

### TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners  
Rule No. 540-X-8-.06  
Rule Title: Authorization for Practice as a Certified Registered Nurse Practitioner  
                   New   X   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?                   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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?                   NO                  

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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 Services Agency.

Signature of certifying officer *[Signature]*

Date August 21, 2018

APA-2

**ALABAMA STATE BOARD OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-8-.06, Authorization for Practice as a Certified Registered Nurse Practitioner


INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: To provide that notification to the Board of Nursing by the Board of Medical Examiners that a physician has voluntarily terminated a collaborative practice agreement will meet the requirement that a Certified Registered Nurse Practitioner notify the Board of Nursing of the date on which the agreement terminates.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla H. Kruger, Office of the 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 October 5, 2018. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Carla H. Kruger 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. Copies can also be obtained at the Board's web site, [www.albme.org](http://www.albme.org).

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Oct. 5, 2018

CONTACT PERSON AT AGENCY: Carla H. Kruger

  
\_\_\_\_\_  
(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

540-X-8-.06 Authorization for Practice as a Certified Registered Nurse

Practitioner.

(1) The Board of Nursing may grant a certificate of qualification for advanced practice nursing as a certified registered nurse practitioner to applicants who meet the requirements of Rule 540-X-8-.03

(2) Only those registered nurses who have been issued a certificate of qualification by the Board of Nursing and have current approval for collaborative practice from the Board of Nursing and the Board of Medical Examiners may hold themselves out to be certified registered nurse practitioners, use the designation "CRNP," or use titles to imply that they are certified registered nurse practitioners. Prior to approval as a certified registered nurse practitioner, the registered nurse may use only the designation or title granted by the specialty certifying agency.

(3) When for any reason the collaborative practice agreement with the physician designated in the application for approval is terminated, then approval of such certified registered nurse practitioner and collaborating physician designated in the application is automatically withdrawn.

(a) The certified registered nurse practitioner and the physician shall each inform their respective board in writing of the effective date of the termination of the collaborative practice agreement and the reasons for such termination. Failure to notify the respective board of termination may be considered a violation of these rules and regulations.

(b) The certified registered nurse practitioner shall notify the Board of Nursing using the on-line form "Terminate an Existing Collaboration."

(c) A certified registered nurse practitioner in a collaborative practice which is voluntarily terminated by either part is responsible for notifying the Board of Nursing of the date on which the collaborative practice agreement terminates. Notification to the Board of Nursing by the Alabama Board of Medical Examiners that a physician has voluntarily terminated a collaborative practice agreement will meet the notification requirement and will result in termination of the certified registered nurse practitioner's approval to practice under the collaborative practice agreement.

(4) The advanced practice approval shall expire prior to the RN license if the nurse practitioner national specialty certification expires during the license period.

(5) Approval for advanced practice may be continued each biennium at the time of renewal of the registered nurse license upon verification of:

(a) Meeting the requirements of Rule 540-X-8-.03.

(b) Continued collaboration with the approved physician(s) or eligibility for continued exemption from collaboration.

(c) Payment of the advanced practice renewal fee.

(6) Failure to meet the requirements for renewal shall result in lapse of the advanced practice approval.

(7) A nurse who fails to attain or maintain specialty certification as a nurse practitioner from a specialty certification agency shall:

(a) Immediately notify the Board of Nursing.

(b) Not practice as or use the title of certified registered nurse practitioner until approved by the Board of Nursing.

(8) The registered nurse who has been issued a certificate of qualification as

a certified registered nurse practitioner from the Board of Nursing may use the designation specific to the authorization, as follows:

(a) "CRNP - Faculty." The registered nurse who:

1. Meets all qualifications for approval as a certified registered nurse practitioner as provided in Rule 540-X-8-.03.
2. Holds a teaching position in a nurse practitioner education program recognized by the Alabama Board of Nursing.
3. Has made application for approval with the exception of the protocol for the certified registered nurse practitioner and physician as provided in Rule 540-X-8-.05.
4. Requests approval as a certified registered nurse practitioner without prescriptive authority in order to supervise nurse practitioner students in direct care of patients in clinical settings where there is a certified registered nurse practitioner in an approved collaborative practice or a physician who is present to oversee patient care.

(b) "CRNP - Federal Only" The registered nurse who:

1. Meets all qualifications for approval as a certified registered nurse practitioner as provided in Rule 540-X-8-.03.
2. Is employed by the United States government.
3. Requests an exemption from collaborative practice with a physician licensed to practice medicine in Alabama.
4. Is authorized for practice with prescriptive authority under established federal regulations and guidelines limited to the employing federal agency.

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

**Statutory Authority:** Code of Alabama 1975, as amended, §§ 34-24-53, 34-21-95 and 34-21-90.

**History:** Amended/Approved for Publication: May 21, 2003. Approved/Adopted:

August 20, 2003. Effective Date: September 30, 2003. Amended/Approved for  
Publication: February 18, 2015. Effective Date: August 6, 2015.  
Amended/Approved for Publication: May 18, 2016. Effective Date: September  
6, 2016. Amended/Approved: August 15, 2018.

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners  
Rule No. 540-X-8-20

Rule Title: Authorization for Practice as a Certified Nurse Midwife  
\_\_\_\_\_ 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? ..... 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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? ..... NO \_\_\_\_\_

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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 Services Agency.

Signature of certifying officer 

Date August 21, 2018

REC'D & FILED (DATE FILED) (STAMP)  
AUG 21 2018

APA-2

**ALABAMA STATE BOARD OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-8-.20, Authorization for Practice as a Certified Nurse Midwife


INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: To provide that notification to the Board of Nursing by the Board of Medical Examiners that a physician has voluntarily terminated a collaborative practice agreement will meet the requirement that a Certified Nurse Midwife notify the Board of Nursing of the date on which the agreement terminates.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla H. Kruger, Office of the 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 October 5, 2018. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Carla H. Kruger 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. Copies can also be obtained at the Board's web site, [www.albme.org](http://www.albme.org).

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Oct. 5, 2018

CONTACT PERSON AT AGENCY: Carla H. Kruger

  
\_\_\_\_\_  
(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)



540-X-8-.20 Authorization for Practice as a Certified Nurse Midwife.

(1) The Board of Nursing may grant a certificate of qualification for advanced practice nursing as a nurse midwife to applicants who meet all requirements of 540-X-8-.15.

(2) Only those registered nurses who have been issued a certificate of qualification by the Board of Nursing and have approval for collaborative practice from the Board of Medical Examiners and Board of Nursing may hold themselves out to be certified nurse midwives, use the designation "CNM" or use titles to imply that they are nurse midwives.

(3) When for any reason the collaborative practice agreement with the physician designated in the application for approval is terminated, then approval of such certified nurse midwife and collaborating physician designated in the application is automatically withdrawn.

(a) The certified nurse midwife and the physician shall each inform their respective board in writing of the effective date of the termination of the collaborative practice agreement and the reasons for such termination. Failure to notify the respective board of termination may be considered a violation of these rules and regulations.

(b) The certified nurse midwife shall notify the Board of Nursing using the on-line form "Terminate an Existing Collaboration."

(c) A certified nurse midwife in a collaborative practice which is voluntarily terminated by either party is responsible for notifying the Board of Nursing of the date on which the collaborative practice agreement terminates. Notification to the Board of

Nursing by the Alabama Board of Medical Examiners that a physician has voluntarily terminated a collaborative practice agreement will meet the notification requirement and will result in termination of the certified nurse midwife's approval to practice under the collaborative practice agreement.

(4) The advanced practice approval shall expire prior to the RN license if the advanced practice national specialty certification expires during the license period.

(5) Approval for advanced practice may be continued each biennium at the time of renewal of the registered nurse license upon verification of:

(a) Meeting the requirements of Rule 540-X-8-.15.

(b) Continued collaboration with the approved physician(s) or eligibility for continued exemption from collaboration.

(c) Payment of the advanced practice nursing renewal fee.

(6) Failure to meet the requirements for renewal shall result in lapse of the advanced practice approval.

(7) A nurse who fails to attain or maintain specialty certification as a nurse midwife from the American College of Nurse Midwives Certification Council shall:

(a) Immediately notify the Board of Nursing.

(b) Not practice or use the title of certified nurse midwife until approved by the Board of Nursing.

(8) Registered nurses who have been issued a certificate of qualification as certified nurse midwives from the Board of Nursing may use the designation specific to the authorization, as follows:

(a) "CNM - Faculty." The registered nurse who:

1. Meets all qualifications for approval as a certified nurse midwife as provided in Rule 540-X-8-.15.

2. Holds a teaching position in a nurse midwifery education program recognized by the Alabama Board of Nursing.

3. Has made application for approval with the exception of the standard protocol for the CNM and physician as provided in Rule 540-X-8-.17.

4. Requests approval as a certified nurse midwife without prescriptive authority in order to supervise nurse midwife students in direct care of patients in clinical settings where there is a CNM in an approved collaborative practice or physician who is present to oversee patient care.

(b) "CNM - Federal Only." The registered nurse who:

1. Meets all qualifications for approval as a certified nurse midwife as provided in Rule 540-X-8-.15.

2. Is employed by the United States government.

3. Requests an exemption from collaborative practice with a physician licensed to practice medicine in Alabama.

4. Is authorized for practice with prescriptive authority under established federal regulations and guidelines limited to the employing federal agency.

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

**Statutory Authority:** Code of Alabama 1975, as amended, §§ 34-24-53, 34-21-25, and 34-21-88.

**History:** Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved for Publication: May 18, 2016. Effective Date: September 6, 2016. Amended: August 15, 2018.