

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.01 (16) and (18)

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

Rule Title: Definitions

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

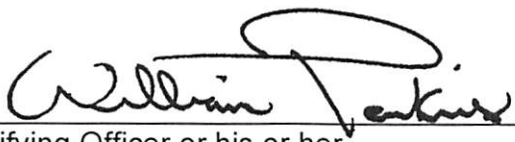
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

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LEGISLATIVE SVC AGENCY



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.

540-X-8-.01 Definitions. The following definitions will apply to these rules:

- (1) BOARD OF MEDICAL EXAMINERS. The State Board of Medical Examiners established pursuant to Code of Alabama 1975, as amended § 34-24-53.
- (2) BOARD OF NURSING. The Board of Nursing established under Code of Alabama 1975, as amended, § 34-21-2.
- (3) ADVANCED PRACTICE NURSE IN COLLABORATIVE PRACTICE. A registered nurse who has gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurses for advanced practice roles and has been approved by the Board of Nursing to engage in the practice of advanced practice nursing.

Two categories of advanced practice nurses are subject to the requirements of collaborative practice:

- (a) Certified registered nurse practitioners (CRNP).
- (b) Certified nurse midwives (CNM).
- (4) ADVANCED PRACTICE NURSING - COLLABORATIVE PRACTICE. The delivery of health care services by registered nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurses for advanced practice roles as certified registered nurse practitioners or certified nurse midwives:

- (a) Practice as a certified registered nurse practitioner (CRNP) is the performance of nursing skills by a registered nurse who has demonstrated by certification advanced knowledge and skills in the delivery of nursing services within a health care system that provides for consultation, collaborative management or referral

as indicated by the health status of the client.

(b) Practice as a certified nurse midwife (CNM) is the performance of nursing skills by a registered nurse who has demonstrated by certification advanced knowledge and skills relative to the management of women's health care focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning and gynecological needs of women, within a health care system that provides for consultation, collaborative management or referral as indicated by the health status of the client.

(5) COLLABORATION. A formal relationship between one or more certified registered nurse practitioners or certified nurse midwives and a physician or physicians under which these nurses may engage in advanced practice nursing as evidenced by written protocols approved according to the requirements of Code of Alabama 1975, as amended, § 34-21-80, et. seq., or exempted according to requirements of this statute. The term collaboration does not require direct, on-site supervision of the activities of a certified registered nurse practitioner or a certified nurse midwife by the collaborating physician. The term does require such medical oversight and direction as required by the rules and regulations of the Board of Nursing and the Board of Medical Examiners.

(6) PHYSICIAN OR COLLABORATING PHYSICIAN. A doctor of medicine or a doctor of osteopathy licensed to practice medicine in Alabama who agrees in writing to practice in collaboration with one or more certified registered nurse practitioners or certified nurse midwives according to the rules and regulations adopted by the Board of Nursing and the Board of Medical Examiners.

(7) JOINT COMMITTEE OF THE BOARD OF NURSING AND THE STATE

BOARD OF MEDICAL EXAMINERS FOR ADVANCED PRACTICE NURSES. The Joint Committee of the Board of Nursing and the Board of Medical Examiners for Advanced Practice Nurses is a committee composed of the following, pursuant to Code of Alabama 1975, as amended, § 34-21-80, et. seq.

- (a) Two physicians licensed to practice medicine in the State of Alabama;
- (b) One registered nurse licensed to practice professional nursing in the State of Alabama;
- (c) One licensed physician engaged in collaborative practice with a certified registered nurse practitioner or a certified nurse midwife in the State of Alabama;
- (d) One certified registered nurse practitioner engaged in advanced practice nursing with a physician in the State of Alabama; and
- (e) One certified nurse midwife engaged in advanced practice with a physician in the State of Alabama.

(8) LEGEND DRUG. Any drug, medicine, chemical or poison bearing on the label the words, "Caution, federal law prohibits dispensing without prescription" or similar words indicating that such drug, medicine, chemical, or poison may be sold or dispensed only upon the prescription of a licensed practitioner, except that the term legend drug will not include any drug, substance, or compound which is listed Schedules I through V of the Alabama Uniform Controlled Substances Act.

(9) PRESCRIBE OR PRESCRIBING. The act of issuing a prescription for a legend drug.

(10) PRESCRIPTION. An order for a legend drug which is issued and signed by a practitioner authorized by law to prescribe and administer such drugs and is

intended to be filled, compounded, or dispensed by a pharmacist.

(11) **PROTOCOL.** A document approved according to Code of Alabama 1975, as amended, § 34-21-81, establishing the permissible functions and activities to be performed by certified registered nurse practitioners and certified nurse midwives and signed by collaborating physicians and any nurse practitioners or nurse midwives practicing with those physicians.

(12) **MEDICAL OVERSIGHT.** Concurrent and on-going collaboration between a physician and a CRNP or CNM and documentation of time together in a practice site; may include but is not limited to direct consultation and patient care, discussion of disease processes and medical care, review of patient records, protocols and outcome indicators, and other activities to promote positive patient outcomes.

(13) **QUALITY ASSURANCE.** Documented evaluation of the clinical practice of the certified registered nurse practitioner or certified nurse midwife against defined quality outcome measures, using a selected, meaningful sample of patient records which will identify areas needing improvement, set performance goals, and assess progress towards meeting established goals, with a summary of findings, conclusions, and, if indicated, recommendations for change. The physician's signature on the patient record does not constitute quality improvement monitoring.

(14) **PRINCIPAL PRACTICE SITE.** The main location at which the collaborating physician is engaged in the practice of medicine.

(15) **REMOTE PRACTICE SITE.** An approved site for collaborative practice without a collaborative or covering physician on-site. The collaborating physician's principal practice site, acute care hospitals, skilled nursing facilities, licensed, special-

care assisted living facilities and licensed assisted living facilities are not remote practice sites for the purpose of these rules.

(16) READILY AVAILABLE. Response by the collaborating or covering physician by telephone or telecommunication for consultation, referral or direct medical intervention for a patient as indicated by the needs of a patient and based on usual and customary standards of medical practice.

(17) DIRECT MEDICAL INTERVENTION. Physical presence of a physician to attend the patient as defined in the collaborative practice protocol.

(18) COVERING PHYSICIAN. A doctor of medicine or a doctor of osteopathy licensed to practice medicine in Alabama who agrees in writing to be readily available to collaborate with and provide medical oversight to one or more certified registered nurse practitioners or certified nurse midwives and, if indicated, to provide direct medical intervention to patients during the absence of the Collaborating Physician. The covering physician shall be either a member of the same medical practice, practice group, or multidisciplinary medical team, or of the same or similar practice specialty as the collaborating physician and shall abide by the rules and regulations adopted by the Board of Nursing and the Board of Medical Examiners.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, § 34-24-53 and § 34-21-81.

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: May 17, 2006. Further amended for republication: July 19, 2006. Effective Date: October 27, 2006. Amended/Approved: February 18, 2015. Effective Date:

August 6, 2015. Amended/Approved: February 17, 2021. Certified Rule
Filed April 16, 2021. Effective Date: June 14, 2021.

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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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.03(1)(e)

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

Rule Title: Qualifications for Approval to Practice as a 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.

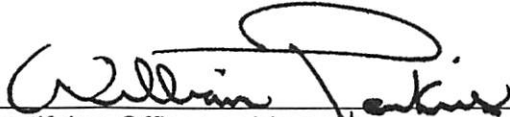
NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5,
AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80
through 93.1

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Certifying Officer or his or her
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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.

540-X-8-.03 Qualifications for Approval to Practice as a Certified Registered Nurse Practitioner.

(1) The applicant for approval to practice as a certified registered nurse practitioner shall have:

(a) An active Alabama registered nurse license, or a multistate registered nurse license issued by a party state, as defined in Chapter 610-X-4 of the Rules of the Alabama Board of Nursing, unless authorized by the Board of Nursing.

(b) Met all requirements for completion of or graduation from an organized program of study and clinical experience beyond the basic educational preparation as a registered nurse that prepares nurse practitioners and is recognized by the Board of Nursing and the appropriate specialty certifying agency.

(c) At least a master's or higher degree in advanced practice nursing from an accredited program recognized by the Board of Nursing.

(d) Current certification as a certified registered nurse practitioner granted by a national certifying agency recognized by the Board of Nursing in the clinical specialty consistent with educational preparation and appropriate to the area of practice.

(e) Effective January 1, 2024, obtained continuing education prescribed by the Board of Nursing regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice.

(2) The applicant for initial approval as a certified registered nurse practitioner who meets one of the following criteria is exempt from the requirement for a master's degree in nursing:

- (a) Graduation prior to 1996 from a Board of Nursing-recognized post-baccalaureate program preparing nurse practitioners.
- (b). Graduation prior to 1984 from a non-baccalaureate program preparing nurse practitioners.
- (3) The Board of Nursing may grant a waiver of the master's degree requirement at its discretion.

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: June 19, 2019. Certified Filed: August 23, 2019. Effective Date: October 8, 2019.

Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.04(1)(3)(5) and (6)

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

Rule Title: Qualifications for Physicians in Collaborative Practice with Certified Registered Nurse Practitioners

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

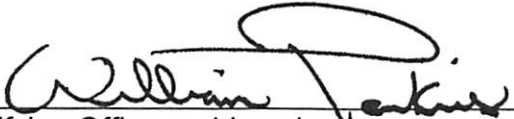
No comments received. Rule adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

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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.

540-X-8-.04 Qualifications for Physicians in Collaborative Practice with Certified Registered Nurse Practitioners.

(1) The physician in collaborative practice with a certified registered nurse practitioner shall:

(a) Possess a current, unrestricted license to practice medicine in the State of Alabama;

(b) Have satisfied one of the following experience requirements:

1. Have practiced medicine for at least three years.

2. Have practiced medicine for at least one year and certified by one or more of the specialty boards recognized by the American Board of Medical Specialties or the American Osteopathic Association; or

3. Have practiced medicine for at least one year and the collaboration's practice site is limited solely to a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health.

(c) Effective January 1, 2024, have obtained continuing medical education prescribed by the Board of Medical Examiners regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice; and

(d) Have paid all collaborative practice fees due to the Board of Medical Examiners and submitted to the Board of Medical Examiners a Commencement of Collaborative Practice form. In the event no application is received from the Alabama Board of Nursing within six (6) months of submission, the submitted form will be withdrawn by the Board. The fee submitted with the Commencement of Collaborative

Practice form is non-refundable and non-transferable.

(2) The Board of Medical Examiners, in its discretion, may waive the practice requirements in 1(b).

(3) A physician entering into a collaborative practice arrangement with a certified registered nurse practitioner, including those who have been granted temporary approval to practice as a certified registered nurse practitioner under the provisions of Rule 540-X-8-.07, shall notify the State Board of Medical Examiners in writing of the date for commencement of the collaborative practice agreement using the "Commencement of Collaborative Practice" form. The Collaborative Practice Fee must accompany the "Commencement of Collaborative Practice" form.

(4) A physician in a collaborative practice which is voluntarily terminated by either party is responsible for notifying the Board of the date on which the collaborative practice agreement terminates. Notification to the Board of Medical Examiners by the Alabama Board of Nursing that a Certified Registered Nurse Practitioner has voluntarily terminated a collaborative practice agreement will meet the notification requirement and will result in termination of the physician's approval to practice under the collaborative practice agreement.

(5) The Board of Medical Examiners may decline to consider an application when the physician is under investigation for a potential violation of the Code of Alabama, Sections 20-2-54 or 34-24-360, or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

(6) Effective January 1, 2024, all collaborating physicians shall obtain continuing medical education prescribed by the Board of Medical Examiners regarding

the rules and statutes governing collaborative practice in Alabama every forty-eight months (48) following commencement of the collaborative practice.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-83.

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. Emergency Rule Effective: September 4, 2007. Effective Date: December 17, 2007. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015.

Amended/Approved: Sept. 21, 2016. Effective Date: April 2, 2017.

Amended/Approved: July 18, 2018. Certified filed: September 20, 2018.

Effective Date: November 5, 2018. Amended/Approved: February 17, 2021.

Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.05.1(e)

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

Rule Title: Reinstatement of Lapsed Approval for Practice as a 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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

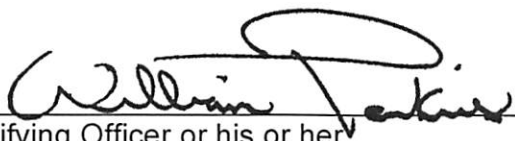
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

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LEGISLATIVE SVC AGENCY



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.

540-X-8-.05.1 Reinstatement of Lapsed Approval for Practice as a Certified Registered Nurse Practitioner.

(1) Lapsed approval as a certified registered nurse practitioner may be reinstated upon submission of a completed application and compliance with the following:

(a) An active Alabama registered nurse license, or a multistate registered nurse license issued by a party state, as defined in Chapter 610-X-4 of the Rules of the Alabama Board of Nursing.

(b) Payment of current renewal and reinstatement fees, as well as outstanding fees and fines, if applicable.

(c) Official evidence of current national certification as a certified registered nurse practitioner by a national certifying agency recognized by the Board.

(d) Documented evidence of completion of six contact hours of pharmacology content specific to the prescriptive practice in the approved area for collaborative practice earned within the 24 months immediately preceding application.

(e) Effective January 1, 2024, has obtained continuing medical education prescribed by the Board of Nursing regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice.

(2) In the case of an Alabama-licensed advanced practice nurse, if the reinstatement of a lapsed approval for advanced practice occurs during the renewal period for registered nurses, the expiration of the advanced practice approval shall be the expiration date of the RN license or the expiration date of the licensee's national

certification as a certified registered nurse practitioner, whichever occurs first.

Author: Alabama Board of Medical Examiners.

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

History: New Rule Approved: September 19, 2018. Effective Date: January 2, 2019. Amended/Approved: June 19, 2019. Certified Filed: August 23, 2019. Effective Date: October 8, 2019. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.06(2) and (5)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Authorization for Practice as a 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 XXXIX, ISSUE NO. 5,
AAM, DATED FEBRUARY 26, 2021.

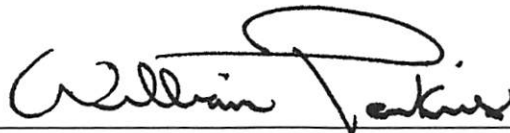
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80
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Certifying Officer or his or her
Deputy

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.

540-X-8-.06 Authorization for Practice as a Certified Registered Nurse

Practitioner.

(1) The Board of Nursing may grant a certificate of qualification for advanced practice nursing as a certified registered nurse practitioner to applicants who meet the requirements of Rule 540-X-8-.03

(2) Use of the designation "CRNP" or of any titles that imply that they are certified registered nurse practitioners shall be restricted to those registered nurses who:

- (a) Have been issued certificates of qualification by the Board of Nursing; and
- (b) Have current approval for collaborative practice in the state of Alabama; or
- (c) Are employed by the United States government and working in federal facilities; or

(d) Hold teaching positions in nurse practitioner education programs recognized by the Alabama Board of Nursing.

(e) Prior to approval as a certified registered nurse practitioner, the registered nurse may use only the designation or title granted by the specialty certifying agency.

(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 registered nurse practitioner and collaborating physician designated in the application is automatically withdrawn.

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

(c) A certified registered nurse practitioner 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 registered nurse practitioner's approval to practice under the collaborative practice agreement.

(4) The advanced practice approval shall expire prior to the RN license if the nurse practitioner 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-.03.

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

(c) Payment of the advanced practice 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 practitioner educational program prior to initial approval as a CRNP does not qualify as pharmacology continuing education for renewal of

approval as a CRNP.

(e) Effective January 1, 2024, documented evidence of completion of continuing medical education prescribed by the Board of Nursing regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice.

(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 practitioner from a specialty certification agency shall:

(a) Immediately notify the Board of Nursing.

(b) Not practice as or use the title of certified registered nurse practitioner until approved by the Board of Nursing.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53, 34-21-95 and 34-21-90.

History: Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015.

Amended/Approved for Publication: May 18, 2016. Effective Date: September 6, 2016. Amended/Approved: August 15, 2018. Certified Filed: October 18, 2018. Effective Date: December 3, 2018. Amended/Approved: June 19, 2019. Effective Date: October 8, 2019. Amended/Approved: October 16, 2019.

Certified Filed: December 18, 2019. Effective Date: February 14, 2020. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.07(4)

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

Rule Title: Temporary Approval to Practice as a 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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

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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.

540-X-8-.07 Temporary Approval to Practice as a Certified Registered Nurse Practitioner.

(1) The applicant for approval to practice as a certified registered nurse practitioner may be granted temporary approval for practice under the following stipulations until such time as the application is approved or denied by the Board of Nursing and the Board of Medical Examiners.

(a) The applicant shall meet the requirements of Rules 540-X-8-.03 and 540-X-8-.05.

(b) The collaborating physician shall meet the qualifications established in Rule 540-X-8-.04.

(c) Temporary approval is limited to the standard protocol and formulary approved by the Joint Committee of the Alabama Board of Nursing and the Board of Medical Examiners and does not include the authority to:

1. Perform additional skills as provided in Rule 540-X-8-.10.
2. Prescribe drugs that are listed in the standard formulary with "Restrictions."

(2) Provisional approval: A registered nurse who meets the requirements of Rules 540-X-8-.03 and 540-X-8-.05 with the exception of national certification, and who has applied for initial certification may be granted temporary approval under paragraph (1)(c) of this rule with these additional stipulations.

(a) Practice under the on-site supervision of an approved certified registered nurse practitioner or a licensed physician.

(b) During the period of provisional approval, there shall be one hundred

percent review of patient cases by the collaborating physician.

(c) The nurse practitioner with provisional approval may use the designation "Graduate Registered Nurse Practitioner."

(d) Provisional approval to practice is limited to a maximum of six months and shall expire immediately upon:

1. Notification of approval by the Board of Nursing.
2. Notification of failure of the certification examination.

(3) Interim: If the relationship with the collaborating physician is terminated, a certified registered nurse practitioner approved to practice under the provisions of these rules may continue in a collaborative practice with an interim physician after application for approval until such time as the new application is approved or denied, provided the interim physician meets the qualifications established in Rule 540-X-8-.04.

(4) An applicant for approval to practice as a certified registered nurse practitioner may be granted temporary approval when either the collaborating physician or certified registered nurse practitioner applicant is under investigation by a state or federal authority. The temporary approval shall remain in force until the application has been approved, denied, or withdrawn. However, the Board of Nursing or Board of Medical Examiners may decline to approve the application until the investigation has been concluded. The Board of Medical Examiners may withdraw temporary approval in accordance with Rule 540-X-8-.13.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53, 34-21-84, and 34-21-85.

History: Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: March 18, 2015. Effective Date: August 6, 2015. Amended/Approved: February

17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.08(1)(2)(5)(8)(9) and (10) and (4)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Requirements for Collaborative Practice by Physicians and Certified Registered Nurse Practitioners

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

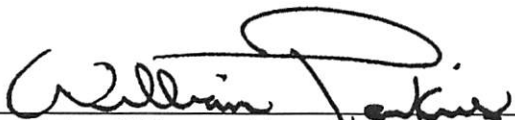
No comments received. Rule adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED
APR 16 2021
LEGISLATIVE SVC AGENCY



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.

540-X-8-.08 Requirements for Collaborative Practice by Physicians and Certified Registered Nurse Practitioners.

- (1) The collaborating physician shall:

 - (a) Provide professional medical oversight and direction to the certified registered nurse practitioner.
 - (b) Be readily available for direct communication or by ~~radio~~, telephone or telecommunications.
 - (c) Be readily available for consultation or referrals of patients from the certified registered nurse practitioner.
 - (d) Be readily available at each remote practice site.
- (2) In the event the collaborating physician is not readily available, provisions shall be made for professional medical oversight and direction by a covering physician who is readily available, who is pre-approved by the Board of Medical Examiners, and who is familiar with these rules. The collaborating physician shall certify to the Board of Medical Examiners at least annually that any approved covering physician continues to agree to serve in that capacity and shall inform the Board of Medical Examiners of the termination of a covering physician within ten (10) days of the termination.
- (3) In the event of an unanticipated, permanent absence of a collaborating physician, a previously approved covering physician may be designated as a temporary collaborating physician for a period of up to sixty (60) days. During the sixty (60) day time period, a new "Notice of Commencement" designating a new collaborating physician should be submitted for approval.
- (4) The certified registered nurse practitioner's scheduled hours in patient

homes, facilities licensed by the Alabama Department of Public Health, facilities certified by the Alabama Department of Mental Health, and when practicing under specified limited protocols, are not subject to the required minimum hours for physician presence.

(5) The collaborating physician shall:

(a) Have no additional requirement for documentation of on-site collaboration when working in the same facility with the Certified Registered Nurse Practitioner (CRNP).

(b) Be present for not less than ten percent (10%) of the CRNP's scheduled hours in an approved practice site with a CRNP who has less than two (2) years (4,000 hours) of collaborative practice experience:

1. Since initial certification; or
2. In the collaborating physician's practice specialty.

(c) Maintain documentation of the CRNP's two (2) years (4,000 hours) of collaborative practice experience for the duration of the collaborative practice and for three (3) years following the termination of the collaborative practice agreement.

(d) Visit remote practice sites no less than twice annually.

(e) Meet no less than quarterly with the CRNP who has more than two (2) years (4,000 hours) of collaborative practice experience.

(f) Complete quarterly quality assurance with each CRNP. Documentation of any quality assurance review required by this chapter shall be maintained by the collaborating physician for the duration of the collaborative practice and for three years following the termination of the collaborative practice agreement.

(g) Allow a pre-approved covering physician to be present in lieu of the

collaborating physician.

(6) The collaborating physician shall provide notice in writing to the State Board of Medical Examiners of the commencement or termination of a collaborative practice agreement as required by Rule 540-X-8-.04.

(7) The Joint Committee may, at its discretion, waive the requirements of written verification of physician availability upon documentation of exceptional circumstances. Employees of state and county health departments are exempt from the requirements of written verification of physician availability.

(8) A written standard protocol specific to the specialty practice area of the certified registered nurse practitioner and the specialty practice area of the collaborating physician, approved and signed by both the collaborating physician and the certified registered nurse practitioner shall:

(a) Identify all sites where the certified registered nurse practitioner will practice within the collaboration protocol.

(b) Identify the physician's principal practice site.

(c) Be maintained at each practice site and be on file with the Board of Nursing and Board of Medical Examiners.

(d) Include a formulary of drugs, devices, medical treatments, tests and procedures that may be prescribed, ordered, and implemented by the certified registered nurse practitioner consistent with these rules and which are appropriate for the collaborative practice setting.

(e) Include a pre-determined plan for emergency services.

(f) Specify the process by which the certified registered nurse practitioner

shall refer a patient to a physician other than the collaborating physician.

(g) Specify a plan for quality assurance management with defined quality outcome measures for evaluation of the clinical practice of the certified registered nurse practitioner and include review of a meaningful sample of medical records plus all adverse outcomes. The term "medical records" includes, but is not limited to, electronic medical records. Documentation of quality assurance review shall be readily retrievable, identify records that were selected for review, include a summary of findings, conclusions, and, if indicated, recommendations for change. Quality assurance monitoring may be performed by designated personnel, with final results presented to the physician and certified registered nurse practitioner for review. The certified registered nurse practitioner shall maintain a copy of the plan for quality assurance, in a form prescribed by the Board of Nursing, on file with the Board of Nursing. The collaborating physician shall maintain an updated copy of the plan for quality assurance on file with the Board of Medical Examiners.

(9) The physician shall maintain independent medical judgment related to the practice of medicine at all times, irrespective of employment structure or business model.

(10) Irrespective of the location of the principal practice site and any remote site(s) of the collaboration, all services provided to patients and actions incident to services provided to patients of the collaborative practice shall be deemed to have occurred in the state where the patient is located at the time of service or action incident to the service. The collaborating physician, covering physician, and certified registered nurse practitioner shall comply with all applicable Alabama laws, rules, and regulations

pertaining to services and actions incident to services provided to Alabama patients of the collaborative practice. Actions incident to services include, but are not limited to, professional medical oversight and direction to the certified registered nurse practitioner regarding Alabama patients, consultation, or referral of Alabama patients from the certified registered nurse practitioner, quality assurance review of the medical records of Alabama patients, and maintenance of documentation pursuant to this chapter. The collaborating physician shall maintain all documentation required pursuant to this chapter for the duration of the collaborative practice and for three years following the termination of the collaborative practice agreement.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-85.

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: May 17, 2006.

Further amended for republication: July 19, 2006. Effective Date: October 27, 2006. Amended/Approved: December 12, 2007. Effective Date: March 27, 2008. Amended/Approved: January 20, 2010. Emergency Rule Effective: January 20, 2010. Effective Date: April 15, 2010. Amended/approved: July 18, 2012. Effective Date: October 29, 2012. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved: September 20, 2017. Effective Date: March 8, 2018. Amended/Approved: June 20, 2018. Proposal filed June 20, 2018. Certified Filed: September 20, 2018. Effective Date: November 5, 2018. Amended/Approved: March 20, 2019. Certified Rule Filed June 19, 2019. Effective Date: August 5, 2019. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.11(7)(d)

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

Rule Title: Prescriptions and Medication Orders by Certified Registered Nurse Practitioners

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

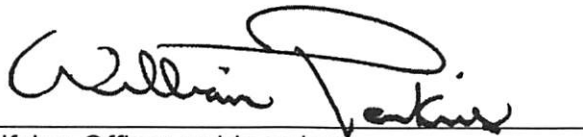
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.11 Prescriptions and Medication Orders by Certified Registered Nurse

Practitioners.

(1) Certified registered nurse practitioners engaged in collaborative practice with physicians may be granted prescriptive authority upon submission of evidence of completion of an academic course in pharmacology or evidence of integration of pharmacology theory and clinical application in the certified registered nurse practitioner curriculum.

(2) Certified registered nurse practitioners practicing under protocols approved in the manner prescribed by Code of Alabama 1975, as amended, § 34-21-80, et. seq., may prescribe legend drugs to their patients, subject to the following conditions:

(a) The drug shall be included in the formulary recommended by the Joint Committee and adopted by the Board of Nursing and the State Board of Medical Examiners.

(b) The drug type, dosage, quantity prescribed, and number of refills shall be authorized in an approved protocol signed by the collaborating physician and the certified registered nurse practitioner. This requirement may be met if written prescriptions adhere to the standard recommended dosages of legend drugs as identified in the Physicians Desk Reference or Product Information Insert, and do not:

1. Exceed the recommended treatment regimen periods.
2. Include United States Food and Drug Administration (FDA) non-approved supplements, drug products, medication, and off label medications.

(c) Drugs and medications that do not have FDA approval may be prescribed

through protocol registration in a United States Institutional Review Board or Expanded Access authorized clinical trial.

(d) "Off label" use or prescription of FDA-approved medications for uses other than that indicated by the FDA is permitted when such practices are:

1. Within the current standard of care for treatment of disease or condition.
2. Supported by evidence-based research.
3. Approved by the collaborating physician and entered into the patient record.

(3) A certified registered nurse practitioner may not initiate a call-in prescription in the name of a collaborating physician for any drug, whether legend or controlled substance, which the certified registered nurse practitioner is not authorized to prescribe under the protocol signed by the collaborating physician and certified registered nurse practitioner and approved under this section unless the drug is specifically ordered for the patient by the physician, either in writing or by a verbal order which has been transcribed in writing, and which has been signed by the physician within seven working days or as otherwise specified by the Board of Nursing and the Board of Medical Examiners.

(4) A written prescription for any drug that the certified registered nurse practitioner is authorized to prescribe may be called in to a pharmacy, provided the prescription is entered into the patient's record and signed by the certified registered nurse practitioner.

(5) The certified registered nurse practitioner in collaborative practice with prescriptive privileges shall not engage in prescribing for:

- (a) Self.
- (b) Immediate family members.
- (c) Individuals who are not patients of the practice, except in cases where a certified registered nurse practitioner is prescribing for the sexual partner(s) of a patient in accordance with an Expedited Partner Therapy (EPT) protocol for the prevention of transmission and spread of sexually transmitted disease(s).

(6) The certified registered nurse practitioner who is in collaborative practice and has prescriptive privileges may receive and sign for samples of legend drugs that are authorized in the approved formulary for the collaborative practice, provided the certified registered nurse practitioner complies with all applicable state and federal laws and regulations.

(7) When prescribing legend drugs a certified registered nurse practitioner shall use a prescription form which includes all of the following:

- (a) The name, medical practice site address and telephone number of the collaborating physician or covering physician.
- (b) The name of the certified registered nurse practitioner;
- (c) The medical practice site address and telephone number of the certified registered nurse practitioner if different from that of the collaborating physician;
- (d) The certified registered nurse practitioner's registered nurse license number assigned by the Board of Nursing.
- (e) The words "Product Selection Permitted" printed on one side of the prescription form directly beneath a signature line;
- (f) The words "Dispense as written" printed on one side of the prescription

form directly beneath a signature line.

- (g) The date that the prescription is issued to the patient.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-86.

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 for Publication: February 18, 2015. Effective Date: August 6, 2015.

Amended/Approved for Publication: August 17, 2016. Effective Date: December 5, 2016. Amended/Approved: March 20, 2019. Certified Rule Filed June 19, 2019. Effective Date: August 5, 2019. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.12(1) and (5)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Limitations upon Utilization of Certified Registered Nurse Practitioners

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

One comment received. Rule adopted without changes from the proposal. See Statement Pursuant to Ala. Code § 41-22-5(a)(2) attached.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

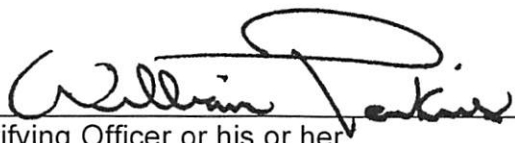
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

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APR 16 2021

LEGISLATIVE SVC AGENCY



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.

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 three hundred and sixty (360) hours (nine FTEs) per week. The physician shall not collaborate with or supervise any combination of certified registered nurse practitioners, certified nurse midwives and/or assistants to physicians exceeding three hundred and sixty (360) hours per week (nine full-time equivalent positions). "One full-time equivalent" (FTE) is herein described as a person/persons collectively working forty hours a week, excluding time on call.

(a) A physician collaborating with more than four FTEs per week shall engage in documented quality assurance review with each CRNP every month for six (6) months following the commencement of a collaborative practice with a new CRNP.

(b) A physician shall disclose to the Board of Medical Examiners the existence of all collaborative and supervisory agreements to which the physician is a party, including collaborative and supervisory agreements in other states, and shall not be eligible to collaborate with or supervise any combination of certified registered nurse practitioners, certified nurse midwives and/or assistants to physicians exceeding three hundred and sixty (360) hours per week (nine full-time equivalent positions), inclusive of collaborative and supervisory agreements existing in other states. Agreements with an individual certified registered nurse practitioner, certified nurse midwife, and/or assistant to physician in multiple states shall only be counted once for purposes of calculating the total number of full-time equivalent positions.

(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 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 ensure 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 the effective date of this rule, may not be denied approval for continued collaborative practice with that physician based on the ratio established in this rule.

(6) A physician in collaboration with CRNP, CNM or supervising Physician Assistant personnel totaling 360 hours per week (nine (9) 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. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

STATEMENT OF THE ALABAMA BOARD OF MEDICAL EXAMINERS
PURSUANT TO § 41-22-5(a)(2), CODE OF ALABAMA 1975, UPON ADOPTION OF
AMENDMENT TO ALA. ADMIN. CODE R. 540-X-8-.12

April 15, 2021

Proposed Board of Medical Examiners Rule 540-X-8-.12, Limitations upon Utilization of Certified Registered Nurse Practitioners, was published for comment in the *Alabama Administrative Monthly* on February 26, 2021. The comment period ended at the close of business on April 2, 2021. After consideration of a comment received from the publication of the proposed amendment to Ala. Admin. Code r. 540-X-8-.12, on April 15, 2021, the rules were approved for final adoption, without changes from the proposal.

The Board received a comment proposing a change of wording in the proposed amendment. Regarding this comment, the Board states the following:

Comment from the Alabama (AANA) Association of Nurse Anesthetists:

The AANA proposes to change the three instances of the term “assistants to physicians” in paragraph (1) to “physician assistants”.

Response: The term “assistants to physicians” is a term used throughout Chapter 540-X-7 to collectively refer to Physician Assistants and Anesthesiologist Assistants. The Board voted not to make the proposed change as this rule does not regulate Assistants to Physicians.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.15(1)

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

Rule Title: Grounds for Termination of Approval of a Physician's Collaborating Practice

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

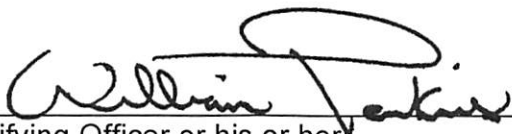
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.15 Grounds for Termination of Approval of a Physician's Collaborating Practice.

(1) The following acts may constitute grounds for the termination of the approval of the State Board of Medical Examiners of the collaborating practice of a physician:

(a) Prescribing by a physician or certified registered nurse practitioner in violation of §§ 20-2-54, 20-2-254, 20-2-260, and 34-21-80 through 34-21-93 of the Code of Alabama 1975, as amended, or the rules of the State Board of Medical Examiners.

(b) For a physician to require or to knowingly permit or condone a certified registered nurse practitioner to engage in any act or render any services not authorized in his or her protocol.

(c) Failure of a physician to maintain current or unrestricted licensure with the Medical Licensure Commission of Alabama.

(d) Failure of a collaborating physician to comply with any statute or rule governing collaborative practice.

(e) The commission of any act by a physician which would constitute a violation of § 34-24-360 of the Code of Alabama 1975, as amended, or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

(f) Failure of a collaborating physician to maintain or produce for inspection upon request by the Board of Medical Examiners any documentation required to be maintained by the collaborating physician.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, § 34-24-53 and § 34-21-81.

History: Approved January 21, 2004. Effective Date: May 28, 2004.

Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.17(1)(e)

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

Rule Title: Qualifications for Approval 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:

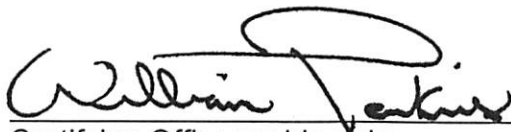
No comments received. Rule adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
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LEGISLATIVE SVC AGENCY



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.

540-X-8-.17 Qualifications for Approval as a Certified Nurse Midwife.

(1) The applicant for approval to practice as a certified nurse midwife shall have:

(a) An active Alabama registered nurse license, or a multistate registered nurse license issued by a party state, as defined in Chapter 610-X-4 of the Rules of the Alabama Board of Nursing, unless authorized by the Board of Nursing.

(b) Met all requirements for completion of or graduation from an organized program of study and clinical experience beyond the basic educational preparation as a registered nurse that prepares nurse midwives and is recognized by the Board of Nursing and the appropriate specialty certifying agency.

(c) At least a master's or higher degree in advanced practice nursing from an accredited program recognized by the Nursing Board. The applicant for initial approval as a nurse midwife who meets one of the following criteria is exempt from the requirement for a master's degree in nursing:

1. Graduation prior to 1996 from a Nursing-Board recognized post-baccalaureate program preparing nurse midwives,
2. Graduation prior to 1984 from a non-baccalaureate program preparing nurse midwives, or
3. The Board of Nursing may grant a waiver of the Master's degree requirement at its discretion.

(d) Current certification as a certified nurse midwife by the American College of Nurse Midwives or American College of Nurse Midwives Certification Council.

(e) Effective January 1, 2024, obtained continuing education prescribed by

the Board of Nursing regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice.

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 Medical Examiners 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: June 19, 2019. Certified Filed: August 23, 2019. Effective Date: October 8, 2019.

Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.18(1)(3)(5) and (6)

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

Rule Title: Qualifications for Physicians in Collaborative Practice with Certified Nurse Midwives

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

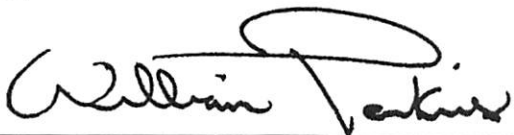
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.18 Qualifications for Physicians in Collaborative Practice with Certified Nurse Midwives.

- (1) The physician in collaborative practice with a certified nurse midwife shall:**
 - (a) Possess a current, unrestricted license to practice medicine in the State of Alabama;**
 - (b) Have satisfied one of the following experience requirements:**
 - 1. Have practiced medicine for at least three years, including specifically the active practice of obstetrics and/or gynecology.**
 - 2. Have practiced medicine for at least one year, including specifically the active practice of obstetrics and/or gynecology, and certified by one or more of the specialty boards recognized by the American Board of Medical Specialties or the American Osteopathic Association; or**
 - 3. Have practiced medicine for at least one year, including specifically the active practice of obstetrics and/or gynecology, and the collaboration's practice site is limited solely to a general acute care hospital, a critical access hospital, or a specialized hospital licensed as such by the Alabama Department of Public Health.**
 - (c) Effective January 1, 2024, have obtained continuing education prescribed by the Board of Medical Examiners regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice; and**
 - (d) Have paid all collaborative practice fees due to the Board of Medical Examiners and submitted to the Board of Medical Examiners a Commencement of Collaborative Practice form. In the event no application is received from the Alabama**

Board of Nursing within six (6) months of submission, the submitted form will be withdrawn by the Board. The fee submitted with the Commencement of Collaborative Practice form is non-refundable and non-transferable.

(2) The Board of Medical Examiners, in its discretion, may waive the practice requirements in 1(b).

(3) A physician entering into a collaborative practice arrangement with a certified nurse midwife, including those who have been granted temporary approval to practice as a certified nurse midwife under the provisions of Rule 540-X-8-.21, shall notify the State Board of Medical Examiners in writing of the date for commencement of the collaborative practice agreement using the "Commencement of Collaborative Practice" form. The Collaborative Practice fee must accompany the "Commencement of Collaborative Practice" form.

(4) A physician in a collaborative practice which is voluntarily terminated by either party is responsible for notifying the Board of the date on which the collaborative practice agreement terminates. Notification to the Board of Medical Examiners by the Alabama Board of Nursing that a Certified Nurse Midwife has voluntarily terminated a collaborative practice agreement will meet the notification requirement and will result in termination of the physician's approval to practice under the collaborative practice agreement.

(5) The Board of Medical Examiners may decline to consider an application where the physician is under investigation for a potential violation of the Code of Alabama, Sections 20-2-54 or 34-24-360, or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

(6) Effective January 1, 2024, all collaborating physicians shall obtain continuing medical education prescribed by the Board of Medical Examiners regarding the rules and statutes governing collaborative practice in Alabama every forty-eight (48) months following commencement of the collaborative practice.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-83.

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: August 15, 2007.

Emergency Rule Effective: September 4, 2007. Effective Date: December 14, 2007. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved for Publication: September 21, 2016.

Amended/Approved: Sept. 21, 2016. Effective Date: April 2, 2017.

Amended/Approved: July 18, 2018. Certified Filed: September 20, 2018.

Effective Date: November 5, 2018. Amended/Approved: February 17, 2021.

Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.19.1(e)

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

Rule Title: Reinstatement of Lapsed Approval 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 without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5,
AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80
through 93.1

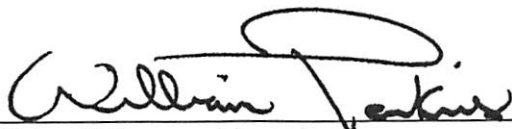
(Date Filed)

(For LRS Use Only)

REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.19.1 Reinstatement of Lapsed Approval for Practice as a Certified Nurse Midwife.

(1) Lapsed approval as a certified nurse midwife may be reinstated upon submission of a completed application and compliance with the following:

(a) An active Alabama registered nurse license, or a multistate registered nurse license issued by a party state, as defined in Chapter 4 of these rules.

(b) Payment of current renewal and reinstatement fees, as well as outstanding fees and fines, if applicable.

(c) Official evidence of current national certification as a certified nurse midwife by a national certifying agency recognized by the Board.

(d) Documented evidence of completion of six contact hours of pharmacology content specific to the prescriptive practice in the approved area for collaborative practice earned within the 24 months immediately preceding application.

(e) Effective January 1, 2024, has obtained continuing medical education prescribed by the Board of Nursing regarding the rules and statutes governing collaborative practice in Alabama, not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice.

(2) In the case of an Alabama-licensed advanced practice nurse, if the reinstatement of a lapsed approval for advanced practice occurs during the renewal period for registered nurses, the expiration of the advanced practice approval shall be the expiration date of the RN license or the expiration date of the licensee's national certification as a certified nurse midwife, whichever occurs first.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53,

34-21-80 through 93.1

History: New Rule Approved: September 19, 2018. Effective Date: January 2, 2019. Amended/Approved: June 19, 2019. Certified Filed: August 23, 2019. Effective Date: October 8, 2019. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.20(1) and (5)(e)
(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:

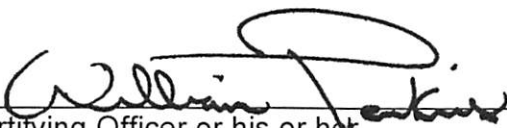
No comments received. Rule adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED
APR 16 2021
LEGISLATIVE SVC AGENCY



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.

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) Use of the designation "CNM" or of any titles that imply that they are certified nurse midwives shall be restricted to those registered nurses who:

(a) Have been issued a certificate of qualification by the Board of Nursing;
and

(b) Have current approval for collaborative practice in the state of Alabama or

(c) Are employed by the United States government and working in federal facilities; or

(d) Hold teaching positions in nurse midwife education programs recognized by the Alabama Board of Nursing.

(e) Prior to approval as a CNM, the registered nurse may use only the designation or title granted by the national certifying agency.

(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-.15.

(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.

(e) Effective January 1, 2024, documented evidence of completion of continuing education prescribed by the Board of Nursing regarding the rules and statutes governing collaborative practice in Alabama, earned not more than forty-eight (48) months prior to or within twelve (12) months of commencement of the collaborative practice.

(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.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53, 34-21-25, and 34-21-88.

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. Effective Date: October 8, 2019. Amended/Approved: October 16, 2019. Certified Filed: December 18, 2019. Effective Date: February 14, 2020. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.21(4)

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

Rule Title: Temporary Approval 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 without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.


Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
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REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.21 Temporary Approval as a Certified Nurse Midwife.

(1) The applicant for approval to practice as a certified nurse midwife may be granted temporary approval for practice under the following stipulations until such time as the application is approved or denied by the Board of Nursing and the Board of Medical Examiners.

(a) The applicant shall meet the requirements of Rules 540-X-8-.15 and 540-X-8-.17.

(b) The collaborating physician shall meet the qualifications established in Rule 540-X-8-.16.

(c) Temporary approval is limited to the standard protocol and formulary, including oxytocics, approved by the Joint Committee of the Alabama Board of Nursing and the Alabama State Board of Medical Examiners and does not include the authority to:

1. Perform additional skills as provided in Rule 540-X-8-.22.
2. Prescribe drugs other than oxytocics that are defined in the standard formulary with "Restrictions."

(2) Provisional Approval: A registered nurse who meets the requirements of Rules 610-X-5-.15 and 610-X-5-.17 with the exception of national certification, and who has applied for initial certification may be granted temporary approval under paragraph (1) (c) of this rule with these additional stipulations.

(a) Practice under the on-site supervision of an approved certified nurse midwife or a licensed physician.

(b) During a minimum of the first thirty days of practice or until satisfactory

clinical skills are demonstrated, the collaborating physician or covering physician shall be in attendance at all deliveries by the nurse midwife. The nurse midwife shall contact the collaborating physician or the physician providing medical coverage.

(c) The nurse midwife with provisional approval may use the designation "Graduate Nurse Midwife."

(d) Provisional approval to practice is limited to a maximum of six months and shall expire immediately upon:

1. Notification of approval by the Board of Nursing.
2. Notification of failing the certification exam.

(3) Interim Approval: If the relationship with the collaborating physician is terminated, a certified nurse midwife approved to practice under the provisions of these rules may continue in a collaborative practice with an interim physician after application for approval until such time as the new application is approved or denied, provided all requirements and stipulations for temporary approval cited in paragraph (1) are met.

(4) An applicant for approval to practice as a certified nurse midwife may be granted temporary approval when either the collaborating physician or certified nurse midwife applicant is under investigation by a state or federal authority. The temporary approval shall remain in force until the application has been approved, denied, or withdrawn. However, the Board of Nursing or Board of Medical Examiners may decline to approve the application until the investigation has been concluded. The Board of Medical Examiners may withdraw temporary approval in accordance with Rule 540-X-8-.13.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53,

34-21-84, and 34-21-85.

History: Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: March 18, 2015. Effective Date: August 6, 2015. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

APA-3
Revised 1/2018

**CERTIFICATION OF ADMINISTRATIVE RULES
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OTHNI LATHRAM, DIRECTOR**

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AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.22(1)(2)(5)(8)(9) and (10)
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Requirements for Collaborative Practice by Physicians and Certified Nurse Midwives

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

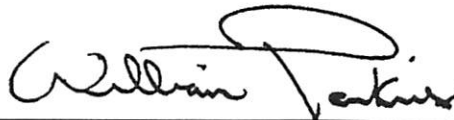
Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
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APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.22 Requirements for Collaborative Practice by Physicians and Certified Nurse Midwives.

- (1) The collaborating physician shall:

 - (a) Provide professional medical oversight and direction to the certified nurse midwife.
 - (b) Be readily available for direct communication or by radio, telephone or telecommunications.
 - (c) Be readily available for consultation or referrals of patients from the certified nurse midwife.
 - (d) Be readily available during labor management to provide direct medical intervention and to attend deliveries if needed.
 - (e) Be readily available at each remote practice site.
- (2) In the event the collaborating physician is not readily available, provisions shall be made for professional medical oversight and direction by a covering physician who is readily available, who is pre-approved by the Board of Medical Examiners, and who is familiar with these rules. The collaborating physician shall certify to the Board of Medical Examiners at least annually that any approved covering physician continues to agree to serve in that capacity and shall inform the Board of Medical Examiners of the termination of a covering physician within ten (10) days of the termination.
- (3) In the event of an unanticipated, permanent absence of a collaborating physician, a previously approved covering physician may be designated as a temporary collaborating physician for a period of up to sixty (60) days. During the sixty (60) day time period, a new "Notice of Commencement" designating a new collaborating

physician should be submitted for approval.

(4) The certified nurse midwife's scheduled hours in patient homes, and/or facilities licensed by the Alabama Department of Public Health and facilities certified by the Alabama Department of Public Health are not subject to the required minimum hours for physician presence.

(5) The collaborating physician shall:

(a) Have no additional requirement for documentation of on-site collaboration when working in the same facility with the Certified Nurse Midwife (CNM).

(b) Be present for not less than ten percent (10%) of the CNM's scheduled hours in an approved practice site with a CNM who has less than two (2) years (4,000 hours) of collaborative practice experience:

1. Since initial certification; or
2. In the collaborating physician's practice specialty.

(c) Maintain documentation of the CNM's two (2) years (4,000 hours) of collaborative practice experience for the duration of the collaborative practice and for three (3) years following the termination of the collaborative practice agreement.

(d) Visit remote practice sites no less than twice annually.

(e) Meet no less than quarterly with the CNM who has more than two (2) years (4,000 hours) of collaborative practice experience.

(f) Complete quarterly quality assurance with each CNM. Documentation of any quality assurance review required by this chapter shall be maintained by the collaborating physician for the duration of the collaborative practice and for three years following the termination of the collaborative practice agreement.

(g) Allow a pre-approved covering physician to be present in lieu of the collaborating physician.

(6) The collaborating physician shall provide notice in writing to the State Board of Medical Examiners of the commencement or termination of a collaborative practice agreement as required by Rule 540-X-8-.18.

(7) The Joint Committee may, at its discretion, waive the requirement of written verification of physician availability upon documentation of exceptional circumstances. Employees of state and county health departments are exempt from the requirement of written verification of physician availability.

(8) A written standard protocol specific to the specialty practice area of the certified nurse midwife and the specialty practice area of the collaborating physician, approved and signed by both the collaborating physician and the certified nurse midwife shall:

(a) Identify all sites where the certified nurse midwife will practice within the collaboration protocol.

(b) Identify the physician's principal practice site.

(c) Be maintained at each practice site and on file with the Board of Nursing and Board of Medical Examiners.

(d) Include a formulary of drugs, devices, medical treatments, tests and procedures that may be prescribed, ordered, and implemented by the certified nurse midwife consistent with these rules, and which are appropriate for the collaborative practice setting.

(e) Include a pre-determined plan for emergency services.

(f) Specify the process by which the certified nurse midwife shall refer a patient to a physician other than the collaborating physician.

(g) Specify a plan for quality assurance management with defined quality outcome measures for evaluation of the clinical practice of the certified nurse midwife and include review of a meaningful sample of medical records plus all adverse outcomes. The term "medical records" includes, but is not limited to, electronic medical records. Documentation of quality assurance review shall be readily retrievable, identify records that were selected for review, include a summary of findings, conclusions, and if indicated, recommendations for change. Quality assurance monitoring may be performed by designated personnel, with final results presented to the physician and certified nurse midwife for review. The certified nurse midwife shall maintain a copy of the plan for quality assurance, in a form prescribed by the Board of Nursing, on file with the Board of Nursing. The collaborating physician shall maintain an updated copy of the plan for quality assurance on file with the Board of Medical Examiners.

(9) The physician shall maintain independent medical judgment related to the practice of medicine at all times, irrespective of employment structure or business model.

(10) Irrespective of the location of the principle practice site and any remote site(s) of the collaboration, all services provided to patients and actions incident to services provided to patients of the collaborative practice shall be deemed to have occurred in the state where the patient is located at the time of service or action incident to the service. The collaborating physician, covering physician, and certified nurse midwife shall comply with all applicable Alabama laws, rules, and regulations pertaining

to services and actions incident to services provided to Alabama patients of the collaborative practice. Actions incident to services include, but are not limited to, professional medical oversight and direction to the certified nurse midwife regarding Alabama patients, consultation or referral of Alabama patients from the certified nurse midwife, quality assurance review of the medical records of Alabama patients, and maintenance of documentation pursuant to this chapter. The collaborating physician shall maintain all documentation required pursuant to this chapter for the duration of the collaborative practice and for three years following the termination of the collaborative practice agreement.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-85.

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: May 17, 2006.

Further amended for republishing: July 19, 2006. Effective Date: October 27, 2006. Amended/Approved: December 12, 2007. Effective Date: March 27, 2008. Amended/Approved: January 20, 2010. Emergency Rule Effective:

January 20, 2010. Effective Date: April 15, 2010. Amended/approved: July 18, 2012. Effective Date: October 29, 2012. Amended/Approved for Publication: January 21, 2014. Amended/Approved for Publication: February 18, 2015.

Effective Date: August 6, 2015. Amended/Approved: September 20, 2017.

Effective Date: March 8, 2018. Amended/Approved: March 20, 2019. Certified Rule Filed June 19, 2019. Effective Date: August 5, 2019. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.25(7)(d)

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

Rule Title: Prescriptions and Medication Orders by 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 without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

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LEGISLATIVE SVC AGENCY



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.

540-X-8-.25 Prescriptions and Medication Orders by a Certified Nurse Midwife.

(1) Certified nurse midwives engaged in collaborative practice with physicians may be granted prescriptive authority upon submission of evidence of completion of an academic course in pharmacology or evidence of integration of pharmacology theory and clinical application in the certified nurse midwifery curriculum.

(2) Certified nurse midwives practicing under protocols approved in the manner prescribed by the Code of Alabama 1975, as amended, § 34-21-80, et. seq., may prescribe legend drugs to their patients, subject to the following conditions:

(a) The drug shall be included in the formulary recommended by the Joint Committee and adopted by the Board of Nursing and the Board of Medical Examiners.

(b) The drug type, dosage, quantity prescribed, and number of refills shall be authorized in an approved protocol signed by the collaborating physician and the certified nurse midwife. This requirement may be met if written prescriptions adhere to the standard recommended doses of legend drugs as identified in the Physicians Desk Reference or Product Information Insert, and do not:

1. Exceed the recommended treatment regimen periods.
2. Include United States Food and Drug Administration (FDA) non-approved supplements, drug products, medication, and off label medications.

(c) Drugs and medications that do not have FDA approval may be prescribed through protocol registration in a United States Institutional Review Board or Expanded Access authorized clinical trial.

(d) "Off label" use or prescription of FDA-approved medications for uses other than that indicated by the FDA, is permitted when such practices are:

1. Within the current standard of care for treatment of disease or condition.
2. Supported by evidence-based research.
3. Approved by the collaborating physician and entered into the patient record.

(3) A certified nurse midwife may not initiate a call-in prescription in the name of a collaborating physician for any drug, whether legend or controlled substance, which the certified nurse midwife is not authorized to prescribe under the protocol signed by the collaborating physician and certified nurse midwife and approved under this section unless the drug is specifically ordered for the patient by the physician, either in writing or by a verbal order which has been transcribed in writing, and which has been signed by the physician within seven working days or as otherwise specified by the Board of Nursing and the Board of Medical Examiners.

(4) A written prescription for any drug that the certified nurse midwife is authorized to prescribe may be called in to a pharmacy, provided the prescription is entered into the patient's record and signed by the certified nurse midwife.

(5) The certified nurse midwife in collaborative practice with prescriptive privileges shall not engage in prescribing for:

- (a) Self.
- (b) Immediate family members.
- (c) Individuals who are not patients of the practice, except in cases where a certified nurse midwife is prescribing for the sexual partner(s) of a patient in accordance with an Expedited Partner Therapy (EPT) protocol for the prevention of transmission and spread of sexually transmitted disease(s).

(6) The certified nurse midwife who is in collaborative practice and has prescriptive privileges may receive and sign for samples of legend drugs that are authorized in the approved formulary for the collaborative practice, provided the certified nurse midwife complies with all applicable state and federal laws and regulations.

(7) When prescribing legend drugs a certified nurse midwife shall use a prescription form which includes all of the following:

(a) The name, medical practice site address and telephone number of the collaborating physician or covering physician.

(b) The name of the certified nurse midwife.

(c) The medical practice site address and telephone number of the certified nurse midwife if different from that of the collaborating physician.

(d) The certified nurse midwife's registered nurse license number assigned by the Board of Nursing.

(e) The words "Product Selection Permitted" printed on one side of the prescription form directly beneath a signature line.

(f) The words "Dispense as written" printed on one side of the prescription form directly beneath a signature line.

(g) The date the prescription is issued to the patient.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, §§ 34-24-53, 34-21-85, 34-21-86, and 34-21-87.

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. This section becomes effective upon final adoption of rules and regulations by the State Board of Medical Examiners and the Board of Nursing as provided in this Act, or July 1, 1996, whichever first occurs.

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: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved for Publication: August 17, 2016. Effective Date: December 5, 2016. Amended/Approved: March 20, 2019. Certified Rule Filed June 19, 2019. Effective Date: August 5, 2019. Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.26(1)(4) and (5)

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

Rule Title: Limitations upon Utilization of Certified Nurse Midwives

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.26 Limitations upon Utilization of Certified Nurse Midwives.

(1) A physician may enter into a collaborative agreement with certified nurse midwives not exceeding a cumulative three hundred and sixty (360) hours (nine FTEs) per week. The physician shall not collaborate with or supervise any combination of certified registered nurse practitioners, certified nurse midwives and/or assistants to physicians exceeding three hundred and sixty (360) hours per week (nine full-time equivalent positions). "One full- time equivalent" (FTE) is herein described as a person/persons collectively working forty hours a week, excluding time on call.

(a) A physician collaborating with more than four FTEs per week shall engage in documented quality assurance review with each CNM every month for six (6) months following the commencement of a collaborative practice with a new CNM.

(b) A physician shall disclose to the Board of Medical Examiners the existence of all collaborative and supervisory agreements to which the physician is a party, including collaborative and supervisory agreements in other states, and shall not be eligible to collaborate with or supervise any combination of certified registered nurse practitioners, certified nurse midwives and/or assistants to physicians exceeding three hundred and sixty (360) hours per week (nine full-time equivalent positions), inclusive of collaborative and supervisory agreements existing in other states. Agreements with an individual certified registered nurse practitioner, certified nurse midwife, and/or assistant to physician in multiple states shall only be counted once for purposes of calculating the total number of full-time equivalent positions.

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

(3) A physician in collaborative practice may request approval for additional full-time certified nurse midwife positions by the Joint Committee, with consideration given to the following factors to ensure 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.

(4) A physician in collaboration with CRNP, CNM or supervising Physician Assistant personnel totaling 360 hours per week (nine (9) FTEs) may request a transitional allowance increasing the total weekly hours for the purpose of orientation of the incoming CNM. 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 34-21-87.

History: This new Chapter 8 - Advanced Practice Nurses: Collaborative Practice replaces Chapter 8 - Nurse Midwives. This chapter is being filed as a joint 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 for Publication: February 18, 2015. Effective Date: August 6, 2015.

Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021. Effective Date: June 14, 2021.

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**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 15th day of April, 2021, and filed with the agency secretary on the 15th day of April, 2021.

AGENCY NAME: Alabama State Board of Medical Examiners

 X Amendment New Repeal (Mark appropriate space)

Rule No. 540-X-8-.29(1)

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

Rule Title: Grounds for Termination of Approval of a Collaborating Practice

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 XXXIX, ISSUE NO. 5, AAM, DATED FEBRUARY 26, 2021.

Statutory Rulemaking Authority: Code of Alabama §§ 34-24-53, 34-24-53.1, 34-21-80 through 93.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED

APR 16 2021

LEGISLATIVE SVC AGENCY



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.

540-X-8-.29 Grounds for Termination of Approval of a Collaborating Practice.

(1) The following acts may constitute grounds for the termination of the approval of the State Board of Medical Examiners of the collaborating practice of a physician:

(a) Prescribing by a physician or certified nurse midwife in violation of §§ 20-2-54, 20-2-254, 20-2-260, and 34-21-80 through 34-21-93 of the Code of Alabama 1975, as amended, or the rules of the State Board of Medical Examiners.

(b) For a physician to require or to knowingly permit or condone a certified nurse midwife to engage in any act or render any services not authorized in his or her protocol.

(c) Failure of a physician to maintain current or unrestricted licensure with the Medical Licensure Commission of Alabama.

(d) Failure of a collaborating physician to comply with any statute or rule governing collaborative practice.

(e) The commission of any act by a physician which would constitute a violation of § 34-24-360 of the Code of Alabama 1975, as amended, or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

(f) Failure of a collaborating physician to maintain or produce for inspection upon request by the Board of Medical Examiners any documentation required to be maintained by the collaborating physician.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama 1975, as amended, § 34-24-53 and § 34-21-81.

History: Approved January 21, 2004. Effective Date: May 28, 2004.

Amended/Approved: February 17, 2021. Certified Rule Filed April 16, 2021.

Effective Date: June 14, 2021.