

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-8-18
Rule Title: Qualifications for Physicians in Collaborative Practice with Certified Nurse Midwives
 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

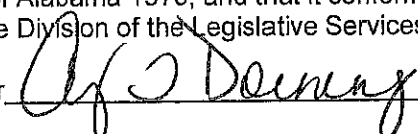
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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 Services Agency.

Signature of certifying officer 

Date July 19, 2018

(DATE FILED)
(STAMP)

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-8-.18, Qualifications for Physicians in Collaborative Practice with Certified Nurse Midwives

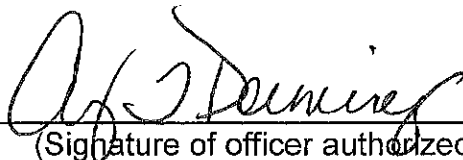
INTENDED ACTION: To amend the rule

SUBSTANCE OF PROPOSED ACTION: To allow the notification requirement upon voluntary termination of a collaborative practice to be accomplished by either the collaborating physician or the nurse midwife.

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 September 4, 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.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Sept. 4, 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-.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 following:

(a) ~~_____~~ 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.

(b5) 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 between the collaborating physician and the nurse midwife is being terminated. ~~The "Notice of Termination" should be submitted within fourteen (14) days of the date of termination. The "Notice of Termination" shall be authorized by the collaborating physician and should include the name and license number of the collaborating physician, and the name and license number of the nurse midwife.~~ 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. Amended/Approved: July 18, 2018.