

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing  
Rule NO. 610-X-13-05 Causes For Denial Of Admission To VDAP  
Rule Title: Causes For Denial Of Admission To VDAP  
         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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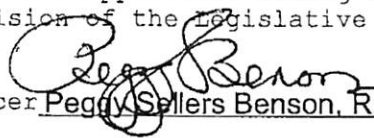
Does the proposed rule have an economic impact?          No         

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 November 13, 2020

(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-.05 Causes For Denial Of  
Admission To VDAP

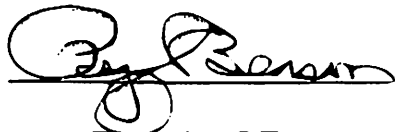
**INTENDED ACTION:** The Alabama Board of Nursing proposes to amend the rules relating to VDAP.

**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes to amend ABN Administrative Code § 610-X-13-.05, to eliminate pending felony charges as disqualifier for VDAP. 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 Monday, January 4, 2021. 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 Monday, January 4, 2021.

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

  
\_\_\_\_\_  
Executive Officer

**610-X-13-.05 Causes For Denial Of Admission To VDAP.**

(1) Admission to the program shall be denied if the applicant for licensure or licensed nurse:

(a) Does not meet eligibility criteria established in this chapter for admission to VDAP.

(b) Is not eligible for licensure in the State of Alabama.

(c) Diverted controlled substances for other than self-use.

(d) Has had nursing practice problems resulting in the death of a patient or involving significant harm or potentially significant harm to a patient.

(e) Will not substantially benefit from participation in the program as determined by Board designee(s).

(f) Has a felony conviction.

(g) Has any conviction related to the sale or distribution of controlled substances or legend prescription drugs.

~~(h) Has one or more pending felony charges.~~

(~~h~~) Refuses to cooperate with requirements for participation in VDAP as established in this chapter.

(~~j~~ i) Has previously entered into two VDAP or Alabama Non-disciplinary Nursing Approach (ANNA) agreements.

**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. **Amended:** Published November 30, 2020