

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing
Rule No. 610-X-4
Rule Title Education Programs
 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

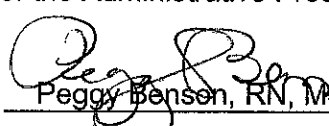
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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.

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 September 15, 2016

DATE FILED
(STAMP)

APA-2
11/96

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: Rule 610-X-4, Education Programs

INTENDED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-4, Education Programs.

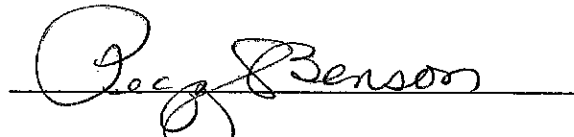
SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-4, Education Programs, to revise and clarify the procedures and requirements for approval as a nursing education program in Alabama. A copy of the proposed new rule may be found on the Board's web site, www.abn.alabama.gov, under "laws" and then "proposed rule changes."

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or verbal comments will be received by the Board of Nursing until 4:30 P.M. on Friday, November 4, 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 or via telephone at 334-293-5210.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

The record closes at 4:30 P.M. on Friday, November 4, 2016.

CONTACT PERSON AT AGENCY: Peggy Benson, Executive Officer


Executive Officer

ALABAMA BOARD OF NURSING
ADMINISTRATIVE CODE

CHAPTER 610-X-4
LICENSURE

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610-X-4-.01 Definitions.

(1) Application(s): form(s) and process(es) for applicants seeking licensure by examination, endorsement, reinstatement, or renewal.

(a) Incomplete application: missing requirements.

(b) Complete application: meets requirements.

(c) Void application: incomplete application not processed within one year of submission.

(2) Board Lapsed: Action by the Board to lapse a license until certain conditions are met.

(3) Continuing Education Earning Period: Same as license period: January 1 through December 31 of the renewal year.

(4) Lapsed License: failure of licensee to renew; does not require examination for reinstatement.

(5) Emergency: For purposes of this chapter, a declaration by the Governor of Alabama that an emergency impacting the public health, safety, and welfare exists in Alabama.

(6) Endorsement: the process of application for and method of licensure for a registered or licensed practical/vocational nurse originally licensed as a nurse in a jurisdiction other than Alabama.

(7) Supervision, Direct: licensed registered nurse physically present in facility and readily accessible to designate or prescribe a course of action or to give procedural guidance, direction, and periodic evaluation.

(8) Verification: the process of attesting to original or current licensure in Alabama. May be electronic, written or telephonic at the discretion of the Board.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-2, 34-21-9.

History: Filed September 29, 1982. **Amended:** Filed August 9, 1988; effective September 15, 1988. **Amended:** Filed February 1, 1994; effective March 8, 1994. **Repealed and New**

Rule: New Rule: Filed November 26, 2007; effective December 31, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010.

610-X-4-.02 Qualifications Of Applicants Ffor Licensure.

(1) The applicant for licensure shall:

(a) Be a high school graduate or the equivalent, as determined by the Board.

(b) Be of good moral character. A criminal background check may be conducted by the Board at its discretion.

(c) For registered nurse licensure, graduated or successfully completed all requirements for graduation from an

approved registered nursing program in Alabama, or an approved registered nursing program located in another jurisdiction or territory that substantially meets the same educational criteria as Alabama programs. Licensure by ~~equivalently~~ equivalency does not meet the requirement.

(d) For practical nurse licensure, granted or successfully completed an approved practical nursing program in Alabama, or an approved practical nursing program located in another jurisdiction or territory that substantially meets the same educational criteria as Alabama programs. Licensure by ~~equivalently~~ equivalency does not meet the requirement.

(2) An applicant shall provide a valid social security number prior to the Board issuing a license.

(3) Be a citizen or legal resident of the United States. Individuals who are not legally present in the United States are not eligible for licensure.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-20, 34-21-21, 34-21-22.

History: Filed September 29, 1982. **Amended:** Filed August 9, 1988; effective September 15, 1988. **Amended:** Filed:

February 1, 1994; effective March 8, 1994. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 26, 2007; effective December 31, 2007.

Amended: Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule 610-X-4-.01 was renumbered to 610-X-4-.02 as per certification filed November 26, 2007.

610-X-4-.03 Licensure Bby Examination.

(1) The Board shall determine the official examination for licensure.

(2) Each individual seeking entry into practice as a registered or licensed practical nurse in Alabama shall give official evidence of having met a passing standard on the Board-designated official licensing examination.

(3) Examination performance for each applicant shall be measured as provided by the Board-approved testing service. In the event that examination data are lost or destroyed through circumstances beyond the control of the Board, the applicant ~~will~~ shall be required to retake the examination in order to meet requirements for licensure.

(4) A Pass-Fail designation shall be recorded as the official result. An applicant who fails the licensing examination shall not be licensed and is not authorized to practice nursing in Alabama.

(5) Official results shall be released by the Board to the applicant and the program from which the applicant graduated. Results may be released electronically or by mail at the Board's discretion. The Board shall not otherwise release individual examination results without written authorization from the applicant or licensee.

(6) An applicant who fails the licensing examination in another jurisdiction or territory shall not be eligible for licensure by examination in Alabama until eligibility has been established by the original jurisdiction or territory.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-22.

History: Filed September 29, 1982. **Amended:** Filed February 17, 1984; effective March 24, 1984. **Amended:** Filed February 1, 1994; effective March 8, 1994. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 26, 2007; effective December 31, 2007.

Ed. Note: Rule 610-X-4-.02 was renumbered to 610-X-4-.03 as per certification filed November 26, 2007.

610-X-4-.04 **Application Process Ffor Licensure Bby**
Examination.

(1) The applicant shall submit to the Board an electronic completed application and the required fee(s).

(2) An official school transcript shall be submitted to the Board and shall indicate the date of completion of the program and/or date degree/certificate was conferred.

(3) The Board shall determine the applicant's eligibility to take the licensing examination.

(4) If the applicant for licensure by examination is issued a license during the renewal period for that license type, the license shall expire at the end of the next license period.

(5) A first-time applicant for licensure by examination may request a nonrenewable temporary permit to practice nursing.

(a) The temporary permit is valid for a period of time determined by the Board.

(b) The temporary permit allows the applicant for licensure by examination to practice and use the title Nursing Graduate-PN Program (NG-PNP) or Nursing Graduate-RN Program (NG-RNP), as appropriate, subject to the following stipulations.

1. The Nursing Graduate must function under direct supervision of a currently licensed registered nurse.

2. The Nursing Graduate shall not assume nor be assigned charge responsibilities.

(c) A temporary permit issued by the Board to an applicant for licensure by examination shall immediately become null and void if one of the following conditions is met.:

1. The applicant fails the licensing examination.

2. The expiration date on the permit is reached.

3. A license is issued.

4. The applicant is denied licensure.

(d) The applicant who receives a temporary permit is required to:

1. Provide every employer evidence of the temporary permit for visual inspection.

2. Provide to an employer validation of a current license upon receipt of the official license notice.

3. Inform the employer of denial of licensure.

4. Immediately inform the employer of failure of the licensing examination.

(e) The Board shall issue notice of denial of licensure. Receipt of notice is presumed within five calendar days of mailing.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-21, 34-21-22.

History: Filed September 29, 1982. **Amended:** Filed February 1, 1994; effective March 8, 1994. **Repealed and New Rule:** Filed May 29, 2001; effective July 3, 2001. **Repealed and New Rule:** Filed September 29, 2004; effective November 1, 2004. **Amended:** Filed November 26, 2007; effective December 31, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed April 22, 2016; effective June 6, 2016.

Ed. Note: Rule 610-X-4-.03 was renumbered to 610-X-4-.04 as per certification filed November 26, 2007.

610-X-4-.05 Applicant Request For Special Accommodation(s).

(1) An applicant for licensure by examination who is otherwise qualified shall not be deprived of the opportunity to take the examination solely by reason of disability.

(2) Written requests for modification of the procedures for administering the examination shall be submitted to the Board at the time of application for licensure. The written request shall include:

(a) An evaluation of the disability by the applicant's licensed physician or licensed psychologist, including the DSM IV diagnosis if appropriate.

(b) A statement from the director of the nursing education program addressing any accommodations made during the nursing education program.

(c) The specific accommodation being requested.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(1).

History: Filed September 29, 1982. **Amended:** Filed September 18, 1985; effective October 24, 1985. **Amended:** Filed June 22, 1990; effective July 30, 1990. **Amended:** Filed February 1, 1994; effective March 8, 1994. **Repealed and New Rule:** Filed May 29, 2001; effective July 3, 2001. **Repealed and New Rule:** Filed September 29, 2004; effective November 1, 2004. **Amended:** Filed November 26, 2007; effective December 31, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule 610-X-4-.04 was renumbered to 610-X-4-.05 as per certification filed November 26, 2007.

610-X-4-.06 Graduates of Foreign Nursing Schools.

The applicant educated in a foreign country shall:

(1) Be required to pass the same licensure examination as applicants for licensure by examination in Alabama.

(2) Be a graduate of a nursing education program approved by the proper authorities in the country where the program is located.

(3) Meet the requirements for nursing program content employed as criteria for approval in Alabama at the time of the applicant's graduation.

(4) Correct any educational deficiencies by taking additional courses, as directed by the Board.

(5) Complete secondary school or its equivalent.

(6) Provide certification from the Commission on Graduates of Foreign Nursing Schools (CGFNS) unless the applicant has been licensed in the United States by examination. A CGFNS certificate and full course-by-course report is required.

(7) Submit an electronic completed application and required fee(s).

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-21, 34-21-22.

History: Filed September 29, 1982. **Amended:** Filed

February 1, 1994; effective March 8, 1994. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 26, 2007; effective December 31, 2007.

Amended: Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule 610-X-4-.05 was renumbered to 610-X-4-.06 as per certification filed November 26, 2007.

610-X-4-.07 Licensure By Endorsement.

(1) The applicant for licensure by endorsement shall:

(a) Have been duly licensed as a registered nurse or licensed practical/vocational nurse under the laws of another state or territory and shall meet the requirements for the licensure examination.

1. The Board may deny consideration of an applicant who has a revoked license in another jurisdiction.

2. The Board may deny consideration of an applicant who has a suspended license in another jurisdiction.

(b) Provide for official verification of licensure from original state of licensure.

(c) Submit official evidence of completion of a nursing education program that included ~~theory~~theoretical and clinical experience appropriate to the type of program. If the nursing education program did not include clinical experience, the applicant's continuing education and work experience in nursing may be considered at the discretion of the Board.

(d) Submit evidence of completion of twenty-four contact hours of approved continuing education earned within the twenty-four months preceding application. Contact hours earned for initial licensure by endorsement may not be used toward the continuing education requirement for the next license renewal period.

(e) Submit an electronic completed application and required fees.

(2) The first-time applicant for licensure by endorsement may request a nonrenewable temporary permit to practice nursing.

(a) If the applicant has an active license issued by another state or territory, a notarized copy of the license or of primary source verification of the license is acceptable as initial proof of licensure to obtain a temporary permit.

(b) If the applicant was previously duly licensed by another state or a territory but at the time of application for licensure by endorsement into Alabama has a lapsed license, a temporary permit may not be issued.

(3) A registered nurse or licensed practical nurse licensed by endorsement during the continuing education earning period shall:

(a) Accrue for the first license renewal one contact hour for each calendar month remaining in the license period.

(b) Meet requirements for continuing education in accordance with other stipulations for license renewal set forth in these rules.

(4) If the applicant for licensure by endorsement is issued a license during the renewal period for that license type, the license shall expire at the end of the next license period.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-21, 34-21-22.

History: New Rule: Filed May 29, 2001; effective July 3, 2001.

Repealed and New Rule: Filed September 29, 2004; effective November 1, 2004. **Amended:** Filed November 26, 2007; effective December 31, 2007. **Amended:** Filed June 19, 2009; effective July 24, 2009. **Amended:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed April 22, 2016; effective June 6, 2016.

Ed. Note: Rule 610-X-4-.06 was renumbered to 610-X-4-.07 and original Rule 610-X-4-.07, Temporary Permits, was repealed as per certification filed November 26, 2007; effective December 31, 2007.

610-X-4-.08 Renewal Of License.

(1) License Periods:

(a) The registered nurse license shall be valid for two years beginning January 1 of each odd-numbered year and expiring December 31 of each even-numbered year.

(b) The practical nurse license shall be valid for two years beginning January 1 of each even-numbered year and expiring December 31 of each odd numbered year.

(2) Continuing Education Earning Period: Two-year period of time during which contact hours shall be accrued. Same as the license period.

(3) Renewal of License

(a) The renewal period shall be from September 1 to November 30 of the year the license expires.

(b) Any licensed nurse who renews between December 1 and December 31 ~~for the next license period~~ shall pay a late renewal fee.

(c) Renewal notices may be mailed or transmitted electronically.

(d) To be eligible for renewal, the applicant shall:

1. Hold a valid, active Alabama license.
2. Submit a completed and signed renewal application and required fee(s).
3. Meet continuing education requirements.

(i) ~~A registered nurse or licensed practical nurse licensed by examination during the earning period shall, for the first license renewal, earn four contact hours of Board-provided continuing education related to Board functions, the Nurse Practice Act, regulations, professional conduct, and accountability and one contact hour for each calendar month remaining in the earning period up to a maximum of 24 contact hours including the mandatory class.~~

(ii) ~~A registered nurse and licensed practical nurse shall earn in each earning period not less than 24 contact hours of Board-approved or Board-recognized continuing education as a condition for renewal of license for the subsequent license period.~~

(iii) Failure to meet the continuing education requirement shall be cause for the license to lapse.

(4) An active license is required to practice nursing. The licensee shall have evidence of the active license available for employer inspection by January 1 of the new license period.

(5) Failure to receive the renewal application or notice shall not relieve the licensee of the responsibility of renewing the license by the expiration date.

(6) Any license not renewed as of December 31 of the renewal period shall lapse. Any individual who practices with a lapsed license shall be subject to penalties established under 610-X-8.

(7) Advanced practice nurses shall renew approval to practice at the time of RN renewal. Failure to meet the requirements of Chapter 610-X-5 or Chapter 610-X-9, as applicable, shall result in lapse of the advanced practice approval. The advanced practice license shall expire prior to the RN license, if the advanced practice nurse's national certification expires during the license period.

(a) Certified Registered Nurse Practitioners (CRNP) and Certified Nurse Midwives (CNM) with prescriptive authority shall earn, as part of the required twenty-four (24) Board-approved or Board-recognized continuing education contact hours for license renewal, six contact hours of pharmacology content specific to prescriptive practice in the approved area for collaborative practice. Graduate pharmacology academic credit earned during the nurse practitioner or nurse midwife educational program prior to initial approval as a CRNP or CNM ~~does~~ does not qualify as pharmacology continuing education for renewal of approval as a CRNP or CNM.

(b) Certified Registered Nurse Anesthetists (CRNA) shall earn, as part of the required twenty-four (24) Board-approved or Board-recognized continuing education contact hours for license renewal, six contact hours of pharmacology. Graduate pharmacology academic credit earned during the nurse anesthetist educational program prior to initial approval as a CRNA does not qualify as pharmacology continuing education for renewal of approval as a CRNA.

(c) If one year or less remains in the license period at the time of initial approval, continuing education contact hours specific to pharmacology are not required for the first advanced practice renewal.

(d) If the applicant for advanced practice approval is granted approval during the renewal period for registered nurses, the approval will expire at the end of the next license period or the specialty certification period, whichever comes first.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-23; Act 89-243.

History: Filed September 29, 1982. **Amended:** Filed August 9, 1988; effective September 15, 1988. **Amended:** Filed February 15, 1991; effective March 22, 1991. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 26, 2007; effective December 31, 2007.

Amended: Filed May 16, 2008; effective June 20, 2008. **Amended:**

Filed June 19, 2009; effective July 24, 2009. **Amended:** Filed

November 19, 2010; effective December 24, 2010. **Amended:** Filed

April 22, 2016; effective June 6, 2016.

610-X-4-.09 Special Renewal Provisions for Actively Deployed Registered Nurses And Licensed Practical Nurses.

(1) When a licensed nurse who is actively serving in the military is deployed during the biennial renewal period, the license shall not lapse, provided that the following conditions are met:

(a) The license was active at the time of deployment.

(b) The licensee provides the Board a copy of the military activation or deployment orders, or other proof of active military service, in advance of deployment.

(c) The licensee renews the license within sixty (60) days of return from deployment.

~~(1)~~ (2) If In the event that a registered nurse or licensed practical nurse's fails to notify the Board prior to deployment, the license shall lapse, if not renewed. However, the license may be reinstated or renewed without penalty or payment of the reinstatement or late renewal fee(s) under the following conditions:

(a) The license was active at the time of deployment.

(b) The application for reinstatement or renewal is made while still in the armed services or no later than six months after discharge from active service or return to inactive military status.

(c) A copy of the military activation orders or other proof of active military service accompanies the application.

(d) The renewal fee is paid.

(e) If the required continuing education contact hours were not earned for renewal during the earning period, the registered nurse or licensed practical nurse shall be required to complete the required continuing education hours needed for renewal no later than six months after discharge from active service, return to inactive military status, or return to the United States from an active war zone from deployment.

(23) The continuing education contact hours used for renewal may not be used for the next license renewal.

(34) The continuing education contact hours for the next license renewal may not be prorated.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-23(f).

History: New Rule: Filed September 29, 2004; effective November 1, 2004.

610-X-4-.10 Reinstatement Of A Lapsed License. A

lapsed license may be reinstated upon submission of an electronic completed application and compliance with the following:

(1) Payment of current renewal and reinstatement fees, outstanding fees and fines.

(2) Evidence of completion of twenty-four contact hours of approved continuing education within the twenty-four months preceding application.

(a) Contact hours earned for reinstatement of a lapsed license may not be used toward the continuing education requirement for the next license renewal.

(b) A registered nurse or licensed practical nurse whose license is reinstated shall accrue for license renewal one contact hour for each calendar month remaining in the license period.

(c) The contact hours earned for reinstatement of a lapsed license during a renewal period shall also apply to the immediate renewal.

(d) If the reinstatement of a lapsed license occurs during the renewal period for that license type, the expiration of the license shall be the end of the next license period.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2; Act 89-243.

History: Filed September 29, 1982. **Amended:** Filed

June 6, 1986; effective July 11, 1986. **Amended:** Filed

June 22, 1990; effective July 30, 1990. **Amended:** Filed

February 15, 1991; effective March 22, 1991. **Amended:** Filed

February 1, 1994; effective March 8, 1994. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 26, 2007; effective December 31, 2007.

Amended: Filed June 19, 2009; effective July 24, 2009. **Amended:**

Filed November 19, 2010; effective December 24, 2010.

610-X-4-.11 Notice Requirements.

(1) The applicant, ~~or licensed practical nurse or registered nurse~~ shall notify the Board in writing of any requested name change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license. The legal documents required for a name change are one of the following:

- (a) Marriage certificate.
 - (b) Divorce decree
 - (c) Probate court records effecting a legal name change.
- (2) The applicant ~~for licensure, or licensed practical nurse or registered nurse~~ shall notify the Board office in writing of any change in the reported address. The address of record is the last known address provided by the applicant, or licensed practical nurse or registered nurse.
- (3) The Board's notice to the licensed ~~practical nurse or registered nurse~~ of selection for audit of continuing education records is presumed received within five (5) days of mailing or electronic transmission to the address of record.
- (4) Advanced practice nurses, as defined by statute and regulation, shall submit to the Board, immediately upon receipt:
- (a) Evidence of authorization to test for the initial certification examination if requesting provisional approval for advanced practice nursing.
 - (b) Evidence of current national certification by a Board-recognized national certifying body:
 - 1. Upon successful completion of the initial certification examination.
 - 2. Upon recertification by a Board-recognized national certifying body.
 - (c) Notice of termination of an approved collaborative practice, if applicable.
- (5) Current national certification by a Board-recognized certifying body is a prerequisite for approval to practice as a certified registered nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, and clinical nurse specialists. Failure to provide evidence of current national certification prior to the expiration of existing certification on file with the Board shall result in lapse of approval to practice as an advanced practice nurse and may result in disciplinary action pursuant to Chapter 610-X-8.
- (6) The Board's notice to the advanced practice nurse of approval to practice may be:
- (a) A letter or other document granting provisional, temporary, or interim approval.

(b) A letter or other document granting full approval.

(7) Practicing as an advanced practice nurse subsequent to the expiration date of the advanced practice approval shall result in disciplinary action pursuant to Chapter 610-X-8. Failure to submit evidence to the Board of meeting the requirements of Chapter 610-X-5 or Chapter 610-X-9, as applicable, shall result in lapse of the advanced practice approval.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(1).

History: Filed September 29, 1982. **Amended:** Filed

February 15, 1991; effective March 22, 1991. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed March 24, 2006; effective April 28, 2006.

Amended: Filed November 26, 2007; effective December 31, 2007.

Amended: Filed November 19, 2010; effective December 24, 2010.

Amended: Filed April 22, 2016; effective June 6, 2016.

610-X-4-.12 Lost Continuing Education Card.

The licensee shall promptly report, in writing, the loss of a continuing education card to the Board. A duplicate continuing education card requires an electronic completed application and appropriate fee(s).

Statutory Authority: Code of Ala. 1975, §34-21-23.

History: Filed February 15, 1991; effective March 22, 1991.

Repealed and New Rule: Filed May 29, 2001; effective

July 3, 2001. **Repealed and New Rule:** Filed September 29, 2004;

effective November 1, 2004. **Amended:** Filed November 19, 2010;

effective December 24, 2010. **Amended:** Filed April 22, 2016;

effective June 6, 2016.

610-X-4-.13 Verification of Alabama Licensure.

(1) The Board obtains primary source verification directly from educational programs prior to issuing a license.

(2) Upon receipt of an electronic written request and payment of the required fee, the Board's designee shall provide written verification of Alabama licensure.

(3) The Board provides primary source verification to employers of nurses through an online subscription service. Organizations that do not employ licensed nurses but subscribe to

Chapter 610-X-4

Nursing

the online verification service are not designated as agents of the Board for verification purposes.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(1).

History: Filed September 29, 1982. **Amended:** Filed

February 17, 1984; effective March 24, 1984. **Repealed and New**

Rule: Filed May 29, 2001; effective July 3, 2001. **Repealed and**

New Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 19, 2010; effective December 24, 2010.

Amended: Filed May 23, 2011. Effective June 27, 2011.

610-X-4-.14 **Fees.**

- (1) Fees and fines are non-refundable.
- (2) Fees are valid for 12 months from date of receipt.
- (3) Fees and fines may be paid by electronic means using a credit or debit card, if available. Other means of payment may be cashier's check, business check, money order, or certified check.
- (4) Personal checks are only acceptable when the individual applicant or licensed nurse's name is imprinted on the check. Personal checks that are not acceptable forms of payment are:
 - (a) Counter checks.
 - (b) Third-party checks.
 - (c) On out-of-state banks.
 - (d) Fees for license verification and Voluntary Disciplinary Alternative Program (VDAP).
 - (e) Fines.
- (5) Payment, regardless of method, that is not honored by the financial institution may result in disciplinary action and reporting to the appropriate authorities for prosecution.
- (6) The statutory bad check charge applies to any personal check returned by the financial institution for insufficient funds.
- (7) The Board shall set fees and charges annually. At each September meeting of the Board, the previous schedule of

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fees and charges shall be automatically readopted unless the Board proposes a revised schedule.

(8) The following schedule of fees and charges apply:

Licensure by Examination or Endorsement:	\$	85.00
Temporary Permit:		50.00
Biennial Renewal of RN or LPN license:		75.00
Late Renewal of RN or LPN license:		150.00
Initial Approval for Advanced Practice:		150.00
Add Collaborative Practice:		50.00
Biennial Approval of Advanced Practice:		50.00
New Nursing Education Program Fee:		1,500.00
Initial and Renewal, Continuing Education Provider:		400.00
Reinstatement of Lapsed License:		150.00
Reinstatement of Lapsed Advanced Practice Approval:		50.00
Reinstatement of Lapsed Continuing Education Provider:		500.00
Reinstatement of Suspended License:		250.00
Reinstatement of Revoked License:		750.00
Late Continuing Education Audit Fee	1 st Time:	150.00
	2 nd Time:	300.00
	Three or more times:	600.00
Verification of Alabama License:		30.00
Voluntary Disciplinary Alternative Program:		up to \$1,000.00
Duplicate continuing education card:		25.00
Copies of Records:	\$5.00 search fee plus 0.25 per page	
Resend Mail Fee:		25.00
Group Online License Verification Service (annual fee):		
	Level I	100.00
	Level II	750.00

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Level III	1,500.00
Level IV	2000.00
Purchase of Roster	\$50.00 set up fee + .06 per name
Processing Subpoena	10.00
Miscellaneous	up to \$100.00
Consultation (per day)	up to \$500.00
Statutory Bad Check Charge	Maximum allowed by law
Initial and renewal , Inactive License	50.00
Reactivation of inactive license within two years of inactive status	500.00
Reactivation of inactive license following two years of inactive status	150.00
Registration for continuing education courses provided by the Board	Up to \$100.00

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-24.

History: Filed September 9, 1982. **Repealed and New Rule:** May 29, 2001; effective July 3, 2001. **Amended:** Filed January 29, 2002; effective March 5, 2002. **Amended:** Filed November 18, 2002; effective December 23, 2002. **Amended:** Filed November 20, 2003; effective December 25, 2003. **Repealed and New Rule:** Filed September 29, 2004; effective November 1, 2004. **Amended:** Filed: November 17, 2006; effective December 22, 2006. Operative January 1, 2007. **Amended:** Filed November 26, 2007; effective December 31, 2007. **Amended:** Filed November 21, 2008; December 26, 2008. **Amended:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2012; effective December 24, 2012. **Amended:** Filed November 18, 2013; effective December 23, 2013. **Repealed and New Rule:** Filed November 24, 2014. Effective December 29, 2014. **Amended:** Filed April 22, 2016; effective June 6, 2016.

610-X-4-.15 **Annual Report of Employing Agencies.** The director of nursing or other appropriate authority shall submit an annual report that includes all persons employed as licensed ~~practical-nurses or registered nurses,~~ according to guidelines provided by the Board. Subscription to the Board's group online license

verification service shall serve as the annual report of employing agencies.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(6). **History:**
Filed September 29, 1982. **Repealed and New Rule:**

Filed May 29, 2001; effective July 3, 2001. **Repealed and New**

Rule: Filed September 29, 2004; effective November 1, 2004.

Amended: Filed November 19, 2010; effective December 24, 2010.

Ed. Note: The previous Chapter 610-X-4, Licensure (contained 19 rules) was repealed in its entirety and replaced with new Chapter 610-X-4, Licensure as per certification filed May 29, 2001; effective July 3, 2001.

610-X-4-.16 **Special Circumstances.**

(1) In the event the Governor proclaims a state of emergency impacting any part of Alabama, Code of Alabama, 1975 Section 34-21-6 applies for the first thirty (30) days. An individual licensed to practice nursing in another state may provide emergency assistance in Alabama for up to thirty (30) days subject to verification of licensure in the state where licensed. Any organization or individual who provides employment or volunteer opportunities for the licensed nurse providing nursing services is responsible to ~~assure~~ ensure the validity of the nursing license.

(2) Should an emergency continue past thirty days, a temporary permit to practice nursing in Alabama for 90 days is required. An application for an emergency temporary permit is required to be submitted to the Board electronically.

(3) Any individual licensed to practice nursing in another state is required to have an Alabama license if educational or consultative services extend beyond 30 calendar days in one year.

(a) Providing nursing care at a camp in Alabama for longer than seven (7) days within a calendar year requires a license to practice nursing in Alabama.

(b) Providing nursing care to and accompanying students from another state to Alabama for longer than seven (7) days within a calendar year requires a license to practice nursing in Alabama.

(4) Telephonic or electronic services used to communicate with patients and provide direction regarding nursing and medical care require an active license to practice nursing in Alabama.

(5) A licensed ~~practical nurse or registered~~ nurse who retires or ceases nursing practice for any reason and has no intention to practice in the future may apply to the Board for an inactive license with a "retired" status.

~~(a) The inactive license is valid for the same license period as an active license.~~

~~(b)~~ (a) A one-time fee is required ~~to~~ during the renewal period to inactivate the license. The license will remain inactive unless the licensee reactivates the license.

~~(c)~~ (b) Continuing education is not required to maintain an inactive license.

~~(d)~~ (c) In order to reactivate an inactive license, the applicant shall submit an electronic application, pay the required fees, and submit 24 contact hours of continuing education earned within two years of the date of the application.

(5) In the event of a national emergency duly declared by ~~F~~-federal officials, or in the event of a natural disaster or state of emergency duly proclaimed by the Governor, a certified registered nurse practitioner or certified nurse midwife may provide emergency treatment without immediate physician collaboration to patients within the affected areas of the state, provided that the treatment is within the individual's scope of education, training, and approved protocol. The certified registered nurse practitioner or certified nurse midwife in such circumstance shall make reasonable efforts to inform the collaborating physician of the location and type of emergency services being provided and shall act in conformance with the direction of local physicians. The authority granted under this paragraph shall extend only for the duration of the declared national emergency or state emergency or natural disaster.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-6.

History: New Rule: Filed November 26, 2007; effective

December 31, 2007. **Amended:** Filed November 19, 2010; effective

December 24, 2010. **Amended:** Filed April 22, 2016; effective

June 6, 2016.