

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing

Rule No. 610-X-7-.06

Rule Title Alabama Department of Mental Health Residential Community 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        

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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 Reference Service.

Signature of certifying officer  Peggy Benson, RN, MSHA, MSN, NE-BC

Date April 7, 2017

DATE FILED

APA-2  
11/96

**ALABAMA BOARD OF NURSING**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:**

Alabama Board of Nursing

**RULE NO. & TITLE:**

Rule 610-X-7-.06, Alabama Department of  
Mental Health Residential Community  
Programs

**INTENDED ACTION:** The Alabama Board of Nursing proposes to amend the regulations related to nursing practice in Alabama Department of Mental Health Residential Community Programs.

**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-7-.06, Alabama Department of Mental Health Residential Community Programs. A copy of the proposed new rule may be found on the Board's web site, [www.abn.alabama.gov](http://www.abn.alabama.gov), under "laws" and then "proposed rule changes." The proposed changes accommodate the State Health Officer's standing order on Naloxone.

**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, June 2, 2017. 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](mailto: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, June 2, 2017.

**CONTACT PERSON AT AGENCY:** Peggy Benson, Executive Officer.



Executive Officer

610-X-7-.06 Alabama Department Of Mental Health Residential Community Programs.

(1) Alabama Department of Mental Health shall train licensed nurses by the Alabama Department of Mental Health approved nurse delegation programs: Program (NDP) and the Medication Administration Supervisor (MAS). Licensed nurses who are MAS trained are accountable and responsible for the outcome of the delegated nursing care delivered by unlicensed mental health worker to residents in the residential community mental health settings.

(2) Licensed nurses who provide nursing care in the residential community mental health setting and the community extensions, including day habilitation programs, may delegate specific limited tasks to designated unlicensed assistive personnel.

(3) The MAS registered nurse is responsible and accountable for the completion of a comprehensive assessment and evaluation of patients' nursing care needs.

(a) The licensed practical nurse may initiate and document data elements of the comprehensive assessment.

(b) The outcome of the comprehensive assessment shall determine the tasks that may safely be performed by the unlicensed assistive personnel in residential community mental health settings. The focused assessment after the completion of comprehensive assessment may also identify tasks that may be delegated.

(c) The nursing tasks delegated by the MAS licensed nurse shall be based on the residents' needs, as documented in the comprehensive and/or focused assessment. The comprehensive assessment shall be reviewed annually, or in the event of a health status change.

(4) The specific delegated tasks shall not require the exercise of independent nursing judgment or intervention. Specific tasks that require independent nursing judgment or intervention that shall not be delegated include, but are not limited to:

(a) Catheterization, clean or sterile.

(b) Administration of injectable medications, with the exception of premeasured auto injectable medications for anaphylaxis and opioid-related drug overdose.

(c) Calculation of medication dosages, other than measuring a prescribed amount of liquid medication or breaking a scored tablet.

- (d) Tracheotomy care, including suctioning.
- (e) Gastric tube insertion, replacement, or feedings.
- (f) Invasive procedures or techniques.
- (g) Sterile procedures.
- (h) Ventilator care.
- (i) Receipt of verbal or telephone orders from a licensed prescriber.

(5) The task of assisting with the delivery of prescribed eye, ear, nose, oral, topical, inhalant, rectal, or vaginal medications may be delegated to a mental health worker by the MAS trained licensed nurse only when the following conditions are met:

(a) The licensed nurse identifies the appropriate individual(s) to assist in providing prescribed medications who has:

1. Completed the ADMH Medication Assistance Certification (MAC) Training Program Part I with a score of at least 90% on the test for each of the six modules, via a computerized ELearning System/Program.

2. Completed a minimum of eight hours of ADMH and MAC Training Program Part II, taught by a MAS trained licensed nurse.

3. Successfully demonstrated all nursing tasks delegated.

(6) The licensed nurse shall provide and document annual evaluation and monitoring of the unlicensed mental health worker performing the delegated tasks. The MAS trained licensed nurse shall assess and document the following at least annually:

- (a) Competency.
- (b) Documentation.
- (c) Error reporting.
- (d) Identification of the seven (7) rights of assisting with medication.
- (e) Professionalism.
- (f) Reliability.

(g) Respect.

(7) The MAS trained licensed nurse delegating the task may, at any time, suspend or withdraw the delegation of specific tasks to mental health worker(s).

(8) The Commissioner of the Alabama Department of Mental Health shall submit a report(s) to the Alabama Board of Nursing in a format specified by the Board upon request to include, but not limited to:

(a) Total number of community programs certified by Alabama Department of Mental Health.

(b) Total number of community programs certified by Alabama Department of Mental Health that participate in the nurse delegation program.

(c) Total number of residents served in programs certified by mental health departments that participate in the nurse delegation program.

(d) Total number of MAS trained registered nurses.

(e) Total number of MAS trained licensed practical nurses.

(f) Total number of MAC mental health workers that currently participate in the nurse delegation program.

(g) Total number of MAC Workers trained during the reporting period.

(h) Total number of medication errors in each category listed below:

1. Wrong person
2. Wrong medication
3. Wrong dose
4. Wrong time/day
5. Wrong route
6. Wrong purpose
7. No documentation

(i) Identify and implement a quality improvement plan for medication errors.

**Author:** Alabama Board of Nursing

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

**History:** **New Rule:** Filed November 23, 2009; effective December 28, 2009. **Amended:** Filed May 21, 2013; effective June 25, 2013. **Repealed and New Rule:** Filed July 25, 2016; effective September 8, 2016.