

APA-3
Revised 1/2018

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 21st day of August, 2019, and filed with the agency secretary on the 21st day of August, 2019.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.12(4)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Limitations upon Utilization of Certified Registered Nurse Practitioner


ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

No comments received. Rule adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVII,
ISSUE NO. 9, AAM, DATED JUNE 28, 2019.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

2019 AUG 23 PM 2: 08
LEGISLATIVE SVC AGENCY

540-X-8-.12 Limitations upon Utilization of Certified Registered Nurse

Practitioners.

(1) A physician may enter into collaborative agreements with certified registered nurse practitioners not exceeding a cumulative one hundred and sixty (160) hours (four FTEs) per week. The total number of persons supervised by or in collaborative practice with a physician shall not exceed one hundred and sixty (160) hours per week (four full-time equivalent positions) as stipulated in Rule 540-X-8-.04.

(2) Employees of the Alabama Department of Public Health and county health departments are specifically exempt from the requirements of paragraph (1) of this rule.

(3) CRNPs practicing under approved limited protocols, specified and approved by the Board of Nursing and the Board of Medical Examiners, may be specifically exempt from the FTE requirements of paragraph (1) of this rule, or as specified in the limited protocol, as determined by the Board of Nursing and the Board of Medical Examiners.

(4) A physician in collaborative practice may request from the Joint Committee for additional full-time certified registered nurse practitioner positions, with consideration given to the following factors, to insure that an acceptable standard of care is rendered:

- (a) Availability of the physician.
- (b) Practice settings and staffing needs for extended hours of service.
- (c) Risk to patients.
- (d) Educational preparation, specialty and experience of the parties in the collaborative practice.

(e) Complexity and risk of procedures to be performed.

(5) Any certified registered nurse practitioners engaged in practice with a collaborating physician prior to June 26, 1995, may not be denied approval for continued collaborative practice with that physician based on the ratio established in Rule 540-X-8-.12(1).

(6) A physician in collaboration with CRNP, CNM or Physician Assistant personnel totaling 160 hours per week (four (4) FTEs) may request a transitional allowance increasing the total weekly hours for the purpose of orientation of the incoming CRNP. The transitional allowance shall not exceed 45 days. The physician shall request the transitional allowance in writing and specify the starting date for this FTE allowance.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-80 through 93.1.

History: This new Chapter 8 - Advanced Practice Nurses: Collaborative Practice replaces Chapter 8 - Nurse Midwives. This chapter is being filed as a joint effort by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Amended/Approved For Publication: March 20, 1996.

Approved/Adopted: June 19, 1996. Effective Date: July 25, 1996.

Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: April 20, 2005. Effective Date: August 26, 2005. Amended/Approved: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved: June 20, 2018.

Certified Filed: September 20, 2018. Effective Date: November 5, 2018.

Amended/Approved: June 29, 2019. Certified Filed: August 23, 2019. Effective Date: October 8, 2019.