

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing  
Rule No. 610-X-8-12  
Rule Title Reinstatement of a Board Lapsed License  
X      New      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

\*\*\*\*\*  
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 *Wendell Lee*

Date June 20, 2011

DATE FILED  
(STAMP)

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11/96

**ALABAMA BOARD OF NURSING**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Board of Nursing

**RULE NO. & TITLE:** Rule 610-X-8-.12, Reinstatement of a Board Lapsed License

**INTENDED ACTION:** The Alabama Board of Nursing proposes a new rule to establish a process for a licensee to reinstate a license lapsed by Board Order.

**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes a new rule, Administrative Code, Rule 610-X-8-.12, Reinstatement of a Board Lapsed License to establish the process for reinstating a license that was lapsed by Board Order. A copy of the proposed new 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."

**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, August 4, 2011. Verbal or written comments should be directed to N. Genell Lee, Executive Officer, at P.O. Box 303900, Montgomery, AL 36130-3900 or via electronic mail at [Genell.Lee@abn.alabama.gov](mailto:Genell.Lee@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, August 4, 2011.

**CONTACT PERSON AT AGENCY:** N. Genell Lee, Executive Officer.



Executive Officer

## ALABAMA BOARD OF NURSING

### RULE 610-X-8-.12 (NEW)

#### REINSTATEMENT OF A BOARD LAPSED LICENSE

##### Rule 610-X-8-.12 Reinstatement of a Board Lapsed License

(1) Application for reinstatement of a board-lapsed license may be made at any time after the effective date of the Order that resulted in the Board-Lapsed license, unless otherwise specified in the Order.

(2) Applications for reinstatement of a board-lapsed license shall include:

(a) The non-refundable reinstatement of lapsed license fee.

(b) A completed application for reinstatement of board-lapsed license.

(c) Documented evidence of continuing education requirements for reinstatement of a lapsed license.

(d) Executed releases authorizing the sharing of information between and communication with all necessary healthcare providers and Board staff.

(e) Submission of results of all required evaluations conducted by a Board-acceptable licensed healthcare provider in consultation with Board staff.

(f) Submission of all documentation in support of any affirmative responses to regulatory questions on the application.

(g) Submission of official verification of licensure from each and every jurisdiction where the applicant holds or has ever held a nursing or health-related license.

(3) Completed applications for reinstatement of a board-lapsed license shall be adjudicated through either informal disposition or formal disposition of a contested case. A Board-Lapsed license may only be reinstated by Order of the Board.

(4) If the Board determines that the conditions identified in the Board-Lapsed Order have been satisfied, the Board may, in its discretion, reinstate the license upon such terms and conditions as it deems appropriate.

(a) If the Board-Lapsed Order stayed the licensee's Voluntary Disciplinary Alternative Program Agreement, the Board may, in its discretion, permit the licensee to complete the terms of the Voluntary Disciplinary Alternative Program Agreement, despite the prior imposition of the Board-Lapsed Order.

(b) If the Board-Lapsed Order stayed the licensee's probation, the Board's order shall, at a minimum, require the licensee to be reinstated on probation, under such terms and conditions as it deems appropriate.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Alabama, 1975, §§ 34-21-2, 34-21-24 (a).

**History:** Proposed new rule filed June 20, 2011.