

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing
Rule No. 610-X-8-04
Rule Title: Investigation
New X 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 May 18, 2018

(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-8-.04 Investigation

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

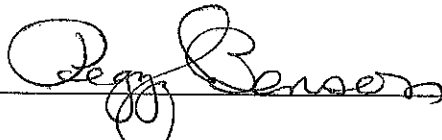
SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, 610-X-8-.04 Investigation, to clarify the process for filing complaints against licensees. A copy of the proposed rule may be found on the Board's web site, www.abn.alabama.gov, under "laws" and then "proposed 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 Thursday, July 5, 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 Thursday, July 5, 2018.

CONTACT PERSON AT AGENCY: Peggy Benson, Executive Officer.



Executive Officer

610-X-8-.04 Investigation.

(1) Upon self-disclosure or receipt of a written complaint alleging that a registered nurse or licensed practical nurse has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, the Executive Officer shall provide for an investigation by Board staff to determine if there is sufficient evidence to warrant disciplinary proceedings.

(a) The Board shall consider only those complaints which include the following:

1. The licensee's name.
2. The name and contact information (telephone number, email address, etc.) of the complainant.
3. Specific allegation(s) which, if substantiated through investigation, would constitute violation(s) of the Alabama Nurse Practice Act (Code of Alabama § 34-21-1, et. seq.) or the Alabama Board of Nursing Administrative Code.

(2) When an investigation discloses that disciplinary action is not warranted for the protection of the public health, safety and welfare, the investigative file shall be closed, provided that the matter may be reinvestigated at any time if circumstances so warrant.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-2(j)(1), 34-21-25.

History: Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed May 18, 2018