction, or discipline imposed on the registrant, or any disciplinary act against the license of the registrant.

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

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

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

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

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

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

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

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

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

(g) Fees.

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

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

(h) Miscellaneous.

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

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

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

(i) Renewal.

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

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

a. A renewal application form prescribed by the board.

- b. The required renewal fee.
- c. A certification that each location at which the applicant provides pain management service has a medical director.
- d. If the practice location is not a hospital, an attestation that the practice location is not owned wholly or partly by a person who has been convicted of or pled nolo contendere to any of the following:
 - 1. A felony.
 - 2. An offense that constitutes a misdemeanor, the facts of which relate to the distribution or illegal prescription of any controlled substance.
- e. Any applicant who has been convicted of a crime described in paragraph d. may request an interview before the board, after which the board may approve or deny the registration.
- f. Any other information requested by the board.

Code of Alabama (2014)
Title 34. Professions and Businesses.
Chapter 24. Physicians and Other Practitioners of Healing Arts.
Article 11. Alabama Pain Management Act.

§ 34-24-605. Ownership and operation.

(a) All registrants must provide pain management services at a location that is owned and operated by one of the following:

(1) One or more physicians licensed to practice medicine in Alabama.

(2) A business entity registered with the Secretary of State.

(3) A governmental entity or body, or political subdivision, or any combination thereof, including state universities and schools.

(b) In order to be registered, a physician shall certify that each practice location is under the direction of a medical director who shall be a physician who possesses a current, unrestricted license to practice medicine or osteopathy in Alabama.

(c) Every registrant providing pain management services is required to obtain access to the Alabama Prescription Drug Monitoring Program (PDMP) maintained by the Alabama Department of Public Health.

Alabama Administrative Code (2014)
Alabama State Board of Health Department of Public Health
Bureau of Environmental Services
Bureau of Family Health Services
Chapter 420-7-2. Controlled Substances

420-7-2-.11. Prescription Drug Monitoring Program - Collection Of Fees To Support The Database.

(1) Act No. 2004-443 requires that the following licensing boards shall assess a surcharge in the amount of \$10.00 per year on the controlled substance registration certificate issued or renewed each year to a licensee of the respective boards in the State of Alabama. This requirement is to be implemented effective October 12, 2004. A list of the affected licensing boards follows:

- (a) Alabama State Board of Medical Examiners
- (b) Alabama Board of Optometry
- (c) Alabama Board of Dental Examiners
- (d) Alabama State Board of Veterinary Medical Examiners
- (e) Alabama State Board of Podiatry

(2) By the 10th of each quarter, each affected licensing board shall remit payment of \$10.00 for each controlled substance registration certificate issued or renewed. The remittance shall be made payable to the Alabama Department of Public Health, Office of Professional and Support Services.

(3) By October 30 of succeeding years, each affected licensing board shall certify the number of controlled substance registration certificates issued or renewed during the prior fiscal year. The certification shall be made to the Alabama Department of Public Health, Office of Professional and Support Services.

(4) Funds remitted to the Alabama Department of Public Health pursuant to this section shall be deposited into the Alabama State Controlled Substance Database Trust Fund. The funds shall be used exclusively for the development, implementation, operation, and maintenance of the controlled substances prescription database.

Alabama Administrative Code (2014)
Alabama State Board of Health Department of Public Health
Bureau of Environmental Services
Bureau of Family Health Services
Chapter 420-7-2. Controlled Substances

420-7-2-.12. Prescription Drug Monitoring Program Reporting To Database By Dispensers.

(1) All entities that dispense controlled substances, Class II-V, are required to report to the Prescription Drug Monitoring Program database. These entities include but are not limited to:

(a) Licensed community, ambulatory, hospital outpatient, and medicinal oxygen pharmacies.

(b) Mail order pharmacies or pharmacy benefit programs filling prescriptions for or dispensing controlled substances to residents of Alabama.

(c) Licensed physicians, dentists, podiatrists, optometrists, or veterinarians who dispense controlled substances other than samples directly to patients.

(2) Submission shall be made in the following manner:

(a) All dispensers will report at least once weekly by 11:59 p.m. on Saturday or according to a reporting schedule established by the Board of Pharmacy. Data elements will be submitted in a format to be specified by the Prescription Drug Monitoring Program. Dispensers will be notified the Prescription Drug Monitoring Program of the proper procedures for data submission.

(b) Dispensers must electronically report according to American Society for Automation in Pharmacy (ASAP) Standards using the US Postal Addressing Standards.

(c) In the event that the electronic transmission of the information is not feasible, the dispenser must request a waiver in advance to submit prescription information in an alternate format approved by the Prescription Drug Monitoring Program. Waiver requests and alternate formats must be submitted to:

Alabama Department of Public Health
Prescription Drug Monitoring Program
The RSA Tower, Suite 1010
P.O. Box 303017
Montgomery, AL 36130-3017
Phone: (334)206-5226
Fax: (334)206-5663

(3) The following entities are not required to report dispensing of a controlled substance, so long as the controlled substance is administered and used by a patient on the premises of the facility:

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- (a) General and specialized hospitals
- (b) Nursing homes
- (c) Other health care facilities that provide inpatient care
- (4) The following drugs are not required to be reported:
 - (a) Sample medications
 - (b) Controlled substances administered to patients by injection, topical application, suppository administration, or oral administration during the course of treatment on the premises
- (5) Penalties for noncompliance/non-reporting:
 - (a) Licensing boards shall supply an electronic listing to the Prescription Drug Monitoring Program of dispensers required to report controlled substances on a monthly basis or as designated by the Prescription Drug Monitoring Program.
 - (b) The Prescription Drug Database Program will monitor the list of dispensers provided by the licensing boards for compliance in reporting to the database.
 - (c) The Alabama Department of Public Health will notify each licensing board in writing twice yearly on January 30 and July 30 of the failure to report to the database. Upon notification of non-reporting dispensers, each board will investigate and report to the Alabama Department of Public Health the outcome.

Alabama Administrative Code (2014)
Alabama State Board of Health Department of Public Health
Bureau of Environmental Services
Bureau of Family Health Services
Chapter 420-7-2. Controlled Substances

420-7-2-.13. Access To Database.

- (1) Licensing boards shall have access to the Prescription Drug Database concerning their licensees according to procedures developed by ADPH Bureau of Information Services, Computer Systems Center.
- (2) Law enforcement agencies shall pre-register with the Prescription Drug Monitoring Program to receive an ID and password to access a request form. Law enforcement agencies will request a report from the Prescription Drug Monitoring Program on an individual or health care licensee and will certify that requested information is pursuant to an active investigation.
- (3) Licensed practitioners as specified in §20-2-211(6); physicians, dentists, podiatrists, optometrists, veterinarians or pharmacists approved to prescribe, dispense, or administer controlled substances shall have access to the Prescription Drug Database concerning a current or prospective patient according to procedures developed by ADPH Bureau of Information Services, Computer Systems Center.

Alabama Administrative Code (2014)
Alabama Board of Medical Examiners
Chapter 540-X-4. Controlled Substances Certificate

540-X-4-.01. Registration For Alabama Controlled Substances Certificate.

(1) Every physician licensed to practice in Alabama who distributes, prescribes, or dispenses any controlled substance within Alabama or who proposes to engage in the distributing, prescribing or dispensing of any controlled substance within Alabama must obtain annually a registration certificate. The fee for such certificate is \$150.00, which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Code of Ala. 1975 § 20-2-217, or as otherwise set by law.

(2)(a) The requirement stated in paragraph (1) of obtaining a registration certificate is waived for medical residents for a period of eighteen months from the start date of the first year of the residency program.

(b) At the end of the eighteenth month, the requirement stated in paragraph (1) shall apply.

(c) Medical resident shall mean those medical residents in residency programs who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine, the University of South Alabama College of Medicine, or such other medical schools or colleges, hospitals, or institutions in Alabama which may be approved by the Board of Medical Examiners.

(d) A medical resident for whom the requirement of obtaining a registration certificate is waived shall perform his or her work within the facilities of the University of Alabama School of Medicine, the University of South Alabama College of Medicine, or such other institutions in Alabama which may be approved by the Board of Medical Examiners and as an adjunct to his or her course of study or training.

(3) Persons registered by the Board to distribute, prescribe, dispense or conduct research with controlled substances may possess, distribute, dispense or conduct research with those substances to the extent authorized by their registration and in conformity to any Board regulations and statutes governing controlled substances.

(4) A physician who applies for a waiver for exemption from the mandatory continuing education requirement under Rule 540-X-14-.04 shall, as a condition precedent to the granting of such waiver, surrender his or her controlled substance registration certificate to the Board of Medical Examiners.

(5) A physician who applies for annual renewal of his or her license to practice medicine under Section 34-24-337, Code of Ala. 1975, and in connection with that application claims exemption from the continuing medical education requirement by virtue of a waiver granted under Rule 540-X-14-.04 is ineligible to receive a controlled substance registration certificate so long as the waiver remains in effect.

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(6) A physician who applies to the Board of Medical Examiners for termination of a waiver granted due to retirement status and who applies for a registration certificate shall, as a condition precedent to the issuance of the certificate, submit proof that he or she has satisfied the continuing medical education requirement established under Rule 540-X-14-.02.

Alabama Administrative Code (2014)
Alabama Board of Medical Examiners
Chapter 540-X-4. Controlled Substances Certificate

540-X-4-.03. Renewal Of An Alabama Controlled Substances Certificate.

- (1) Renewal of an Alabama Controlled Substances Certificate shall be annually on or before December 31 of each year.
- (2) An applicant for renewal of an Alabama Controlled Substances Certificate shall submit to the Board the required certificate fee of \$150.00.
- (3) Before renewing an Alabama Controlled Substances Certificate, the applicant shall have a current registration to access the Controlled Substances Prescription Database established and maintained by the Alabama Department of Public Health.
- (4) Before renewing an Alabama Controlled Substances Certificate, an applicant shall have a current and appropriate registration issued by the United States Drug Enforcement Agency.

Alabama Administrative Code (2014)
Alabama Board of Medical Examiners
Chapter 540-X-12. Qualified Alabama Controlled Substances Registration Certificate (Qacsc)

540-X-12-.05. Renewal Of A Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) Renewal of a QACSC shall be annually on or before January 1st of each year. An application for annual renewal of a QACSC shall be received by the Board on or before December 31st and shall be accompanied by the required QACSC renewal fee.

(2) The Board shall not renew the QACSC of any P.A. when an administrative fine has been assessed by the Board until such fine is paid in full. In the event that the fine is subsequently reduced or set aside on judicial review, the P.A. shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(3) As a requirement for renewing a QACSC, a P.A. shall obtain four (4) AMA PRA Category 1 credits™ or equivalent regarding the prescribing of controlled substances every two years.

(4) Before renewing a Qualified Alabama Controlled Substances Certificate, the applicant shall have a current registration to access the Controlled Substances Prescription Database established and maintained by the Alabama Department of Public Health.

(5) Before renewing a Qualified Alabama Controlled Substances Certificate, an applicant shall have a current and appropriate registration issued by the United States Drug Enforcement Administration.

Alabama Administrative Code (2014)

Alabama Board of Medical Examiners

Chapter 540-X-18. Qualified Alabama Controlled Substances Registration Certificate (Qacsc) for Certified Registered Nurse Practitioners (Crnp) and Certified Nurse Midwives (Cnm)

540-X-18-.05. Renewal Of A Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) Renewal of a QACSC shall be annually on or before January 1 of each year. An application for annual renewal of a QACSC shall be received by the Board on or before December 31 and shall be accompanied by the required QACSC renewal fee.

(2) As a requirement for renewing a QACSC, a CRNP or CNM shall obtain four (4) AMA PRA Category 1 credits™ or equivalent regarding the prescribing of controlled substances every two years.

(3) Before renewing a Qualified Alabama Controlled Substances Certificate, the applicant shall have a current registration to access the Controlled Substances Prescription Database established and maintained by the Alabama Department of Public Health.

(4) Before renewing a Qualified Alabama Controlled Substances Certificate, an applicant shall have a current and appropriate registration issued by the United States Drug Enforcement Administration.

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Chapter 540-X-19. Pain Management Services

540-X-19-.03. Pain Management Registration Required.

(1) Beginning January 1, 2014, and continuing every year thereafter, all physicians who provide pain management services must 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.

(3) To obtain a pain management registration, a physician applicant shall submit the following to the Board:

(a) A completed application on a form prescribed by the Board.

(b) Proof of a current Drug Enforcement Administration (DEA) registration.

(c) Proof of an Alabama Controlled Substance Certificate (ACSC).

(d) Proof of a current registration with the Alabama Prescription Drug Monitoring Program (PDMP).

(e) The results of a criminal background check.

1. Each applicant shall submit to a criminal history background check by providing fingerprints and executing a criminal history information release using forms provided by the Board.

2. Fingerprints provided by each applicant shall be submitted to the Alabama Bureau of Investigation (ABI), which is responsible for forwarding the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

3. The Board shall keep information received pursuant to this section confidential, except that such information received and relied upon in denying the registration of a physician to provide pain management services in this state may be disclosed as may be necessary to support the denial.

(f) A list of all registrants who own, co-own, operate or provide pain management services in the physician applicant's practice location.

(g) The disclosure of any controlled substances certificate or registration denial, restriction or discipline imposed on the registrant, or any disciplinary act against any medical license of the registrant.

(h) Payment of the initial registration fee as set forth below in these rules under paragraph (6).

© 2014 Research is current as of July 2014. In order to ensure that the information contained herein is as current as possible, research is conducted using nationwide legal database software, individual state legislative websites and direct communications with state PDMP representatives. Please contact Heather Gray at (703) 836-6100, ext. 114 or hgray@namsdl.org with any additional updates or information that may be relevant to this document. This document is intended for educational purposes only and does not constitute legal advice or opinion. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS, 420 Park Street, Charlottesville, VA 22902.

- (i) A certification listing the current name of the physician who serves as the medical director.
 - (j) Any other information requested by the Board related to the qualifications for providing pain management services.
- (4) The physician applicant shall provide the Board with a physical address for each location where he or she provides pain management services and a list of all physicians who work at the practice location, including the name of the physician who will serve as the medical director. If the applicant's practice location is a hospital, the applicant is not required to provide the names of physicians at the hospital other than the name of the medical director.
- (5) Exemptions. The provisions of this rule shall not apply to any of the following:
- (a) A hospice program as defined by and licensed by the Alabama Department of Public Health, or any physician while performing work or providing pain management services for that program.
 - (b) A facility maintained or operated by the United States or any of its departments, offices or agencies, or any physicians while performing work for that facility.
 - (c) In addition, the Board shall provide individual, entity and any categorical exemptions as, in its discretion, it deems appropriate.
 - (d) Any physician who is not included in subparagraphs (a) and (b) above may petition the Board for an exemption from the requirements of this rule for working at a particular entity. The Board shall have the sole discretion in determining whether the requested exemption shall be granted or denied.
- (6) Fees.
- (a) Initial Application Fee. All applicants for pain management registration shall submit an initial application fee in the amount of One Hundred Dollars (\$100.00).
 - (b) Criminal history background check fee. All applicants for pain management registration shall pay a criminal history background check fee which shall include the following:
 - 1. That fee stated in the agreement between the Board and the Alabama Bureau of Investigation which is in effect at the time the application for a certificate of qualification is filed with the Board; and
 - 2. A fee for administrative costs to be set and adopted by the Board and to continue on an annual basis until modified by action of the Board, to include costs for necessary contract services.
 - (c) Renewal Fee. All applicants for renewal of their pain management registration shall submit a renewal fee in the amount of One Hundred Dollars (\$100.00).

(7) Miscellaneous.

(a) An applicant practicing in more than one location shall submit a separate registration fee for each location.

(b) If an applicant does not complete the initial application process within 90 days of his or her first submission to the Board, the application shall be closed, the application fee shall not be refunded, and the applicant shall be required to reapply for registration.

(c) An application which is submitted to the Board may be withdrawn at any time prior to the granting or denial of registration; however that application fee shall not be refunded.

(8) Renewal.

(a) A registration by a physician under this rule shall expire on December 31 of each year.

(b) A registrant may renew a current registration prior to its expiration date by submitting the following to the Board:

1. A completed renewal application form prescribed by the Board,

2. The required renewal fee,

3. A certification that each location at which the applicant provides pain management services has a medical director,

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

(i) A felony.

(ii) An offense that constitutes a misdemeanor, the facts of which relate to the distribution or illegal prescribing of any controlled substance.

(iii) Any applicant who has been convicted of a crime described in paragraph 4 may request an interview before the Board, after which the Board, in its discretion, may approve or deny the registration.

5. Any other information requested by the Board.

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540-X-19-.04. Ownership And Operation.

(1) All registrants must provide pain management services at a location owned and operated by one of the following:

(a) One or more physicians licensed to practice medicine in Alabama.

(b) A business entity registered with the Alabama Secretary of State's Office.

(c) A governmental entity or body, or political subdivision, or any combination thereof, including state universities and schools.

(2) In order to be registered, a physician shall certify that each practice location is under the direction of a medical director who shall be a physician who possesses a current, unrestricted license to practice medicine or osteopathy in Alabama.

(3) Every registrant providing pain management services is required to register with the Alabama Department of Public Health (ADPH) in order to obtain access to the Alabama Prescription Drug Monitoring Program (PDMP) maintained by the ADPH.