



ALABAMA BOARD OF MEDICAL EXAMINERS **NEWSLETTER**

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Dispensing Physician Requirements

The State Board of Medical Examiners reminds physicians of the registration requirement for dispensing physicians. Alabama Board of Medical Examiners' Rule 540-X-4-.04 requires dispensing physicians to register with the Board on a form provided by the Board. The registration is informational, and no fee is charged.

The Rule defines a dispensing physician as any physician or osteopath licensed to practice medicine in Alabama who dispenses or distributes to patients for the patient's use any controlled substance, whether or not a separate charge is made for the controlled substance. Not included in the definition of controlled substance for the purposes of this Rule are pre-packaged samples and starter packs which are packaged and labeled by the manufacturer as such and which are intended to be distributed for consumption within a limited period of time. An additional exception is made for controlled substances which are consumed by or administered to patients during the course of treatment in the physician's office, clinic, hospital or other facility.

Dispensing physicians who have not yet registered with the State Board of Medical Examiners may obtain a registration form online at the Board's website www.albme.org [click on For Practitioners, Registration as a Dispensing Physician, Practitioners' Information]. **Physicians who have registered as dispensing physicians are reminded of their obligation to advise the Board of any change or addition in practice location(s).** The Board's rule requiring registration of dispensing physicians also may be accessed from the same page at the website [click on Administrative Rules, Board of Medical Examiners Administrative Rules, Chapter 540-X-4.].

Physicians who dispense controlled substances in Alabama need to make note of the Prescription Monitoring Databank law that will go into effect in 2006. Under this new law, all controlled substances dispensed either by pharmacists via prescription orders, or by physicians directly to patients, will have to be reported on a regular basis to the Alabama Department of Health. The method of reporting or transfer of the information will be determined in the coming months and all registrants affected by the law will be notified. Failure to comply with the law can lead to disciplinary actions.

Please Read - Important Information Regarding CME

From the responses received during the Board's annual CME audit, it is apparent that the continuing medical education requirement is not understood by all. Please carefully review the rules and make sure before you renew your license that you are properly counting up your hours and that you have earned or accrued enough hours to meet the requirement.

It is recommended that whether you keep track yourself or delegate this task to another individual, you should double-check to see that the hours are correctly counted and that you have actual certificates indicating Category 1 credit*. Some physicians have found to their dismay that they took a course which was not accredited for Category 1 hours. "CEUs," Category 2 hours and teaching activities (unless at an activity for which the participants receive Category 1 hours) are examples of continuing education which do not meet the requirement.

The Board will not be inclined to accept ignorance of the rules as justification for not meeting the CME requirement.

The Board's rule concerning the CME requirement for licensure states in pertinent part as follows (emphasis added):

540-X-14-.02 Basic Requirement.

(1)(a) Effective February 1, 2004, every physician licensed to practice medicine in Alabama who resides or practices in the state must earn or accrue in each calendar year not less than twelve (12) hours of Category 1 continuing medical education as a condition precedent to receiving his annual registration certificate.

(b) Hours of Category 1 credit earned in a calendar year which are in excess of the minimum annual requirement of 12 hours may be carried forward and accrued to meet the requirement for the next calendar year only.

How to figure carry over credits for your 2006 renewal:

If 12 or more credits were brought forward from 2004**:

- (1) 12 credits are used to satisfy your 2005 CME requirement
- (2) Remaining 2004 carry over credits are lost
- (3) All credits earned during 2005 are carried forward to 2006

If less than 12 credits were brought forward from 2004**:

- (1) Take the number of carry over credits from 2004 and add it to enough 2005 credits to equal 12
- (2) The remaining credits earned during 2005 are carry over credits for 2006

There are worksheets and examples available at the Board's web site: www.albme.org [Go to Practitioners' Information, CME Requirement]

Important 2006 License Renewal Info

License and ACSC renewal application notifications will be sent to each licensee's mailing address of record in mid-October. It's not too early to think now about:

Does the Commission have my current mailing address?

If November comes around and you have not received a postcard notification, you should contact the Commission immediately. Don't wait until the last minute! Alabama law requires that licensees notify the Medical Licensure Commission within 15 days of a change in practice location.

Will I be able to certify that I met the minimum continuing medical education requirement?

You should personally check to see that you have documentation of having met the requirement, which is explained at our web site, www.albme.org. (See Important Information regarding CME above)

Your documentation must have a date and an indication that the hours earned are Category 1. "CEUs," "Contact Hours," and Category 2 hours do not meet the requirement.

If you are using carry over hours from a prior year, be certain you are counting the hours properly. There is a worksheet and examples at our web site.

If you think you are exempt by reason of a disability or retirement waiver from the Board, make sure you do in fact have the waiver in writing. Additional Information concerning CME waivers, including a retirement waiver form, is also available at the web site. If you are unsure, call The Medical Licensure Commission at 334-242-4153 or email mlc@albme.org; we have knowledgeable and friendly staff ready to answer your questions. Find out before submitting your renewal application!

If you find you are a few hours short, MASA, through a grant provided by the BME, maintains a video/DVD library that may be utilized free of charge to all physicians holding Alabama licenses. To see a list of available topics go to www.masalink.org and click CME.

The compliance with CME requirements of every physician and physician assistant licensed to practice in Alabama is subject to audit at any time.

It is the Commission's position that licensees should complete their own license renewal forms, whether by paper application or by computer.

If you allow another individual to complete the form, and the form is incorrectly completed, you are responsible for any incorrect information.

Making a false or untrue statement to the Commission or Board is a ground for discipline of a license.

Board of Medical Examiners Public Action Report May 2005 - July 2005

On May 26, 2005, the Board issued an Order terminating voluntary restrictions on the certificate of qualification and license to practice medicine in Alabama of Ralph D'Auria, license number MD.00011921, Decatur GA.

Based upon the stipulation of the parties, on June 17, 2005, the Board entered a Consent Order issuing a reprimand to Larry Douglas Miller, P. A., license number PA.115, Gardendale AL, assessing an administrative fine, and requiring additional continuing medical education.

On June 17, 2005, the Board issued an Order amending the Voluntary Restriction previously entered against the certificate of qualification of Michael Blane Schilling, M.D., license number MD.00015571, Lakewood CO.

On June 28, 2005, William Ricardo Montiel, M. D., license number MD.00018168, Prattville AL, entered into a Voluntary Restriction on his certificate of qualification and license to practice medicine in Alabama.

On July 20, 2005, the Board entered an Agreed Order revoking the license to practice as a physician assistant in Alabama of George A. Payne, Jr., P. A., license number PA.85, Cullman AL.

On July 22, 2005, the Board entered an Order terminating the voluntary restrictions previously placed on the certificate of qualification and license to practice medicine in Alabama of Oscar D. Dellinger, III, M. D., license number MD.00017723, Gainesville GA.

On July 26, 2005, the Board entered an Order denying the application for reinstatement of the certificate of qualification of Ricky Joe Nelson, M.D., license number MD.00012557, Hanceville AL.

The following two articles are reprints from the Board's Spring 2004 Newsletter:

Board Inspects Collaborative Practices

Cheryl S. Thomas, R. N., has been employed by the Board as a Collaborative Practices Inspector. Ms. Thomas monitors all collaborative practices between physicians and Certified Registered Nurse Practitioners or Certified Nurse Midwives to assure that the collaborative practices operate pursuant to Board rules. Practitioners with questions about collaborative practices are encouraged to contact Ms. Thomas at cthomas@albme.org or by telephone at (334) 242-4116. Ms. Thomas will also be speaking at county medical society meetings about issues in collaborative practices.

Responsibilities of Physicians in Collaborative Practice

Every physician in or contemplating beginning a collaborative practice with advanced practice nurses should be familiar with the Rules of the Board, Chapter 540-X-8, Advanced Practice Nurses: Collaborative Practice. The Rules contain vital information such as how to apply, the requirements for physicians in or contemplating a collaborative practice, functions and activities of advanced practice nurses, prescription and medication orders, and grounds for denial of approval or termination of the collaborative practice. These Rules may be accessed through the Board's web site, www.albme.org, click Rules, Laws & Opinions, Administrative Rules, Board of Medical Examiners Rules, and scroll on left side of the screen to "Chapter 540-X-8," or by contacting the Board.

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.

**Medical Licensure Commission
Public Action Report
May 2005 - July 2005**

On May 9, 2005, the Commission entered an Order reinstating the license to practice medicine in Alabama, subject to certain conditions, of Michael C. Caruso, M. D., license number MD.00014848, Gainesville GA.

On June 8, 2005, the Commission entered an Order reinstating the license to practice medicine in Alabama of Carolyn M. Waldo, M. D., license number MD.00019995, Sisseton SD, subject to certain conditions.

On June 8, 2005, the Commission entered an Order granting the application for a license to practice medicine in Alabama of Michael J. Rallo, M. D., license number MD.00026734, Columbus GA, subject to restrictions.

On June 8, 2005, the Commission entered an Order revoking the license to practice medicine in Alabama of Dan L. Ecklund, M. D., license number MD.00022713, Magnolia Springs AL.

On July 8, 2005, the Commission entered an Order indefinitely suspending the license to practice medicine in Alabama of Robin E. Murray, M. D., license number MD.00008458, Robertsdale AL.

On July 15, 2005, the Commission entered an Order terminating the probation on the license to practice medicine in Alabama of Roger Dale Eiland, M. D., license number MD.00008356, Birmingham AL. Dr. Eiland now possesses a full, unrestricted license to practice medicine in Alabama.

On July 20, 2005, the Commission entered an Order granting the Motion to Dismiss a petition for reinstatement of Carlin P. Graham, M. D., license number MD.00007249, Talladega AL. Dr. Graham's license to practice medicine in Alabama remains indefinitely suspended.

Beginning with the Fall 2005 issue, physicians will have the opportunity to receive the *Alabama Board of Medical Examiners Newsletter* electronically. If you would prefer to receive the Newsletter via e-mail, please send your current e-mail address to bmenews@masalink.org so we may update our records. **Interested organizations and non-physicians will only receive the Newsletter electronically, so be sure to send us your e-mail address to continue receiving this publication.**

Alabama State Board of Medical Examiners
P.O. Box 946
Montgomery, AL 36102-0946

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