

APA-1

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**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 540 Department or Agency Alabama State Board of Medical Examiners

Rule No. Chapter 540-X-8-08

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

       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

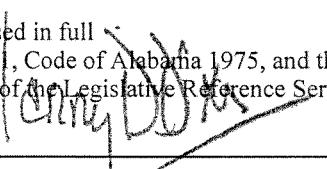
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Does the proposed rule have an economic impact? NO

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        

Date: July 20, 2012

**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-.08, Requirements for Collaborative Practice by Physicians and Certified Registered Nurse Practitioners

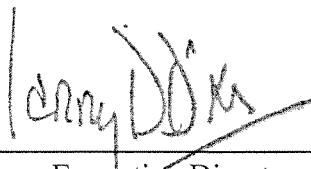
INTENDED ACTION: To amend the rule and renumber

SUBSTANCE OF PROPOSED ACTION: To amend the rule to provide, for the purposes of medical records review, that the term "medical records" includes electronic medical records

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 Tuesday, September 4, 2012. 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: September 4, 2012

CONTACT PERSON AT AGENCY: Patricia E. Shaner



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Larry D. Dixon, Executive Director

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.
- (2) In the event the collaborating physician is not readily available, provisions shall be made for medical coverage by a physician who is pre-approved by the Board of Medical Examiners and is familiar with these rules.
- (3) If the certified registered nurse practitioner is to perform duties at a remote practice site when the physician is not present, the written protocol shall clearly specify the circumstances and provide written verification of the availability of an approved physician for consultation, referral, or direct medical intervention in emergencies and after hours, if indicated.
- (4) The collaborating physician shall be present with the certified registered nurse practitioner in an approved collaborative practice site for not less than 10% of the certified registered nurse practitioner's scheduled hours in the collaborative practice as specified in the protocol application. A pre-approved covering physician may be present in lieu of the collaborating physician. In addition, the collaborating physician shall visit each approved practice site not less than quarterly. The collaborating

physicians with the Alabama Department of Public Health and county health departments are exempt from this requirement.

(5) The certified registered nurse practitioner's scheduled hours in licensed acute care hospitals, licensed skilled nursing facilities, licensed special-care assisted living facilities, and licensed assisted living facilities are not subject to the minimum hours for physician presence.

(6) If the certified registered nurse practitioner's scheduled weekly collaborative practice hours are:

(a) Thirty or more hours per week, the certified registered nurse practitioner shall be present in an approved practice site with the collaborating or covering physician for time equal to 10% of the certified registered nurse practitioner's scheduled weekly hours. Cumulative hours may accrue on a monthly basis.

(b) Less than 30 hours per week, the certified registered nurse practitioner shall be present in an approved practice site with the collaborating or covering physician for time equal to 10% of the certified registered nurse practitioner's scheduled weekly hours. Cumulative hours may accrue on a quarterly basis.

(7) 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(4).

(8) 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.

(9) 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.
- (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 established patient outcome indicators for evaluation of the clinical practice of the certified registered nurse practitioner and include review of no less than 10% 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.

**Author:** Alabama Board of Medical Examiners.

**Statutory Authority:** Code of Alabama 1975, §§ 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.