

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing  
Rule No. 610-X-5-.18  
Rule Title Authorization For Practice As A Certified Nurse Midwife  
         New     X     Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?         Yes        

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?         Yes        

Is there another, less restrictive method of regulation available that could adequately protect the public?         No        

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?         No        

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?         No        

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?         Yes        

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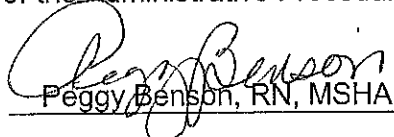
Does the proposed rule have an economic impact?         No        

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer  Peggy Benson, RN, MSHA, MSN, NE-BC

Date February 5, 2015

DATE FILED  
(STAMP)

APA-2  
11/96

**ALABAMA BOARD OF NURSING**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Board of Nursing

**RULE NO. & TITLE:** 610-X-5-.18 Authorization For Practice As A  
Certified Nurse Midwife

**INTENDED ACTION:** The Alabama Board of Nursing proposes to amend the regulations related to authorization for practice as a certified nurse midwife (CNM).

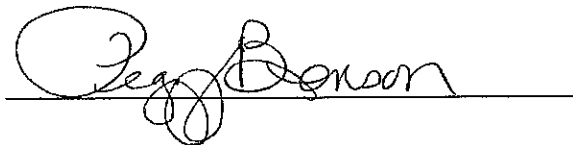
**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-5-.18 Authorization For Practice As A Certified Nurse Midwife. A copy of the proposed amended rule may be found on the Board's web site, [www.abn.alabama.gov](http://www.abn.alabama.gov), under "laws" and then "proposed rule changes." The proposed changes eliminate references to approval cards.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or oral comments will be received by the Board of Nursing until 4:30 P.M. on Thursday, April 14, 2016. Verbal or written comments should be directed to Peggy Benson, Executive Officer, at P.O. Box 303900, Montgomery, AL 36130-3900 or via electronic mail at [Peggy.Benson@abn.alabama.gov](mailto:Peggy.Benson@abn.alabama.gov) or via telephone at 334-293-5210.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

The record closes at 4:30 P.M. on Thursday, April 14, 2016.

**CONTACT PERSON AT AGENCY:** Peggy Benson, Executive Officer.

A handwritten signature in cursive script that reads "Peggy Benson". The signature is written in black ink and is positioned above a horizontal line.

Executive Officer

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 610-X-5-.14.

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

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

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

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

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

(5) Approval for advance practice may be continued each biennium at the time of renewal of the registered nurse license upon verification of:

(a) Meeting the requirements of Rule 610-X-5-.14.

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

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

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

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

(a) Immediately notify the Board of Nursing.

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

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

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

(i) Meets all qualifications for approval as a certified nurse midwife as provided in Rule 610-X-5-.14.

(ii) Holds a teaching position in a nurse midwifery education program recognized by the Alabama Board of Nursing.

(iii) Has made application for approval with the exception of the standard protocol for the CNM and physician as provided in Rule 610-X-5-.17.

(iv) Requests approval as a certified nurse midwife without prescriptive authority in order to supervise nurse midwife students in direct care of patients in clinical settings where there is a CNM in an approved collaborative practice or a physician who is present to oversee patient care.

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

(i) Meets all qualifications for approval as certified nurse midwife as provided in Rule 610-X-5-.14.

(ii) Is employed by the United States government.

(iii) Requests an exemption from collaborative practice with a physician licensed to practice medicine in Alabama.

(iv) Is authorized for practice with prescriptive authority under established federal regulations and guidelines limited to the employing federal agency.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Ala. 1975, §§34-21-85, 34-21-90.

**History: New Rule:** Filed August 25, 2003; effective September 29, 2003. **Amended:** Filed July 2, 2015; effective August 6, 2015.

**Ed. Note:** Rule .17 was renumbered to .18 as per certification filed July 2, 2015; effective August 6, 2015.