

APA-1  
6/93

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 540 Department or Agency Alabama State Board of Medical Examiners  
Rule No. 540-X-8-.22  
Rule Title: Requirements for Collaborative Practice by Physicians and Certified Nurse Midwives  
 New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

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

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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 Reference Service.

Signature of certifying officer: Eliot H. Mendez

Date: October 19, 2017

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6/93

**ALABAMA STATE BOARD  
OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama State Board of Medical Examiners

**RULE NO. & TITLE:** 540-X-8-.22, Requirements for Collaborative Practice by  
Physicians and Certified Nurse Midwives

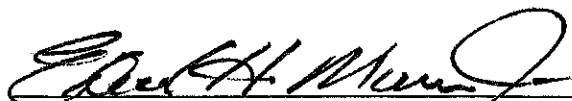
**INTENDED ACTION:** To amend the rule

**SUBSTANCE OF PROPOSED ACTION:** To amend the rule to provide for a temporary  
collaborating physician in the event of an unanticipated, permanent absence of a collaborating  
physician.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** All interested persons may submit data,  
views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to:  
Patricia E. Shaner, General Counsel, Alabama State Board of Medical Examiners, Post  
Office Box 946, Montgomery, Alabama 36101-0946, by mail or in person between the  
hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and including December  
5, 2017. Persons wishing to obtain copies of the text of this rule and submit data, views,  
or comments or arguments orally should contact Patricia E. Shaner, by telephone  
(334-242-4116) during said period in order to set up an appointment for a hearing  
respecting such oral data, views, or arguments. Copies can also be obtained at the  
Board's web site, [www.albme.org](http://www.albme.org).

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** December 5, 2017

**CONTACT PERSON AT AGENCY:** Patricia E. Shaner, Esq.

  
Edward H. Munson, Jr., Acting Executive Director

540-X-8-.22 Requirements for Collaborative Practice by Physicians and Certified Nurse Midwives.

(1) The collaborating physician shall:

(a) Provide professional medical oversight and direction to the certified nurse midwife.

(b) Be readily available for direct communication or by radio, telephone or telecommunications.

(c) Be readily available for consultation or referrals of patients from the certified nurse midwife.

(d) Be readily available during labor management to provide direct medical intervention and to attend deliveries if needed.

(2) In the event the collaborating physician is not readily available, provisions shall be made for medical coverage by a physician who is pre-approved by the State Board of Medical Examiners and is familiar with these rules.

(3) In the event of an unanticipated, permanent absence of a collaborating physician, a previously approved covering physician may be designated as a temporary collaborating physician for a period of up to sixty (60) days. During the sixty (60) day time period, a new "Notice of Commencement" designating a new collaborating physician should be submitted for approval.

(34) The certified nurse midwife's scheduled hours in patient homes, and/or facilities licensed by the Alabama Department of Public Health and facilities certified by the Alabama Department of Public Health are not subject to the required minimum hours for physician presence.

(45) The collaborating physician shall:

(a) Have no additional requirement for documentation of on-site collaboration when working in the same facility with the Certified Nurse Midwife (CNM).

(b) Be present for not less than ten percent (10%) of the CNM's scheduled hours in an approved practice site with a CNM who has less than two (2) years (4,000 hours) of collaborative practice experience:

1. Since initial certification; or

2. In the collaborating physician's practice specialty.

(c) Visit remote practice sites no less than twice annually.

(d) Meet no less than quarterly with the CNM who has more than two (2) years (4,000 hours) of collaborative practice experience.

(e) Allow a pre-approved covering physician to be present in lieu of the collaborating physician.

(56) The collaborating physician shall provide notice in writing to the State Board of Medical Examiners of the commencement or termination of a collaborative practice agreement as required by Rule 540-X-8-.18.

(67) The Joint Committee may, at its discretion, waive the requirement of written verification of physician availability upon documentation of exceptional circumstances. Employees of state and county health departments are exempt from the requirement of written verification of physician availability.

(78) A written standard protocol specific to the specialty practice area of the certified nurse midwife and the specialty practice area of the collaborating physician, approved and signed by both the collaborating physician and the certified nurse midwife

shall:

- (a) Identify all sites where the certified nurse midwife will practice within the collaboration protocol.
- (b) Identify the physician's principal practice site.
- (c) Be maintained at each practice site.
- (d) Include a formulary of drugs, devices, medical treatments, tests and procedures that may be prescribed, ordered, and implemented by the certified nurse midwife consistent with these rules, and which are appropriate for the collaborative practice setting.
- (e) Include a pre-determined plan for emergency services.
- (f) Specify the process by which the certified nurse midwife shall refer a patient to a physician other than the collaborating physician.
- (g) Specify a plan for quality assurance management with defined quality outcome measures for evaluation of the clinical practice of the certified nurse midwife and include review of a meaningful sample of medical records plus all adverse outcomes. The term "medical records" includes, but is not limited to, electronic medical records. Documentation of quality assurance review shall be readily retrievable, identify records that were selected for review, include a summary of findings, conclusions, and if indicated, recommendations for change. Quality assurance monitoring may be performed by designated personnel, with final results presented to the physician and certified nurse midwife for review.

**Author:** Alabama Board of Medical Examiners.

**Statutory Authority:** Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-85.

**History:** This new Chapter 8 - Advanced Practice Nurses: Collaborative

Practice replaces Chapter 8 - Nurse Midwives. This chapter is being filed as a joint effort by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Amended/Approved For Publication: March 20, 1996. Approved/Adopted: June 19, 1996. Effective Date: July 25, 1996. Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved: April 20, 2005. Effective Date: August 26, 2005. Amended/Approved: May 17, 2006. Further amended for republishing: July 19, 2006. Effective Date: October 27, 2006. Amended/Approved: December 12, 2007. Effective Date: March 27, 2008. Amended/Approved: January 20, 2010. Emergency Rule Effective: January 20, 2010. Effective Date: April 15, 2010. Amended/approved: July 18, 2012. Effective Date: October 29, 2012. Amended/Approved for Publication: January 21, 2014. Amended/Approved for Publication: February 18, 2015. Effective Date: August 6, 2015. Amended/Approved: September 20, 2017.