



November 2, 2007

Via email to: bme@albme.org

Jorge Aslip, MD
Chairman
Alabama Board of Medical Examiners
P.O. Box 946
Montgomery, AL 36101-0946

RE: Proposed Rule to Assess Collaborative Practice Fees

Dear Dr. Aslip:

I am writing on behalf of the American College of Nurse-Midwives (ACNM), the national professional organization representing certified nurse-midwives (CNMs) and certified midwives (CMs), to provide comments to the Alabama Board of Medical Examiners (BME) in opposition to emergency rule 540-X-1-.16, Fees Associated with Collaborative Practice, effective September 4, 2007, and proposed rule 540-X-1-.16, Fees Associated with Collaborative Practice, comments due November 2, 2007.

This rulemaking imposes an annual surcharge fee of \$100 on physicians who have entered into or may enter into collaborative practice agreements with CNMs and CRNPs. Alabama law requires CNMs to enter into written collaborative agreements with a physician as prerequisite to practice.

CNMs are rigorously trained, highly qualified health care professionals who not only take care of women through pregnancy and childbirth, but also provide primary care, annual gynecological exams and cancer screening for women throughout their lifetimes. CNMs and physicians must be able to work together so that CNMs may consult and refer should needed care exceed CNM scope of practice.

The College opposes the rule because there has been no indication of any need for additional regulatory oversight of these collaborative relationships. Moreover, there does not appear to be any rational relationship between the proposed fee and the administrative burden collaborative relationships may place on the BME and therefore there is no justification for its imposition other than apparently to penalize physicians who collaborate with CNMs which raises restraint of trade concerns.

BME rules already limit the number of CNMs and CRNPs with whom a physician may formally collaborate to a maximum of 3 FTEs--including CNMs, CRNPs and/or assistants to physicians (who are supervised). Again, there is no showing of an administrative oversight or cost justification for the surcharges on collaborative practice.

ACNM believes that the fees will have a chilling effect on the willingness of physicians to formally collaborate with CNMs. The result will be lessened access to skilled care for Alabama health care consumers, particularly in rural and poor areas in which midwives traditionally have provided care and where there is an acute shortage of practicing physicians.

ACNM is also concerned that even informal consultation between CNMs and physicians may be stymied by this requirement as physicians may be concerned about the prospect of administrative reprisal for consulting absent an approved collaboration agreement and attendant fee payment.

For the BME to erect unnecessary roadblocks to the provision of vital health care services when the need is so great is counterproductive and disturbing.

ACNM urges the BME to reconsider this discriminatory rulemaking and to repeal the annual surcharge on collaborative agreements with all deliberate speed.

Should you find helpful any additional information, please feel free to contact me via telephone (240-485-1843) or email (jking@acnm.org). Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanna M. King". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joanna M. King, Esq.
State Policy Analyst

cc: Patricia E. Shaner, Attorney for the Alabama Board of Medical Examiners
Lisa Summers, ACNM Director of Professional Services
Lorrie Kline Kaplan, ACNM Executive Director
N. Genell Lee, Alabama Board of Nursing Executive Officer
Cecilia Jevitt, ACNM Board of Directors Region III Representative