

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing
Rule No. 610-X-5-18
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? 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 / Barbara Barry DO

(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-.18 Authorization for Practice as a
Certified Nurse Midwife

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

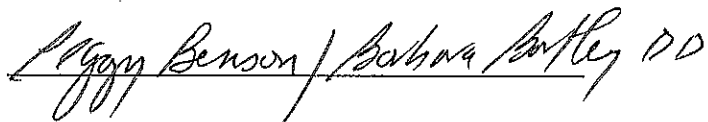
SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, 610-X-5-.18, to allow the Board of Nursing to terminate a collaborative practice, upon receipt of notification from the Alabama Board of Medical Examiners that the physician has terminated the collaboration. 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-.18 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 610-X-5-.14.

(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 designated on-line form for terminating a collaboration ~~"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 advance 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 610-X-5-.14.
- (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 national 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 610-X-5-.14.
 - 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 610-X-5-.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 a physician who is present to oversee patient care.

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

1. Meets all qualifications for approval as certified nurse midwife as provided in Rule 610-X-5-.14.

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 Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-85, 34-21-90. **History:** **New Rule:** Filed August 25, 2003; effective September 29, 2003. **Amended:** Filed July 2, 2015; effective August 6, 2015. **Amended:** Filed April 22, 2016; effective June 6, 2016. **Amended:** Filed July 20, 2018

Ed. Note: Rule .17 was renumbered to .18 as per certification filed July 2, 2015; effective August 6, 2015.