TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Department or Agency	Alabama State Board of Med	lical Examiners
Rule No. <u>Chapter 540-X-826</u> Rule Title: Limitations upon Hillians	otion of Could 1NT NG1	•
Rule Title: <u>Limitations upon Utilizations New X American</u>		
New X Am	end Repeal _	Adopt by Reference
Would the absence of the proposed r	ule	
significantly harm or endanger the pu	ublic	
health, welfare, or safety?	one	MEG
,,, .		YES
Is there a reasonable relationship bety	ween the	
state's police power and the protection	on of the	
public health, safety, or welfare?		YES
•		1123
Is there another, less restrictive method	od of	
regulation available that could adequate	ately	
protect the public?	•	_ NO
Does the proposed rule have the effect	et of	
directly or indirectly increasing the co	osts	
of any goods or services involved and	l, if so,	
to what degree?	*	NO
To the incurred in and its	2.1	
Is the increase in cost, if any, more ha	irmful	
to the public than the harm that might from the absence of the proposed rule	result	
nom the absence of the proposed rule	;	NO
Are all facets of the rulemaking proce	200	
designed solely for the purpose of, an	id so	
they have, as their primary effect, the	4 30	
protection of the public?		YES
•		
*****************		********
Does the proposed rule have an econo	omic impact?	NO
70.d		
If the proposed rule has an economic	impact, the proposed rule is	
required to be accompanied by a fisca	Il note prepared in accordance	with
subsection (f) of Section 41-22-23, C	ode of Alabama 1975.	
************	***	
Certification of Authorized Official	*******	************
	a	
certify that the attached proposed rule has b	een proposed in full	
compliance with the requirements of Chapter requirements of the Administrative Procedure	22, Title 41, Code of Alabama 1775	and that it conforms to all applicable filing
1 1111111111111111111111111111111111111	DIVISION OF THE LAMBET OF RECEIVED	de service.
Signature of certifying officer		pr
Date: February 19, 2015		

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Medical Examiners

RULE NO. & TITLE:

Chapter 540-X-8-.26, Limitations upon Utilization of Certified

Nurse Midwives

INTENDED ACTION:

To amend the rule

SUBSTANCE OF PROPOSED ACTION:

To amend the rule to increase the number of physician extenders a physician may collaborative with or supervise and to provide for a transitional allowance increasing the total weekly hours

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) orally or 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 Friday, April 3, 2015. 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: April 3, 2015

CONTACT PERSON AT AGENCY:

Patricia E. Shaner

Larry D. Dixon, Executive Director

540-X-8-.26 <u>Limitations upon Utilization of Certified Nurse Midwives</u>.

- (1) A physician may enter into a collaborative agreement with certified nurse midwives not exceeding three full-time equivalent positions/four persons a cumulative one hundred and sixty (160) hours (four FTEs) per week. The total number of persons supervised or in collaborative practice with a physician shall not exceed one hundred and sixty (160) hours per week (four three-full-time equivalent positions as stipulated in Rule 540-X-8-.1618.
- (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 insure that an acceptable standard of care is rendered:
 - (a) Availability of the physician.
 - (b) Practice settings and staffing needs for extended hours of service.
 - (c) Risk to patients.
- (d) Educational preparation, specialty and experience of the parties in the collaborative practice.
 - (e) Complexity and risk of procedures to be performed.
- (4) A physician in collaboration with CRNP, CNM or supervising Physician

 Assistant personnel totaling 160 hours per week (four (4) FTEs) may request a

 transitional allowance increasing the total weekly hours for the purpose of orientation of

 the incoming 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.