



APA-2  
6/93

**ALABAMA STATE BOARD  
OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama State Board of Medical Examiners

**RULE NO. & TITLE:** 540-X-8-.25, Prescriptions and Medication Orders by a Certified Nurse Midwife

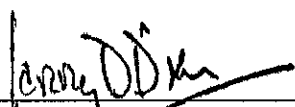
**INTENDED ACTION:** To amend the rule

**SUBSTANCE OF PROPOSED ACTION:** To amend the rule to clarify prescriptive authority in accordance with the Expedited Partner Therapy protocol.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Patricia E. Shaner, General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and including October 5, 2016. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Patricia E. Shaner, by telephone (334-242-4116) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** October 5, 2016

**CONTACT PERSON AT AGENCY:** Patricia E. Shaner, Esq.

  
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Larry D. Dixon, Executive Director

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 certified nurse midwife's name printed below or to the side of the physician's name.

(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 and identifying prescriptive authority 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