

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

Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.20(5)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Authorization for Practice as a Certified Nurse Midwife


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 with one non-substantive change from the proposal (corrected section reference in paragraph (5)(a) from 540-X-8-.15 to 540-X-8-.17)

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.

REC'D & FILED
2019 AUG 29 PM 2:12
LEGISLATIVE SVC AGENCY

540-X-8-.20 Authorization for Practice as a Certified Nurse Midwife.

(1) The Board of Nursing may grant a certificate of qualification for advanced practice nursing as a nurse midwife to applicants who meet all requirements of 540-X-8-.15.

(2) Only those registered nurses who have been issued a certificate of qualification by the Board of Nursing and have approval for collaborative practice from the Board of Medical Examiners and Board of Nursing may hold themselves out to be certified nurse midwives, use the designation "CNM" or use titles to imply that they are nurse midwives.

(3) When for any reason the collaborative practice agreement with the physician designated in the application for approval is terminated, then approval of such certified nurse midwife and collaborating physician designated in the application is automatically withdrawn.

(a) The certified nurse midwife and the physician shall each inform their respective board in writing of the effective date of the termination of the collaborative practice agreement and the reasons for such termination. Failure to notify the respective board of termination may be considered a violation of these rules and regulations.

(b) The certified nurse midwife shall notify the Board of Nursing using the on-line form "Terminate an Existing Collaboration."

(c) A certified nurse midwife in a collaborative practice which is voluntarily terminated by either party is responsible for notifying the Board of Nursing of the date on which the collaborative practice agreement terminates. Notification to the Board of

Nursing by the Alabama Board of Medical Examiners that a physician has voluntarily terminated a collaborative practice agreement will meet the notification requirement and will result in termination of the certified nurse midwife's approval to practice under the collaborative practice agreement.

(4) The advanced practice approval shall expire prior to the RN license if the advanced practice national specialty certification expires during the license period.

(5) Approval for advanced practice may be continued at the time of renewal, upon verification of:

(a) Meeting the requirements of Rule 540-X-8-.17.

(b) Continued collaboration with the approved physician(s) or eligibility for continued exemption from collaboration.

(c) Payment of the advanced practice nursing renewal fee.

(d) Six contact hours of pharmacology content specific to prescriptive practice in the approved area for collaborative practice. Graduate pharmacology academic credit earned during the nurse midwife educational program prior to initial approval as a CNM does not qualify as pharmacology continuing education for renewal of approval as a CNM.

(6) Failure to meet the requirements for renewal shall result in lapse of the advanced practice approval.

(7) A nurse who fails to attain or maintain specialty certification as a nurse midwife from the American College of Nurse Midwives Certification Council shall:

(a) Immediately notify the Board of Nursing.

(b) Not practice or use the title of certified nurse midwife until approved by the

Board of Nursing.

(8) Registered nurses who have been issued a certificate of qualification as certified nurse midwives from the Board of Nursing may use the designation specific to the authorization, as follows:

(a) "CNM - Faculty." The registered nurse who:

1. Meets all qualifications for approval as a certified nurse midwife as provided in Rule 540-X-8-.15.
2. Holds a teaching position in a nurse midwifery education program recognized by the Alabama Board of Nursing.
3. Has made application for approval with the exception of the standard protocol for the CNM and physician as provided in Rule 540-X-8-.17.
4. Requests approval as a certified nurse midwife without prescriptive authority in order to supervise nurse midwife students in direct care of patients in clinical settings where there is a CNM in an approved collaborative practice or physician who is present to oversee patient care.

(b) "CNM - Federal Only." The registered nurse who:

1. Meets all qualifications for approval as a certified nurse midwife as provided in Rule 540-X-8-.15.
2. Is employed by the United States government.
3. Requests an exemption from collaborative practice with a physician licensed to practice medicine in Alabama.
4. Is authorized for practice with prescriptive authority under established federal regulations and guidelines limited to the employing federal agency.

Author: Alabama Board of Medical Examiners.

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

History: Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved for Publication: May 18, 2016. Effective Date: September 6, 2016. Amended: August 15, 2018. Certified Filed: October 18, 2018. Effective Date: December 3, 2018. Amended/Approved: June 29, 2019. Certified Filed: August 23, 2019. Effective Date: October 8, 2019.