

APA-1  
6/93

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Department or Agency Alabama Department of Public Health

Rule Number 420-5-17-.11

Rule Title Nursing Services

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? n/a

Are all facts 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 §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been 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 Jabir B. Shier Date 5/17/2013

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FORM APA2  
11/96

**STATE BOARD OF HEALTH  
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-5-17-.11 Nursing Services

INTENDED ACTION: Amendment to Rule number 420-5-17-.11 Nursing Services

SUBSTANCE OF PROPOSED ACTION: To modify the state hospice rules bringing them into conformity with changes to the federal regulations. This change allows for admission of hospice patients to nursing homes for respite care supervised by the Registered Nurse employed by the nursing home. This eliminates the requirement that the RN be continuously on site during every shift. The amendment requires the hospice agency to maintain ultimate responsibility for the quality of care for such patients.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on June 11, 2013, at 201 Monroe Street, RSA Tower, Suite 1586, The Board Room, Montgomery, AL 36104, at 2:00 p.m.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on July 5, 2013. All comments and requests for copies of the proposed rule should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Walter T. Geary, Jr., M.D., Director, Bureau of Health Provider Standards, Department of Public Health, 201 Monroe Street, Suite 710, Montgomery, Alabama 36104, telephone number (334) 206-5366.

  
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Patricia E. Ivie, Agency Secretary

#### **420-5-17-.11 Nursing Services.**

(1) Each hospice care program shall provide nursing care and services by or under the supervision of a registered nurse. The program shall direct and staff nursing services sufficient to meet the nursing needs of all of the hospice care program's patients. The program shall specify the patient care responsibilities of nursing personnel.

(2) Each inpatient hospice shall provide nursing services twenty-four hours a day. These services shall be sufficient to meet the total nursing needs of the hospice patients residing in the hospice. Each shift shall be staffed by a registered nurse who provides direct patient care and directs the care of LPNs and aides. This requirement does not apply to hospice patients who are admitted to a Medicare or Medicaid certified facility such as a skilled nursing facility for respite care only.

(3) Each hospice agency that provides respite care in a non hospice inpatient facility shall have a written agreement with that facility to ensure that:

(a) Each patient receives all necessary care and services in accordance with the patient's individualized plan of care in a safe and effective manner by qualified personnel.

(b) The hospice agency retains administrative oversight for all staff qualifications, supervision and training in the hospice model for respite care.

**Author:** Jimmy D. Prince **Authority:** *Code of Alabama, 1975*, §§22-21-20, et seq.

**History: New Rule:** Filed August 20, 1993; effective September 23, 1993.

**Repealed and New Rule:** Filed June 14, 2000; effective July 19, 2000