

APA-3  
Revised 1/2018

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the **19<sup>th</sup> day of September, 2018**, and filed with the agency secretary on the **19<sup>th</sup> day of September, 2018**.

AGENCY NAME: **Alabama State Board of Medical Examiners**

**Amendment** \_\_\_\_\_ **New** \_\_\_\_\_ **Repeal** (Mark appropriate space)

Rule No. **540-X-8-04(4)**

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: **Qualifications for Physicians in Collaborative Practice with Certified Registered Nurse Practitioners**


ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Rule adopted without changes from the proposal. No comments received.**

NOTICE OF INTENDED ACTION PUBLISHED IN **VOLUME XXXVI, ISSUE NO. 10, AAM, DATED JULY 31, 2018.**

Statutory Rulemaking Authority: **Ala. Code §§ 34-24-53 and 34-21-83**

(Date Filed)  
(For LRS Use Only)

  
\_\_\_\_\_  
Certifying Officer or his or her  
Deputy

REC'D & FILED

2018 SEP 20 AM 10: 26

LEGISLATIVE SVC AGENCY

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-8-.04 Qualifications for Physicians in Collaborative Practice with Certified Registered Nurse Practitioners.

(1) The physician in collaborative practice with a certified registered nurse practitioner shall have:

(a) A current, unrestricted license to practice medicine in the State of Alabama; and

(b) Practiced medicine for at least one year, if the physician is certified by or eligible for board certification by a specialty board approved by the American Medical Association or by the American Osteopathic Association; or have practiced medicine for at least three years.

(c) Paid all collaborative practice fees due to the Board of Medical Examiners and submitted to the Board of Medical Examiners a Commencement of Collaborative Practice form. In the event no application is received from the Alabama Board of Nursing within six (6) months of submission, the submitted form will be withdrawn by the Board. The fee submitted with the Commencement of Collaborative Practice form is non-refundable and non-transferable.

(2) The Board of Medical Examiners, in its discretion, may waive the practice requirements in 1(b).

(3) The physician shall not collaborate with or supervise any combination of certified registered nurse practitioners, certified nurse midwives and/or assistants to physicians exceeding one hundred and sixty (160) hours per week (four full-time equivalent positions) unless an exemption is granted under Rule 540-X-8-.12. "One full-time equivalent" (FTE) is herein described as a person/persons collectively working forty

hours a week, excluding time on call.

(4) A physician entering into a collaborative practice arrangement with a certified registered nurse practitioner, including those who have been granted temporary approval to practice as a certified registered nurse practitioner under the provisions of Rule 540-X-8-.07, shall notify the State Board of Medical Examiners in writing of the date for commencement of the collaborative practice agreement using the "Commencement of Collaborative Practice" form. The Collaborative Practice Fee must accompany the "Commencement of Collaborative Practice" form.

(5) A physician in a collaborative practice which is voluntarily terminated by either party is responsible for notifying the Board of the date on which the collaborative practice agreement terminates. Notification to the Board of Medical Examiners by the Alabama Board of Nursing that a Certified Registered Nurse Practitioner has voluntarily terminated a collaborative practice agreement will meet the notification requirement and will result in termination of the physician's approval to practice under the collaborative practice agreement.

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

**Statutory Authority:** Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-83.

**History:** This new Chapter 8 - Advanced Practice Nurses: Collaborative Practice replaces Chapter 8 - Nurse Midwives. This chapter is being filed as a joint effort by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Amended/Approved For Publication: March 20, 1996. Approved/Adopted: June 19, 1996. Effective Date: July 25, 1996. Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: April 20, 2005. Effective Date: August 26, 2005. Emergency Rule Effective: September 4, 2007. Effective Date: December 17, 2007. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved: Sept. 21, 2016. Effective Date: April 2, 2017. Amended/Approved: July 18, 2018. Certified filed: September 20, 2018. Effective Date: November 5, 2018.

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**AGENCY NAME: Alabama State Board of Medical Examiners**

  X   Amendment        New        Repeal (Mark appropriate space)

Rule No. **540-X-8-.18(4)**

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: **Qualifications for Physicians in Collaborative Practice with Certified Nurse Midwives**

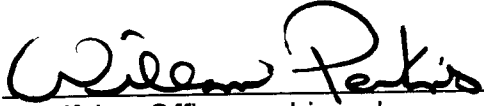
**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Rule adopted without changes from the proposal. No comments received.**

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Statutory Rulemaking Authority: **Ala. Code §§ 34-24-53 and 34-21-83**

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Certifying Officer or his or her  
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LEGISLATIVE SVC AGENCY

NOTE: In accordance with §41 22 6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

540-X-8-.18 Qualifications for Physicians in Collaborative Practice with Certified Nurse Midwives.

(1) The physician in collaborative practice with a certified nurse midwife shall have:

(a) A current, unrestricted license to practice medicine in the State of Alabama; and

(b) Practiced medicine, including the active practice of obstetrics and/or gynecology, for at least one year, if the physician is certified by or eligible for board certification by a specialty board approved by the American Medical Association or by the American Osteopathic Association; or have practiced medicine, including the active practice of obstetrics and/or gynecology, for at least three years.

(c) Paid all collaborative practice fees due to the Board of Medical Examiners and submitted to the Board of Medical Examiners a Commencement of Collaborative Practice form. In the event no application is received from the Alabama Board of Nursing within six (6) months of submission, the submitted form will be withdrawn by the Board. The fee submitted with the Commencement of Collaborative Practice form is non-refundable and non-transferable.

(2) The Board of Medical Examiners, in its discretion, may waive the practice requirements in 1(b).

(3) The physician may not collaborate with nor supervise any combination of certified nurse midwives, certified registered nurse practitioners and/or assistants to physicians exceeding one hundred and sixty (160) hours per week (four full-time equivalent positions) unless an exemption is granted under Rule 540-X-8-.12. "One full-

time equivalent" (FTE) is herein described as a person/persons collectively working forty hours a week, excluding time on call.

(4) A physician entering into a collaborative practice arrangement with a certified nurse midwife, including those who have been granted temporary approval to practice as a certified nurse midwife under the provisions of Rule 540-X-8-.21, shall notify the State Board of Medical Examiners in writing of the date for commencement of the collaborative practice agreement using the "Commencement of Collaborative Practice" form. The Collaborative Practice fee must accompany the "Commencement of Collaborative Practice" form.

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

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

**Statutory Authority:** Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-83.

**History:** This new Chapter 8 - Advanced Practice Nurses: Collaborative Practice replaces Chapter 8 - Nurse Midwives. This chapter is being filed as a joint effort by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Amended/Approved For Publication: March 20, 1996. Approved/Adopted: June 19, 1996. Effective Date: July 25, 1996. Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: April 20, 2005. Effective Date: August 26, 2005. Amended/Approved: August 15, 2007. Emergency Rule Effective: September 4, 2007. Effective Date: December 14, 2007. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved for Publication: September 21, 2016.

Amended/Approved: Sept. 21, 2016. Effective Date: April 2, 2017.  
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