

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing
Rule NO. 610-X-3-.04 Deficiencies
Rule Title: 610-X-3-.04 Deficiencies
 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 March 11, 2022

REC'D & FILED (DATE FILED)
(STAMP)

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APA-2
11/96

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: 610-X-3-.04 Deficiencies

INTENDED ACTION: The Alabama Board of Nursing proposes to amend a rule relating to education.

SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Nursing proposes to promulgate ABN Administrative Code § 610-X-3-.04, to provide clarity regarding surveys of nursing education programs. 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 accepted until Thursday, May 5, 2022. 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 Thursday, May 5, 2022.

CONTACT PERSON AT AGENCY: Peggy Benson, Executive Officer.

A handwritten signature in black ink, appearing to read "Peggy Benson", is written over a horizontal line.

Executive Officer

610-X-3-.04 Deficiencies.

(1) The Board shall conduct surveys and evaluations as often as necessary to determine compliance with all standards set forth in Chapter 610-X-3.

(a) Warning signs that may trigger a focused site visit include:

1. Complaints from students, faculty, and clinical agencies
2. Turnover of program administrators defined by more than three administrators in a five-year period
3. Frequent nursing faculty turnover
4. Frequent reductions in numbers of nursing faculty
5. Decreasing trends in NCLEX pass rates

(2) The Board shall, upon determining that a program is not in compliance with standards set forth in Chapter 610-X-3, provide to the governing institution administrator and nursing program administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct deficiencies.

(3) A nursing education program that receives a Notice of Deficiency from the Board shall establish a written plan within the specified time and provide reports to the Board, as requested, to document progress in resolving deficiency(ies).

(4) The Board may initiate action regarding any program that fails to correct identified deficiencies within the time specified by the Board, either through a formal hearing or Board-approved informal disposition. The Board may:

(a) Withdraw approval from the nursing education program, resulting in students who graduate after approval is withdrawn being ineligible to take the licensing examination.

(b) Continue approval of the nursing education program for a specified time period.

(c) Direct the nursing program administrator to notify students in writing of the Board's decision.

(5) Programs under a notice of deficiency issued prior to January 1, 2018 shall continue with their plan of correction, as specified in the notice of deficiency.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-5.

History: Filed September 29, 1982. **Amended:** Filed

July 23, 1997; effective August 27, 1997. **Repealed and New**

Rule: Filed July 22, 2002; effective August 26, 2002. **Amended:**

Filed September 25, 2006; effective October 30, 2006. **Amended:**

Filed September 21, 2007; effective October 26, 2007. **Amended:**
Filed May 16, 2008; effective June 20, 2008. **Amended (Rule
number only):** Filed November 19, 2010; effective
December 24, 2010. **Amended:** Filed June 25, 2012; effective
July 30, 2012. **Amended:** Filed April 21, 2015; effective
May 26, 2015. **Amended:** Filed November 21, 2016; effective
January 5, 2017. **Amended:** Published November 30, 2020;
effective January 14, 2021.

Ed. Note: Rule 610-X-3-.03 was renumber to .05 as per
certification filed September 25, 2006; effective
October 30, 2006. Rule .05 was renumbered to .06 as per
certification filed November 19, 2010; effective
December 24, 2010. Rule 610-X-3-.06 renumbered .04 per
certification published November 30, 2020; effective
January 14, 2021.