ALABAMA BOARD OF MEDICAL EXAMINERS
ADMINISTRATIVE CODE

CHAPTER 540-X-18
QUALIFIED ALABAMA CONTROLLED
SUBSTANCES REGISTRATION CERTIFICATE (QACSC)
FOR CERTIFIED REGISTERED NURSE PRACTITIONERS (CRNP)
AND CERTIFIED NURSE MIDWIVES (CNM)

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Supp. 9/30/17 18-1
Chapter 540-X-18

 Definitions. The following definitions shall apply to the rules in this chapter:

(1) Administer - The direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient by any of the following:

(a) A collaborating physician, or, in his or her presence, his or her authorized agent;

(b) A certified registered nurse practitioner (CRNP) or certified nurse midwife (CNM); or

(c) The patient at the direction and in the presence of the collaborating physician, certified registered nurse practitioner (CRNP) or certified nurse midwife (CNM).

(2) Board - The Alabama State Board of Medical Examiners.

(3) Certified Nurse Midwife (CNM) - An advanced practice nurse who is subject to a collaborative practice agreement with a collaborating physician pursuant to §34-21-5, Code of Ala. 1975, as amended, and who has advanced knowledge and skills relative to the management of women’s health care focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning, and gynecological needs of women, within a health care system that provides for consultation, collaborative management, or referral as indicated by the health status of the patient.

(4) Certified Registered Nurse Practitioner (CRNP) - An advanced practice nurse who is subject to a collaborative practice agreement with a collaborating physician pursuant to §34-21-5, Code of Ala. 1975, as amended, and who has demonstrated
by certification that he or she has advanced knowledge and skills in the delivery of nursing services within a health care system that provides for consultation, collaborative management, or referral as indicated by the health status of the patient.

(5) Colla...r certified registered nurse practitioners or certified nurse midwives in accordance with §34-21-5, Code of Ala. 1975, as amended, and the rules and regulations adopted by the Alabama Board of Medical Examiners and the Alabama Board of Nursing.

(6) Dispense - To deliver a controlled substance to an ultimate user by or pursuant to the lawful order of a physician or CRNP or CNM, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(7) Excessive Dispensing - A registrant may be considered to have excessively dispensed a controlled substance if the Board finds that either the controlled substance was dispensed for no legitimate medical purpose, or that the amount of the controlled substance dispensed is not reasonably related to the proper medical management of the patient’s illness or condition. Drug addiction shall not be considered an illness or condition which would justify the continued dispensing of a controlled substance, except in gradually decreasing dosages administered to the patient for the purpose of curing the addiction.

(8) Prescribe or Prescribing - The act of issuing a prescription for a controlled substance.

(9) Prescription - Any order for a controlled substance written or signed or transmitted by word of mouth, telephone, telegraph, closed circuit television or other means of communication by a legally competent collaborating physician, certified registered nurse practitioner, or certified nurse midwife authorized by law to prescribe and administer the drug which is intended to be filled, compounded, or dispensed by a pharmacist.

(10) QACSC - Qualified Alabama Controlled Substances Registration Certificate.

Author: Alabama Board of Medical Examiners
540-X-18-.02 General Requirements.

(1) The Board is the certifying board which may issue, renew, deny, restrict, limit, suspend, or revoke a QACSC for a CRNP or CNM.

(2) Beginning October 1, 2013, QACSCs may be issued by the Board to CRNPs and CNMs.

(3) A CRNP or CNM who prescribes, administers, authorizes for administration or dispenses any controlled substance within Alabama or who proposes to engage in the prescribing, administering, authorizing for administration or dispensing of any controlled substance within Alabama shall obtain, annually, a QACSC for each collaborative practice agreement approved by the Alabama Board of Nursing and the Alabama Board of Medical Examiners.

(4) A CRNP or CNM who prescribes, administers, authorizes for administration or dispenses, or who proposes to engage in the prescribing, administering, authorizing for administration or dispensing of any controlled substance within Alabama shall obtain the appropriate registration or registrations issued by the United States Drug Enforcement Administration.

Author: Alabama Board of Medical Examiners

540-X-18-.03 Requirements For The Issuance Of A Qualified Alabama Controlled Substances Registration Certificate (QACSC).

To qualify for a QACSC, an individual must meet the following requirements:

(1) Be a CRNP or CNM who is practicing in accordance with §34-21-5, Code of Ala. 1975, as amended, and all Alabama Board of Nursing and Alabama Board of Medical Examiners rules governing collaboration between a qualified physician and a qualified CRNP or CNM and who is in a collaborative practice with a physician who holds a valid, current and unrestricted ACSC;
Submit proof of successful completion of twelve (12) hours of AMA PRA Category 1 credits™ or the equivalent continuing medical education (CME), which shall include the following:

(a) “Prescribing Controlled Drugs; Critical Issues and Common Pitfalls,” a continuing medical education course jointly sponsored by the Board and the Medical Association of the State of Alabama (8 AMA PRA Category 1™ credits).

(b) Four (4) AMA PRA Category 1™ credits or equivalent through a Board approved course or courses that include advanced pharmacology and prescribing trends relating to controlled substances;

(3) Complete the required twelve (12) credits within one (1) year preceding the filing of an application for a QACSC;

(4) Provide accurate and complete documentation of a minimum of twelve (12) months of active clinical practice pursuant to one or more collaborative practice agreements approved by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Temporary approval practice and provisional approval practice shall not be considered or used to meet this requirement;

(5) Submit an application on forms provided by the Board; and

(6) Pay the required application fee required by the Board.

Author: Alabama Board of Medical Examiners
Chapter 540-X-18

Medicare Examiners

Author: Alabama Board of Medical Examiners

540-X-18-.05 Renewal Of A Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) Renewal of a QACSC shall be annually on or before January 1 of each year. An application for annual renewal of a QACSC shall be received by the Board on or before December 31 and shall be accompanied by the required QACSC renewal fee.

(2) As a requirement for renewing a QACSC, a CRNP or CNM shall obtain, every two years, four (4) AMA PRA Category 1 credits™ or equivalent through a Board approved course or courses regarding the prescribing of controlled substances.

(3) Before renewing a Qualified Alabama Controlled Substances Certificate, the applicant shall have a current registration to access the Controlled Substances Prescription Database established and maintained by the Alabama Department of Public Health.

(4) Before renewing a Qualified Alabama Controlled Substances Certificate, an applicant shall have a current and appropriate registration issued by the United States Drug Enforcement Administration.

Author: Alabama Board of Medical Examiners

540-X-18-.06 Fees - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) An applicant for a QACSC shall submit to the Board an application fee in the amount of One Hundred and Ten Dollars ($110.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by §20-2-217, Code of Ala. 1975, as amended.
(2) An applicant for annual renewal of a QACSC shall submit to the Board a QACSC renewal fee in the amount of Sixty Dollars ($60.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by §20-2-217, Code of Ala. 1975, as amended.

Author: Alabama Board of Medical Examiners

540-X-18-.07 Utilization Of Qualified Alabama Controlled Substances Registration Certificate (QACSC) - Limitations.

(1) The authority of a CRNP or CNM to prescribe, administer, authorize for administration or dispense pursuant to a QACSC is limited to those controlled substances enumerated in Schedules III, IV and V.

(2) A CRNP or CNM shall not use the authority of his or her QACSC to prescribe, administer, authorize for administration, or dispense any controlled substance enumerated in Schedule I or Schedule II; however, a CRNP or CNM may administer a Schedule II controlled substance which has been ordered, prescribed or dispensed by a collaborating or covering physician.

(3) A CRNP or CNM shall prescribe, administer, authorize for administration or dispense controlled substances in accordance with the requirements of §§20-2-250 through 20-2-259, Code of Ala. 1975, as amended; any other applicable sections of the Alabama Uniform Controlled Substances Act (§20-2-1, et. seq., Code of Ala. 1975, as amended); Board rules; protocols, formularies, and medical regimens established by the Board for regulation of a QACSC; and any requirements or limitations established in an approved formulary by the collaborating physician.

(4) A CRNP or CNM shall not utilize his or her QACSC for the purchasing, obtaining, maintaining or ordering of any stock supply or inventory of any controlled substance in any form.

(5) A CRNP or CNM who has been issued a valid and current QACSC may accept from pharmaceutical representatives prepackaged samples or starter packs in their original packages
or containers for controlled substances enumerated in Schedules III, IV or V, subject to any restriction or limitations on the CRNP’s or CNM’s approved formulary and subject to any protocols or medical regimens established by the Board.

(6) A CRNP or CNM shall not prescribe, administer, authorize for administration or dispense any controlled substance to his or her own self, spouse, child or parent.

Author: Alabama Board of Medical Examiners


540-X-18-.08 Grounds For Denial, Restriction, Limitation, Suspension Or Revocation - Qualified Alabama Controlled Substances Registration Certificate (QACSC). The Board may deny a CRNP’s or CNM’s application for a QACSC, deny a CRNP’s or CNM’s application for renewal of a QACSC, or initiate action against the QACSC of a CRNP or CNM based on the following grounds:

(1) Fraud or deceit in applying for, procuring, or attempting to procure a QACSC in the state of Alabama.

(2) Conviction of a crime under any state or federal law relating to any controlled substance.

(3) Conviction of a crime or offense which affects the ability of the CRNP or CNM to practice with due regard for the health or safety of his or her patients.

(4) Prescribing a drug or utilizing a QACSC in such a manner as to endanger the health of any person or patient of the CRNP, CNM or collaborating physician.

(5) Suspension or revocation of a registration number issued to the CRNP or CNM by the United States Drug Enforcement Administration.

(6) Excessive dispensing or prescribing of a controlled substance to any person or patient of the CRNP, CNM or collaborating physician.

(7) Unfitness or incompetence due to the use of or dependence on alcohol, chemicals, or any mood altering drug to such an extent as to render the CRNP or CNM unsafe or unreliable to prescribe drugs or to hold a QACSC.
Any violation of a requirement set forth in §§20-2-250 through 20-2-259, Code of Ala. 1975, as amended; a rule of the Board; a protocol or medical regimen adopted by the Board; or a limitation established by the collaborating physician in an approved formulary.

Author: Alabama Board of Medical Examiners

540-X-18-.09 Due Process Proceedings - Denial Of And Actions Against Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) Before denying an application for a QACSC, denying an application for renewal of a QACSC, or taking action against a QACSC of a CRNP or CNM, the Board shall serve upon the CRNP or CNM an order to show cause why registration should not be denied or why the QACSC should not be restricted, limited, suspended or revoked.

(2) Any hearing concerning the order to show cause shall be before the Board.

(3) The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Board at a time and place not less than thirty (30) days after the date of service of the order, but in the case of denial of renewal of registration, the show cause order shall be served not later than thirty (30) days before the expiration of the registration.

(4) Proceedings to deny renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(5) The Board may restrict, suspend or revoke a QACSC whenever a CRNP or CNM shall be found guilty on the basis of substantial evidence of any of the acts or offenses enumerated in Rule 540-X-18-.08.

(6) The Board may limit revocation or suspension of a QACSC to the particular controlled substance with respect to which grounds for revocation or suspension exist.
(7) The Board shall promptly notify the Drug Enforcement Administration of the United States Department of Justice of all orders restricting, limiting, suspending or revoking a QACSC.

(8) Any hearing before the Board shall be considered a contested case under the Alabama Administrative Procedure Act, §41-22-1, et. seq., Code of Ala. 1975, as amended, and shall be conducted in accordance with the requirements of that Act.

(9) In a hearing on the request for reinstatement of a QACSC, the Board has the authority to reinstate or deny reinstatement of a QACSC. In a hearing on a request for reinstatement of a QACSC, the applicant shall have the burden of establishing to the reasonable satisfaction of the Board that the applicant is entitled to the specific relief requested.

Author: Alabama Board of Medical Examiners
History: New Rule; Filed August 27, 2013; effective October 1, 2013.

540-X-18-.10 Conduct Of Hearings - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

Except when §§20-2-250 through 20-2-259, Code of Ala. 1975, as amended, and Board Rule 540-X-18-.09 are in conflict and shall take precedence, hearings related to a QACSC are to be governed and conducted in accordance with Board Rules 540-X-6-.03 (Hearing Officer); 540-X-6-.04 (Conduct of Hearings in Contested Cases; and 540-X-6-.05 (Miscellaneous Provisions).

Author: Alabama Board of Medical Examiners
History: New Rule; Filed August 27, 2013; effective October 1, 2013.

540-X-18-.11 Appeals - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) A CRNP or CNM may obtain judicial review when adversely affected by any of the following:

(a) An order of the Board denying an application for a QACSC;
(b) An order of the Board denying an application for renewal of a QACSC;

(c) An order of the Board suspending, revoking or restricting a QACSC; or

(d) An order of the Board denying reinstatement of a QACSC.

(2) Judicial review of an order of the Board may be obtained by filing a written petition for review with the Circuit Court of Montgomery County in accordance with §41-22-20, Code of Ala. 1975, as amended.

(3) The following procedures shall take precedence over §41-22-20(c), Code of Ala. 1975, as amended, relating to the issuance of a stay of any order of the Board suspending, revoking or restricting a QACSC. The suspension, revocation or restriction of a QACSC shall be given immediate effect and no stay or supersedeas shall be granted pending judicial review of a decision by the Board to suspend, revoke or restrict a QACSC unless a reviewing court, upon proof by the party seeking judicial review, finds in writing that the action of the Board was taken without statutory authority, was arbitrary or capricious or constituted a gross abuse of discretion.

(4) From the judgment of the Circuit Court, either the Board or the affected party who invoked judicial review may obtain a review of any final judgment of the Circuit Court pursuant to §41-22-21, Code of Ala. 1975, as amended. No security shall be required of the Board.

Author: Alabama Board of Medical Examiners


540-X-18.12 Access To Records - Qualified Alabama Controlled Substances Registration Certificate (QACSC). The Board, its agents, attorneys, investigators, or inspectors shall be permitted access to inspect and copy any records of a CRNP or CNM, including patient records, which relate to a request for a QACSC; a renewal of a QACSC; possible violations of any of the provisions of the Alabama Uniform Controlled Substances Act; possible violations of §§20-2-250 through 20-2-259, Code of Ala 1975, as amended; or possible violations of any Board rule governing a QACSC.
540-X-18-.13 Covering Physician - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) A covering physician who applies to collaborate with or does collaborate with a CRNP or CNM possessing a QACSC, shall hold a valid, current and unrestricted Alabama Controlled Substances Registration Certificate (ACSC).

(2) The covering physician shall state in writing to the Board the following:

(a) That he or she is familiar with the Board rules concerning the QACSC;

(b) That he or she is familiar with any protocols or medical regimens adopted by the Board concerning the QACSC;

(c) That he or she is familiar with any limitation on the prescribing of controlled substances agreed to in the approved formulary by the CRNP or CNM and the collaborating physician; and

(d) That, having full knowledge of the authority of the CRNP or CNM to prescribe controlled substances, the covering physician agrees to provide medical oversight for the CRNP or CNM accordingly.

Author: Alabama Board of Medical Examiners

540-X-18-.14 Controlled Substances Prescription Database Access. All CRNPs or CNMs possessing a QACSC who are permitted access to the information in the controlled substances database shall abide by the requirements and limitations stated in §§20-2-210 through 20-2-220, Code of Ala. 1975, as amended, where applicable.

Author: Alabama Board of Medical Examiners
Statutory Authority: Code of Ala. 1975, §§20-2-250, et. seq.;
Act 2013-223

History: New Rule: Filed August 27, 2013; effective
October 1, 2013.
APPLICATION QUALIFIED
CONTROLLED SUBSTANCES REGISTRATION CERTIFICATE
FOR CERTIFIED NURSE PRACTITIONER
AND CERTIFIED NURSE MIDWIFE

ALABAMA BOARD OF MEDICAL EXAMINERS
ADMINISTRATIVE CODE
APPENDIX A

NAME:

First       Middle       Last

PERMANENT ADDRESS:

Street       City       State       Zip

SSN: (The use of your SSN is limited to the purpose of intra-agency identification purposes.)

AL RN License No.: Issue Date: Expiration Date: 

ANCC Certification Date: ANCC Certification Expiration:

The applicant must answer the following questions. If the answer is “yes” for questions A, B, C, D or E, attach a complete explanation detailing all facts and circumstances for each “yes” answer.

A. Has your privilege for dispensing or prescribing controlled substances ever been suspended, restricted, revoked or disciplined in any manner in any state? 

B. Have you ever been convicted of any state or federal crime relating to any controlled substance? 

C. Has your Federal DEA registration ever been suspended, restricted or revoked? 

D. Have your staff privileges at any hospital ever been surrendered, suspended, restricted, revoked or disciplined in any manner for any reason related to the prescribing or dispensing of controlled substances? 

E. Do you currently have any mental or physical condition or impairment (including, but not limited to, substance abuse or alcohol abuse) which in any way currently affects, or if untreated could affect, your ability to practice in a competent and professional manner?* 

F. Print DEA number and expiration date: 

G. Have you completed one year of clinical practice? (Note: practice during temporary or provisional approval is excluded) 

NOTE: If yes, complete attached affidavit

H. Have you completed a board approved pharmacology of controlled substances course or courses? 

NOTE: If yes, attach documentation of completion

* The term “currently” does not mean on the day of, or even in the weeks or months preceding the completion of this application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one’s functioning as a CRNP or CNM within the last two years.

FEE FOR THIS CERTIFICATE IS $110.00. ENCLOSE YOUR CHECK WITH APPLICATION

I swear (affirm) that the information set forth in this application for a Qualified Alabama Controlled Substances Registration Certificate is true and correct to the best of my knowledge, information and belief.

Date __________________________ Signature of CRNP/CNM

Date __________________________ Signature of Collaborating Physician

SUPP. 12/31/13 A-1
AFFIDAVIT

I, _______________________________ hereby certify that I have received a minimum of 12 months of active, clinical practice pursuant to one or more collaborative practice agreements approved by the Alabama Board of Nursing and the Alabama Board of Medical Examiners, excluding temporary approval practice and provisional approval practice, from the following employer(s):

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Sworn to and subscribed to before me on this ______ day of ______________________, 20____.

______________________________________________
Notary Public
My Commission Expires: ________________________
Author: Alabama Board of Medical Examiners
Renewal - 20XX
Qualified Controlled Substances Registration Certificate for Certified Registered Nurse Practitioners and Certified Nurse Midwives
Deadline: December 31, 20XX

WARNING: SECTION 20-2-254, CODE OF ALABAMA 1975 (AS AMENDED) STATES THAT A REGISTRATION MAY BE SUSPENDED OR REVOKED BY THE BOARD UPON A FINDING THAT THE REGISTRANT HAS FURNISHED FALSE OR FRAUDULENT MATERIAL INFORMATION IN ANY APPLICATION.

Under Alabama law, this document is a public record and if requested it will be provided in its entirety.

A. Has your privilege for dispensing or prescribing controlled substances ever been suspended, restricted, revoked or disciplined in any manner in any state? Yes No (If yes, please include a detailed explanation)

B. Have you ever been convicted of any state or federal crime relating to any controlled substance? Yes No (If yes, please include a detailed explanation)

C. Has your Federal DEA registration ever been suspended, restricted or revoked? Yes No (If yes, please include a detailed explanation)

D. Have your staff privileges at any hospitals ever been suspended, restricted, revoked or disciplined in any manner for any reason related to the prescribing or dispensing of controlled substances? Yes No (If yes, please include a detailed explanation)

E. Do you currently* have any mental or physical condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or mental, emotional, or nervous disorder or condition) which in any way currently affects, or if untreated could affect, your ability to practice in a competent and professional manner? Yes No (If yes, please include a detailed explanation)

* The term "currently" does not mean on the day of, or even in the weeks or months preceding the completion of this application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one’s functioning as a CRNP or CNM within the last two years.

F. Do you have a current registration to access the Alabama Prescription Drug monitoring database Program (PDMP)? Yes No

G. Do you have a current registration issued by the U. S. Drug Enforcement Administration? Yes No

Please provide your Primary DEA number and expiration date.
DEA Number
DEA Expiration Date

NOTICE: A current registration to access the Prescription Drug Monitoring Database and a current registration issued by the U.S. Drug Enforcement Administration are required before renewing a Qualified Alabama Controlled Substances Certificate. For further information concerning DEA registration, contact DEA, (800) 882-9539. For further information concerning the prescription database, contact the Alabama Dept. of Public Health, (877) 703-9869.

H. I certify that I have met the requirement to obtain, within the past two years, four (4) AMA PRA Category 1 Credits™ or equivalent through a Board approved course or courses regarding the prescribing of controlled substances.

Name of course taken
Date course was taken
Upload documentation

I understand and agree that by typing my name, I am providing an electronic signature that has the same legal effect as a written signature pursuant to Ala. Code §§8-1A-2 and 8-1A-7. I attest that the foregoing information has been provided by me and is true and correct to the best of my knowledge, information and belief. Knowingly providing false information to the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama could result in disciplinary action.

Author: Alabama Board of Medical Examiners