

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing

Rule No. 610-X-13-02 Criteria for Eligibility

Rule Title: Criteria for Eligibility

         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        

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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 Services Agency.

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

Date July 22, 2019

(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-13-.02 Criteria for Eligibility

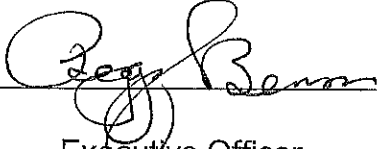
**INTENDED ACTION:** The Alabama Board of Nursing proposes to amend the rules related to VDAP.

**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes to amend ABN Administrative Code § 610-X-13-.02, to align rules to requirements of the Enhanced Nurse Licensure Compact. A copy of the proposed 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."

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or verbal comments will be accepted until Wednesday, September 4, 2019. 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 Wednesday, September 4, 2019.

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

  
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Executive Officer

**610-X-13-.02 Criteria For Eligibility.**

(1) In order to gain admission to VDAP, a registered nurse, licensed practical nurse or first time applicant for licensure in Alabama shall:

(a) Hold an active license or a temporary permit to practice nursing in the State of Alabama.

1. An applicant for licensure by examination and a temporary permit who is requesting participation in VDAP shall sign a VDAP agreement before approval to take the Board-selected examination is granted. If the applicant does not pass the Board-selected examination, enforcement of the VDAP Agreement shall be stayed until passage of the Board-selected examination. If the applicant subsequently passes the Board-selected examination, the stay of the VDAP Agreement shall be lifted, and the applicant shall be required to comply fully with the VDAP Agreement.

2. An applicant for licensure by endorsement requesting participation in VDAP shall sign a VDAP Agreement before licensure is granted.

3. If the applicant has a multistate license, the applicant must consent to deactivation of the multistate licensure privilege. The applicant will not be eligible for a multistate license for the duration of the applicant's participation in VDAP. The applicant will have a single state license.

(b) Have had no previous disciplinary action against the nursing license in any state or jurisdiction nor have been terminated from any alternative disciplinary program participation for noncompliance.

(c) Voluntarily request participation in VDAP.

(d) Admit to a substance use disorder or a physical or mental condition that renders the person unable to meet the standards of the nursing profession.

(e) Acknowledge in writing:

1. The extent of the condition or conditions leading to the voluntary request for participation in VDAP.

2. That his or her conduct is unprofessional and grounds for disciplinary action.

(f) Provide disclosure authorizations, releases of liability and any other records including but not limited to evaluations and treatment information as requested by the Board.

(g) Cease nursing practice until the:

1. Board recognized substance use disorder treatment provider provides a written opinion regarding whether the licensed nurse is ready to resume safety sensitive employment in the field of nursing.

2. Licensed nurse signs the VDAP Agreement for monitoring.

(h) Agree in writing to the terms set forth in the VDAP Agreement.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Ala. 1975, §34-21-25.

**History: New Rule:** Filed July 28, 1994; effective August 29, 1994.

**Repealed and New Rule:** Filed May 20, 2002; effective June 24, 2002.

**Amended:** Filed November 22, 2005; effective December 27, 2005.

**Amended:** Filed August 20, 2010; effective September 24, 2010.

**Amended:** Filed July 24, 2014; effective August 28, 2014.