

APA-1  
6/93

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Department or Agency Alabama Department of Public Health

Rule Number 420-5-7-.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? No

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 Patricia Blue 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: 420-5-7-.11 Nursing Services

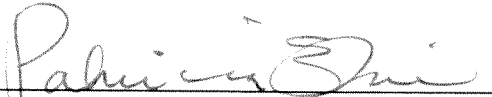
INTENDED ACTION: Amendment to Rule number 420-5-7-.11

SUBSTANCE OF PROPOSED ACTION: To modify the state hospital rules bringing them into conformity with recent changes to the federal regulations. This change eliminates the requirement for non-physician personnel to undergo unspecified special training for administration of blood transfusions and intravenous medications. The requirement that hospitals document individual training and proficiency for personnel providing these services according to national standards continues.

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 2:30 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.

  
Patricia E. Ivie, Agency Secretary

**420-5-7-.11 Nursing Services.**

(1) The hospital shall have an organized nursing service that provides 24-hour nursing services. The nursing services shall be furnished or supervised by a registered nurse.

(2) Organization. The hospital shall have a well-organized service with a plan of administrative authority and delineation of responsibilities for patient care. The director of the nursing service shall be a licensed registered nurse with an active, unencumbered registered nurse license issued by the Alabama Board of Nursing. He or she is responsible for the operation of the service, including determining the types and numbers of nursing personnel and staff necessary to provide nursing care for all areas of the hospital.

(3) Staffing and delivery of care. The nursing service shall have adequate numbers of licensed registered nurses, licensed practical nurses, and other personnel to provide nursing care to all patients as needed. There shall be supervisory and staff personnel for each department or nursing unit to ensure, when needed, the immediate availability of a registered nurse for bedside care of any patient. Where there is a question about a physician's order the physician may be contacted by nursing staff.

(a) The hospital shall provide 24-hour nursing services furnished or supervised by a registered nurse, and have a licensed practical nurse or registered nurse on duty at all times.

(b) The nursing service shall have a procedure to ensure that hospital nursing personnel for whom licensure is required have valid and current licensure.

(c) A registered nurse shall supervise and evaluate the nursing care for each patient.

(d) The hospital shall ensure that the nursing staff develops, and keeps current, a nursing care plan for each patient.

(e) A registered nurse shall assign the nursing care of each patient to other nursing personnel in accordance with the patient's needs and the specialized qualifications and competence of the nursing staff available.

(f) Non-employee licensed nurses who are working in the hospital shall adhere to the policies and procedures of the hospital. The director of nursing service shall provide for the adequate supervision, licensure verification, and evaluation of the clinical activities of non-employee nursing personnel which occur within the responsibility of the nursing service.

(4) Preparation and administration of drugs. Drugs and biologicals shall be prepared and administered in accordance with federal and state laws, the orders of the practitioner or practitioners responsible for the patient's care, and accepted standards of practice.

(a) All drugs and biologicals shall be administered by, or under supervision of, nursing or other personnel in accordance with federal and state laws and regulations, including applicable licensing requirements, and in accordance with the approved medical staff policies and procedures.

(b) With the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per physician-approved hospital policy after an assessment of contraindications, orders for drugs and biologicals shall be documented and signed by a practitioner who is authorized to write orders by hospital policy, and who is responsible for the care of the patient.

1. If verbal orders are used, they are to be used infrequently.
2. When verbal orders are used, they shall only be accepted by persons who are authorized to do so by hospital policy and procedures consistent with federal and state law.

(c) Blood transfusions and intravenous medications shall be administered in accordance with state law and approved medical staff policies and procedures. ~~If blood transfusions and intravenous medications are administered by personnel other than doctors of medicine or osteopathy, the personnel shall have special training for this duty.~~

(d) There shall be a hospital procedure for reporting transfusion reactions, adverse drug reactions, and errors in administration of drugs.

**Author:** W.T. Geary, Jr., M.D., Carter Sims

**Statutory Authority:** Code of Ala. 1975, §§22-21-20, et seq.

**History:** Filed September 1, 1982. **Amended:** Filed May 23, 1986. **Repealed and New Rule:** Filed November 18, 1994; effective December 23, 1994. **Repealed and New Rule:** Filed August 24, 2012; effective September 28, 2012.

**Ed. Note:** Rule .09 was renumbered to .11 as per certification filed August 24, 2012; effective September 28, 2012.