

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing
Rule No. 610-X-5-15
Rule Title: Qualifications for Physicians in Collaboration with Certified Nurse Midwives
New ☒ 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 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 Peggy Sellers Benson, RN, MSHA, MSN, NE-BC

Date July 20, 2018

Peggy S. Benson / Beth Ann Batley DL

(DATE FILED)
(STAMP)

APA-2
11/96

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: 610-X-5-.15 Qualifications for Physicians in
Collaboration with Certified Nurse Midwives

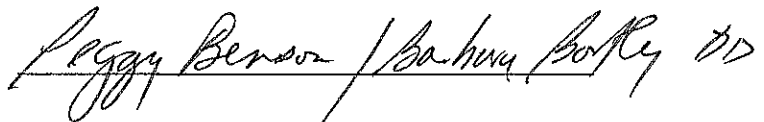
INTENDED ACTION: The Alabama Board of Nursing proposes to amend the rules related to collaborative practice, to allow the Alabama Board of Medical Examiners to terminate a collaborative practice, upon receipt of notification from the Board of Nursing that the Certified Nurse Midwife has terminated the collaboration.

SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, 610-X-5-.15, to allow the Alabama Board of Medical Examiners to terminate a collaborative practice, upon receipt of notification from the Board of Nursing that the Certified Nurse Midwife has terminated the collaboration. A copy of the proposed 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 Tuesday, September 4, 2018. 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 Tuesday, September 4, 2018.

CONTACT PERSON AT AGENCY: Peggy Benson, Executive Officer.


Executive Officer

610-X-5-.15 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.

(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~~ Medical Examiners and submitted to the Board of Medical Examiners the appropriate form.

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

(3) The physician shall 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 610-X-5-.16 "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)~~ 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 Medical Examiners of the date on which the collaborative practice agreement between the

~~physician and the certified nurse midwife terminates. 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 certified 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 Nursing

Statutory Authority: Code of Ala. 1975, §34-21-83.

History: **New Rule:** Filed August 25, 2003; effective September 29, 2003. **Amended:** Filed July 22, 2005; effective

August 26, 2005. **Amended:** Filed July 2, 2015; effective August 6, 2015. **Amended:** Filed July 20, 2018

Ed. Note: Rule .14 was renumbered to .15 as per certification filed July 2, 2015; effective August 6, 2015.