

ALABAMA BOARD OF MEDICAL EXAMINERS **NEWSLETTER**

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Amendment to Advanced Practice Nurses: Collaborative Practice Rules

On January 22, 2004, the Board adopted Emergency Rules which specify grounds for the Board to terminate collaborative practice arrangements between physicians and Certified Registered Nurse Practitioners and between physicians and Certified Nurse Midwives.

The Emergency Rules can be downloaded in .pdf format at our web site: www.albme.org/bmerules.htm. ■

A: *The Board considers oral medications (anxiolytics) as level two anesthesia. The Board further states that patients' responses to medications vary; therefore, the physician should be prepared for a complication and/or additional anesthesia.* ■

Change to Continuing Medical Education requirement

On, January 30, 2004, the Alabama Board of Medical Examiners filed an Emergency Rule with the Legislative Reference Service of Alabama which amended the requirements for continuing medical education for physicians licensed to practice medicine in Alabama. Emergency Rule 540-X-14 is effective as of February 1, 2004, and will affect the continuing medical education requirement for the 2004 year. This rule was filed on an emergency basis in order to provide maximum time for informing licensees of the change in requirements.

In Mid-February, a copy of Rule 540-X-14ER was mailed to the last known address of record of every physician currently licensed to practice medicine in Alabama. Practitioners and staff are encouraged to carefully note the changes to the minimum annual requirement for continuing medical education, specifically, Rule 540-X-14-.02. A .pdf file of the Rules is available online at our web site: www.albme.org/bmerules.htm. The web site also contains a worksheet and example to help practitioners determine their compliance with the new requirement. ■

? Office-Based Surgery: QUESTION & ANSWER

The Board has received written requests for clarifications concerning Board Rule 540-X-10, Office-Based Surgery. As the questions and answers develop, the Board will publish here and on the web site a "Question & Answer" section which contains commonly asked questions and the Board's responses. Questions concerning the operation of the Rules and interpretations of the Rules should be directed to the Board in writing.

Q: *What is the Board's position regarding the use of oral medications prior to an office-based surgical procedure?*

Medical Licensure Commission PUBLIC ACTION REPORT October through December 2003

On October 9, 2003, the Commission entered an Order affirming the denial by the Board of Medical Examiners of the application for reinstatement of certificate of qualification to practice medicine in Alabama of Gerhard Jan Hinnen, M. D., license number MD.00008409, Dadeville AL.

On October 9, 2003, the Commission entered an Order affirming the denial by the Board of Medical Examiners of the application for certificate of qualification to practice medicine in Alabama of Ritu Chandra, M. D., Richmond VA.

On October 22, 2003, the Commission entered an Order immediately suspending the license to practice medicine in Alabama of Richard Alan Klimas, M. D., license number MD.00012803, Huntsville AL, until such time as the Administrative Complaint of the Board of Medical Examiners shall be heard and a decision rendered thereon.

On October 22, 2003, the Commission entered a Stipulation and Consent Order with Daniel Kirk McDonald, M. D., license number MD.00021930, Birmingham AL, which places on the license to practice medicine in Alabama a reprimand, fine, and certain restrictions.

On November 11, 2003, the license to practice medicine in Alabama of Carlin P. Graham, Jr., M. D., was indefinitely suspended by Order of the Commission dated October 30, 2003.

On November 17, 2003, the Commission entered an Order reinstating the license to practice medicine in Alabama of Onelio E. Perdomo, M. D., license number MD.00010606, Gadsden AL, subject to certain terms and conditions.

On November 19, 2003, the Commission entered a Stipulation and Consent Order with Robert S. Walsh, M. D., license number MD.00015909, Pikeville KY, which reprimands the license to practice medicine in Alabama and assesses an administrative fine.

On November 20, 2003, the license to practice med-

icine in Alabama of Elliott S. Linsky, M. D., license number MD.00009026, Vestavia Hills AL, was suspended for three months by Order of the Commission dated November 19, 2003.

On November 24, 2003, the Commission entered an Order reissuing a full license to practice medicine in Alabama to M. Anwar, Yahya Abdeen, M. D., license number MD.00019270, Huntington WV.

On December 22, 2003, the Commission entered an Order reinstating the license to practice medicine in Alabama of Eugene Evans, M. D., license number MD.00013574, Montgomery AL, with conditions.

On December 22, 2003, the Commission entered an Order terminating all restrictions previously placed on the license to practice medicine in Alabama of Frank B. Fondren, III, M. D., license number 10207, Mobile AL. ■

Board of Medical Examiners PUBLIC ACTION REPORTS October through December 2003

On November 19, 2003, the Board accepted the voluntary surrender of certificate of qualification and license to practice medicine in Alabama of Michael J. Rosner, M. D., license number MD.00013247, Hendersonville NC. ■

The Alabama State Board of Medical Examiners and
Medical Licensure Commission of Alabama
invite you to visit our web site at:

www.albme.org

and obtain:

Licensure Verification Online using "Docfinder" (a
searchable database)

Disciplinary Actions (Updated monthly)

Administrative Rules & Regulations

Policy Opinions

Alabama Statutes

Current Board Members

Physicians' Obligations on Closing or Leaving a Medical Practice

Some items to consider when a physician closes or leaves a medical practice:

Board Rule 540-X-9-.10(3) states, "When a physician retires, terminates employment or otherwise leaves a medical practice, he or she is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their medical records. A physician or physician group should not withhold information from a departing physician which is necessary for notification of patients. A physician or the estate of a deceased physician transferring medical records in connection with the sale of a medical practice should notify the physician's active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the medical record."

AMA Ethical Opinion E-7.03 states, "When a physician retires or dies, patients should be notified and urged to find a new physician and should be informed that upon authorization, records will be sent to the new physician. Records which may be of value to a patient and which are not forwarded to a new physician should be retained, either by the treating physician, another physician, or such other person lawfully permitted to act as a custodian of the records."

The patients of a physician who leaves a group practice should be notified that the physician is leaving the group. Patients of the physician should also be informed of the physician's new address and offered the opportunity to have their medical records forwarded to the departing physician at his or her new practice location. It is unethical to withhold such information upon request of a patient. If the responsibility for notifying patients falls to the departing physician rather than to the group, the group should not interfere with the discharge of these duties by withholding patient lists or other necessary information."

Medical Licensure Commission Rule 545-X-4-.06 states as an example of unprofessional conduct, "The refusal by a physician to comply, within a reasonable time, with a request from another physician for medical records or medical information when such request is accompanied by a properly executed authorization of the patient."

AMA Ethical Opinion E-8.115 states, "Physicians have an obligation to support continuity of care for their patients. While physicians have the option of withdrawing from a case, they cannot do so without giving notice to the patient, the relatives, or responsible friends sufficiently long in advance of withdrawal to permit another medical attendant to be secured."

AMA Ethical Opinion E-7.01 states, "The interest of the patient is paramount in the practice of medicine, and everything that can reasonably and lawfully be done to serve that interest must be done by all physicians who have served or are serving the patient. A physician who formerly treated a patient should not refuse for any reason to make records of that patient promptly available on request to another physician presently treating the patient. Proper authorization for the use of records must be granted by the patient. Medical reports should not be withheld because of an unpaid bill for medical services."

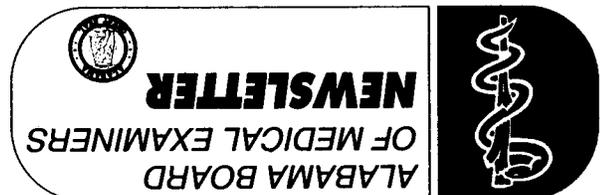
Section 34-24-338 of the Code of Alabama states, "If any registrant shall change his address during the year for which any certificate of registration shall have been issued by the commission, such registrant shall, within 15 days thereafter, notify the commission of such change, whereupon the commission shall issue to such registrant without additional fee, a duplicate registration certificate for such new location."

The American Medical Association publishes a book entitled *Closing Your Practice* which contains sample letters, forms and checklists. For more information, go to <http://www.ama-assn.org/>, click "Products and Services," then "AMA Press Catalog." ■

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.

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