



# ALABAMA BOARD OF MEDICAL EXAMINERS **NEWSLETTER**

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## Attorney General Issues Electronic Prescription Opinion

The Alabama Attorney General has issued an opinion concerning the application of Alabama's newly enacted Uniform Electronic Transactions Act to the electronic transmission of prescriptions from authorized prescribers to pharmacies. The opinion concludes that a prescription, either for legend drugs or controlled substances, may be electronically transmitted from an authorized prescriber to a dispensing pharmacy. The opinion further concludes that the State Board of Pharmacy may adopt rules and regulations governing acceptable forms of electronic signatures for electronic prescriptions.

The opinion also concludes that if a prescription is electronically transmitted, the electronic transmission must include instructions to the dispensing pharmacist concerning product selection. Since a prescription transmitted electronically is not a written prescription, two signature lines would not be required; however, some other form of instruction as to whether product selection is permitted (such as "dispense as written," or "do not substitute," or "product selection permitted") must be included in the electronic transmission of the prescription. Because there remains a question concerning the Federal DEA regulations governing issuance of Class II prescriptions, the Board is recommending that Class II prescriptions continue to be issued in written form until clarification from the DEA on electronic transmission of Class II prescriptions can be obtained.

*see Attorney General, page four*

## Collaborative Practice Rules Amended

On September 29, 2003, amendments to Rule 540-X-8, Advanced Practice Nurses: Collaborative Practice, became effective. The amendments were made in cooperation with the Alabama Board of Nursing. The rules are available at the Board's web site:  
[www.albme.org/bmerules.htm](http://www.albme.org/bmerules.htm).

## 2004 License Renewals

All physicians and physician assistants licensed to practice medicine in Alabama will receive at their addresses of record a notice with instructions on how to renew for 2004. Practitioners are encouraged to renew online through our secure site: <http://renewal.albme.org>. The instructions will include the ID number necessary for renewing online. A troubleshooting guide for online renewals is available at [www.albme.org/troubleshoot](http://www.albme.org/troubleshoot). For those practitioners preferring to renew by mail, returning the postcard will generate a paper form which will be mailed to the address of record. In either case, after successfully renewing, the license/receipt will be mailed to the address of record. **Please carefully check the information you submit before certifying to it.**

## IMPORTANT INFORMATION Continuing Medical Education

Physicians subject to the continuing medical education requirement will certify on their 2004 renewal application that they obtained 24 hours of Category 1 continuing medical education during the period, Jan. 1, 2002, through Dec. 31, 2003. Physicians should check now to be sure they have documentation of having met the requirement. The documentation should **not** be sent with the renewal application but should be kept in a file for at least three years. The Board will perform a random compliance review and will request copies of documentation at that time. For more information, please visit the Board's web site: [www.albme.org/CME.htm](http://www.albme.org/CME.htm).

It has come to the Board's attention that certain organizations offering courses which usually confer Category 1 credits, for example, the PALS and ACLS, are not accredited by the Accreditation Council for Continuing Medical Education ([www.accme.org](http://www.accme.org)) or a state medical society and therefore are not authorized to confer Category 1 credits. Physicians should confirm that courses are presented by an ACCME-accredited organization and that Category 1 hours will be conferred.

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Visit our website at:  
[www.albme.org](http://www.albme.org)

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## Ten tips for Opioid Prescribing

*Reprinted with permission from "Alabama Medicaid Pharmacist," a service of Alabama Medicaid.*

1. Obtain a thorough history and physical examination.
2. Chart everything you see, think, feel, and hear about your patients.
3. Obtain informed consent from your patients, have patients sign agreement.
4. Encourage your patients to use one pharmacy.
5. If you are a Primary Care Physician seek a second opinion from a pain management specialist.
6. Prescribe long-acting Opioids on a time contingent basis so that stable levels are achieved.
7. Communicate with your patients on a regular basis.
8. Determine the minimum dose necessary to maintain function and useful activities of daily living, by periodic reassessment of pain medication needs.
9. Order urine drug screen for your patients, to rule out diversion.
10. Continue to educate yourself on the prescribing of Opioids.

## IMPORTANT NOTICE:

### Office-based surgery rules approved for final adoption

At its meeting on October 15, 2003, the Board approved for final adoption Administrative Rule 540-X-10, Office-Based Surgery. **The effective date of the rules is November 21, 2003.** These rules require, among other things, registration with the Board of every licensed physician who performs office-based surgery within the state of Alabama, provide standards for different levels of anesthesia used in office-based procedures, and do not require facility accreditation, but it is encouraged for those settings where deep sedation and general anesthesia are provided. Copies of the rules will be mailed to the last known address of every licensed physician in Alabama before December 19, 2003. The rules are also available at the Board's web site: <http://www.albme.org>. **\*\*Registration of affected physicians must be accomplished no later than February 20, 2004.\*\***

## Medical Licensure Commission PUBLIC ACTION REPORT July 2003 through September 2003

On July 2, 2003, the Commission entered an Order reinstating the license to practice medicine in Alabama of James O. Colley, III, M. D., license number MD.00006101, Troy AL, subject to the Voluntary Restriction executed March 18, 2002.

On July 2, 2003, the Commission entered an Order stating the probationary period is terminated and the license to practice medicine in Alabama of Charles M. Adams, M. D., license number MD.00015436, Birmingham AL, is restored to full, unrestricted status.

On July 3, 2003, the Commission entered an Order indefinitely suspending the license to practice medicine in Alabama of Eugene Evans, M. D., license number MD.00013574, Montgomery AL. Dr. Evans is not authorized to practice medicine in Alabama.

On July 23, 2003, the Commission entered an Order upon stipulation of the parties reprimanding the license to practice medicine in Alabama of Michael G. Hamner, D. O., license number DO.460, Renick WV, assessing an administrative fine, and requiring continuing medical education.

On July 30, 2003, the Commission entered an Order restoring the license to practice medicine in Alabama of Wyndol S. Hamer, M. D., license number MD.00009756, Sheffield AL, to full, unrestricted status.

On August 27, 2003, the Commission entered a Stipulation and Consent Order which reprimanded the license to practice medicine in Alabama of David C. Carpenter, M. D., license number MD.00007912, Mobile AL, assessed an administrative fine, and required certain continuing medical education.

On August 27, 2003, the Commission entered a Stipulation and Consent Order which reprimanded the license to practice medicine in Alabama of Thomas H. Cawthon, M. D., license number MD.00007793, Montgomery AL, assessed an administrative fine, and required certain continuing medical education.

On August 27, 2003, the Commission entered a Stipulation and Consent Order which reprimanded the license to practice medicine in Alabama of Arvind K. Patel, M. D., license number MD.00011691, Auburn AL, assessed an administrative fine, and required certain continuing medical education.

On September 8, 2003, the Commission entered an Order denying the application to reinstate the license to practice medicine in Alabama of Anne C. Mason, license number

MD.00011459, Vestavia Hills AL.

On September 11, 2003, the license to practice medicine in Alabama of Christopher L. Lucas, M. D., license number MD.00014316, Cullman AL, was revoked by Order of the Commission dated September 8, 2003. Dr. Lucas is no longer authorized to practice medicine in Alabama.

On September 17, 2003, the Commission entered a Consent Order suspending the license to practice medicine in Alabama of Omar H. Khalaf, M. D., license number MD.00011933, Birmingham AL, for one year, effective December 16, 2003.

On September 17, 2003, the Commission entered a Consent Order reprimanding the license to practice medicine in Alabama of Willard W. Mosier, M. D., license number MD.00007384, Birmingham AL.

On September 17, 2003, the Commission entered a Consent Order placing on probation the license to practice medicine in Alabama of Robin E. Murray, M. D., license number MD.00008458, Daphne AL.

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## Board of Medical Examiners PUBLIC ACTION REPORT July 2003 through September 2003

On July 16, 2003, the Board accepted the voluntary surrender of the certificate of qualification and license to practice medicine in Alabama of Richard L. Chalal, M. D., license number MD.00019304, Russellville AL. Dr. Chalal is no longer authorized to practice medicine in Alabama.

On July 30, 2003, the Board entered an Order denying the application for reinstatement of certificate of qualification to practice medicine of G. Jan Hinnen, M. D., license number MD.00008409, Dadeville AL. Dr. Hinnen has appealed the Board's decision to the Medical Licensure Commission of Alabama.

On August 20, 2003, the Board accepted the voluntary surrender of the certificate of qualification and license to practice medicine in Alabama of Donald Willard Smith, M. D., license number MD.00005961, Spring TX. Dr. Smith is no longer authorized to practice medicine in Alabama.

On September 29, 2003, the Board entered an Order terminating all restrictions against the certificate of qualification to practice medicine in Alabama of Frank B. Fondren, III, M. D., license number MD.00010207, Mobile AL.

On September 29, 2003, the Board entered an Order terminating all restrictions against the certificate of qualification to practice medicine in Alabama of Kenneth F. LeMaster, M. D., license number MD.00011543, Sheffield AL.

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## Attorney General *continued from page one*

Below is a summary of prescribing requirements for written and electronically transmitted prescriptions.

A. All prescriptions which are written by the prescribing practitioner on paper and delivered to a patient at the time of service must conform with the two line prescription law. A written prescription for a controlled substance must be manually signed and dated on the date of issuance by the authorized prescriber in accordance with the Board of Medical Examiners prescription guidelines and Federal Regulations.

B. A facsimile transmission (fax) of a written prescription sent from the authorized prescriber to the dispensing pharmacy must conform to the two line prescription law and to the State Board of Pharmacy Regulation concerning faxed prescriptions, which require that the written prescription be signed by the authorized prescribing practitioner, and transmitted directly by the prescribing practitioner or the practitioner's agent to the dispensing pharmacy.

C. A prescription for both controlled substances and legend drugs may be transmitted electronically directly from an authorized prescriber, or an agent of an authorized prescriber, to a dispensing pharmacy and may be signed by the authorized prescriber using an electronic signature. A prescription transmitted electronically should advise the dispensing pharmacist whether or not product selection is permitted. A prescription transmitted electronically directly from the authorized prescriber to the dispensing pharmacy is not covered by the state two line prescription law.

D. Federal Regulations require that a controlled substance prescription be dated as of and signed on the date when issued by the authorized prescriber. It is not appropriate to date a prescription for controlled substances weeks or months in advance; however, the prescribing physician may include additional instructions on the prescription to dispense at a future time. The instructions should state "do not dispense before (insert date)." This procedure will permit physicians to issue prescriptions for controlled substances (including Class II controlled substances) which are to be filled at a later date.

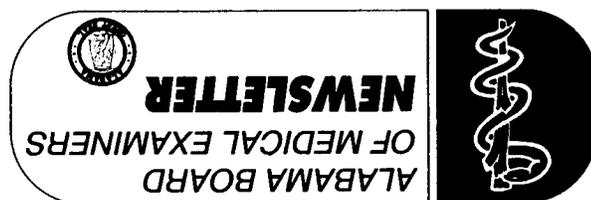
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**Alabama Board of Medical Examiners NEWSLETTER** is published quarterly for physicians who hold a license to practice medicine or osteopathy in the state of Alabama. The newsletter is designed to keep the licensed physicians of Alabama updated as to developments in the regulation of the practice of medicine in this state. The Board welcomes your comments, questions, or other input.

Larry Dixon, Executive Director, P.O. Box 946, Montgomery, AL 36101-0946 or call (334) 242-4116 or fax (334) 242-4155. Please visit our web site: [www.albme.org](http://www.albme.org).

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