ALABAMA BOARD OF NURSING
ADMINISTRATIVE CODE

CHAPTER 610-X-1
ORGANIZATION AND ADMINISTRATION

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610-X-1-.01 Implementation Of Nurse Practice Act.

The Alabama Nurse Practice Act, Code of Ala. 1975, §§34-21-1, et seq. Provides that in order to safeguard life and health, licensure is required for any person practicing or offering to practice professional nursing or practical nursing in this state, for compensation. The act creates a Board of Nursing with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office. The act specifies Board functions and duties thus providing for the implementation of the Nurse Practice Act through the adoption of rules and regulations.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §§34-21-1, et seq.
History: Filed September 29, 1982. **Amended:** Filed September 20, 2002; effective October 25, 2002.

610-X-1-.02 Composition Of The Board.

(1) The Alabama Board of Nursing is composed of eight registered nurses, four licensed practical nurses, and one consumer.

(a) Two of the eight registered nurse positions are designated for advanced practice nurses.

(b) Three of the registered nurse positions are designated for nurse administrators, staff, or practice-related registered nurses.

(c) Three of the registered nurse positions are designated for individuals with teaching experience in college or university nursing education programs.

(d) Two of the licensed practical nurse positions are nominated by the Alabama Federation of Licensed Practical Nurses.

(e) Two of the licensed practical nurse positions are nominated by the Licensed Practical Nurse Association of Alabama.

(2) The members of the Board are appointed by the Governor of the State of Alabama to serve for a period of four years. No member may be appointed to more than two consecutive terms.

(3) The Governor shall appoint an eligible person to complete the unexpired term of any vacated Board position.

(4) Each registered nurse and licensed practical nurse shall be actively engaged in nursing immediately preceding and during appointment to the Board.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2.
History: Filed September 29, 1982. **Amended:** Filed February 17, 1984; effective March 24, 1984. **Amended:** Filed March 26, 1998; effective April 30, 1998. **Amended:** Filed September 20, 2002; effective October 25, 2002. **Amended:** Filed March 24, 2006; effective April 28, 2006. **Amended:** Filed May 23, 2011; effective June 27, 2011. **Amended:** Published November 30, 2020; effective January 14, 2021.

610-X-1-.03 Officers Of The Board.

(1) The Board shall elect from its members a president, vice president and a secretary. The election of officers shall be held at the November meeting.

(2) The Vice-President shall fill any vacancy in the office of the president. The President shall appoint a member to fill a vacancy in the office of vice-president or secretary. The President's appointment is subject to Board approval.

(3) The duties of the officers shall be as follows:

(a) The president shall preside at meetings of the Board, appoint members to serve on committees as may be created, and serve as ex officio member of all committees.

(b) The vice president shall preside in the absence of the president and shall assume the duties of the president when necessary.

(c) The secretary shall be responsible for the minutes of the meetings and shall assume other duties at the discretion of the president.

(4) The elected officers of the Board comprise the Board's Executive Committee. The Executive Committee is responsible for:

(a) Developing the Board meeting agenda.

(b) Facilitating evaluation of the Executive Officer.

(c) Assuring Board representation at legislative hearings, meetings, sunset reviews and requested public presentations.

(d) Participation in orientation of newly appointed Board members.

Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2.
History: Filed September 29, 1982. **Amended:** Filed September 20, 2002; effective October 25, 2002. **Amended:** Filed March 24, 2006; effective April 28, 2006. **Amended:** Filed May 23, 2011; effective June 27, 2011.

610-X-1-.04 Meetings Of The Board.

(1) A minimum of six regular meetings shall be held each year. The annual meeting shall be the November regular meeting.

(a) Meeting notices shall be posted on the Secretary of State's web site as required by the Alabama Open Meetings Act.

(b) The Board may post meetings on the Board's web site.

(2) Special meetings may be called at the request of the president or upon the request of three members of the Board.

(3) A majority of the Board, including at least one officer, shall constitute a quorum at any meeting.

(4) Requests to present information to the Board during a Board meeting shall be directed to the Executive Officer at least fourteen days prior to the meeting.

(5) The secretary or designee shall keep a record of all meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof, certified by a majority of the Board, shall be open to public inspection. The minutes shall reflect:

(a) The time and place of each meeting of the Board.

(b) Announcement of a quorum.

(c) A statement of compliance with the Alabama Open Meetings Act.

(d) Names of the Board members present and those who may be absent.

(i) Late arrivals or early departures shall be documented in the minutes.

(ii) Any Board member's absence during deliberation or action on agenda items.

(e) All official acts of the Board.

(f) The vote of the individual Board members except when the votes are unanimous. When requested by a dissenting Board member, specific reasons for the dissenting vote shall be recorded in the minutes.

(6) A roll call vote may be taken upon the request of a Board member.

(7) All meetings of the Board shall be held in compliance with the Alabama Open Meetings Act.

(8) Meetings of the Board, except executive sessions, may be openly recorded provided the recording does not disrupt the conduct of the meeting. Requests to record Board meetings, or portions thereof, shall be directed to the Executive Officer at least 15 minutes prior to the beginning of the meeting to allow assistance with placement of equipment and personnel. Any disruption in the conduct of the meeting shall be addressed by either the Executive Officer, the President of the Board, or the Board members.

(9) Board members shall be conducted in accord with Robert's Rules of Order except as provided by law.

Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2.
History: Filed September 29, 1982. **Amended:** Filed February 17, 1984; effective March 24, 1984. **Amended:** Filed September 18, 1985; effective October 24, 1985. **Amended:** Filed September 20, 2002; effective October 25, 2002. **Amended:** Filed March 24, 2006;

effective April 28, 2006. **Amended:** Filed May 23, 2011; effective June 27, 2011. **Amended:** Published June 30, 2020; effective August 14, 2020.

610-X-1-.05 Information.

Members of the general public may obtain information, make submissions or requests to the Executive Officer, Alabama Board of Nursing, P.O. Box 303900, Montgomery, Alabama 36130.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §§34-21-2(1), 41-22-4.
History: Filed September 29, 1982. **Amended:** Filed September 20, 2002; effective October 25, 2002. **Amended:** Filed March 24, 2006; effective April 28, 2006.

Ed. Note: Original Rule 610-X-1-.05, Powers and Duties of the Board, was repealed and Rule 610-X-1-.07, was renumbered to 610-X-1-.05, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.06 Advisory Councils.

(1) The Board may appoint advisory councils as deemed necessary.

(2) The Board shall determine the functions or purposes of the advisory council, appoint the members and set the terms of membership.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-3.
History: Filed September 29, 1982. **Amended:** Filed September 20, 2002; effective October 25, 2002.

Ed. Note: Original Rule 610-X-1-.06, Executive Officer, was repealed and Rule 610-X-1-.08, was renumbered to 610-X-1-.06, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.07 Rules And Regulations.

All rules and regulations of the Board shall be adopted, amended or repealed in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §§41-22-1, et seq.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §§34-21-2(1), 41-22-5.
History: Filed September 29, 1982. **Amended:** Filed March 23, 1984; effective April 27, 1984. **Amended:** Filed September 20, 2002; effective October 25, 2002.

Ed. Note: Original 610-X-1-.09, was renumbered to 610-X-1-.07, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.08 Petition For Adoption, Amendment Or Repeal Of A Rule.

(1) Any interested person may petition the Board requesting the adoption of a new rule or the amendment or repeal of an existing rule. The petition shall be in writing and shall include:

(a) The name and address of the petitioner.

(b) An exact statement of the proposed additional rule or amendment or identification of the rule to be repealed.

(c) The pertinent facts, data, opinions or arguments in support of the petitioner's position.

(2) Within sixty days after submission of a petition, the Board shall initiate rule-making proceedings or shall deny the petition in writing on the merits, stating its reasons for the denial; provided, however, that the Board may by written notice extend said period for thirty days when a regularly scheduled meeting occurs beyond the 60-day period.

(3) A petition requesting adoption, amendment, or repeal of a rule shall not be considered by the Board if the subject of the petition is the same or similar to the subject presented in another petition considered by the Board within the previous twelve months.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §41-22-8.
History: Filed September 29, 1982. **Amended:** Filed September 20, 2002; effective October 25, 2002.

Ed. Note: Original 610-X-1-.10, was renumbered to 610-X-1-.08, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.09 Declaratory Rulings.

Any persons substantially affected by a rule may petition the Board for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Board.

(1) The petition shall be in writing and shall include:

(a) The name and address of the petitioner.

(b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule.

(c) The rule, statute or order and the reasons for the questions.

(2) Failure of the Board to issue a declaratory ruling within forty-five days of date of receipt of request shall constitute a denial of the request.

(3) Circumstances in which rulings shall not be issued include but are not necessarily limited to:

(a) Lack of jurisdiction.

(b) Lack of clarity of the issue presented.

(c) No clear answer determinable.

Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §41-22-11.
History: Filed September 29, 1982. **Amended:** Filed February 17, 1984; effective March 24, 1984. **Amended:** Filed September 20, 2002; effective October 25, 2002.

Ed. Note: Original 610-X-1-.11, was renumbered to 610-X-1-.09, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.10 Public Inspection Of Rules.

(1) All rules and other written statements of policy or interpretations formulated, adopted or used by the Board in the discharge of its functions shall be made available for public inspection and copying.

(2) All final orders, decisions and opinions of the Board shall be available for public inspection and copying except those expressly made confidential or privileged by statute or order of the court.

(3) Public records referenced in this rule may be obtained using the process described in rule 610-X-1-.11 and subject to the fees described in rule 610-X-4-.14.

Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §41-22-4.
History: Filed September 29, 1982. **Amended:** Filed September 20, 2002; effective October 25, 2002.

Ed. Note: Original 610-X-1-.12, was renumbered to 610-X-1-.10, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.11 Public Records And Rosters.

(1) The minutes of the Board, except those portions authorized by law to be kept confidential, the name of licensees, and other records determined to be public, shall be open to public inspection.

(2) Members of the public who wish to either examine or obtain a public record(s) may do so in accordance with the following:

(a) The examination of a public record(s) shall be in the office of the Board and under the supervision of the executive officer or an authorized designee.

(b) Public records may be requested using the Board's public records request form. Questions may be directed to the Board's public records coordinator.

(c) A fee shall be assessed for costs incurred in searching and producing records as described in rule 610-X-4-.14.

Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2(1).
History: Filed September 29, 1982. **Amended:** Filed February 17, 1984; effective March 24, 1984. **Amended:** Filed September 20, 2002; effective October 25, 2002. **Amended:** Filed March 24, 2006; effective April 28, 2006. **Amended:** Filed May 23, 2011; effective June 27, 2011. **Amended:** Published February 26, 2021; effective April 12, 2021. **Amended:** Published May 31, 2023; effective July 15, 2023.

Ed. Note: Original 610-X-1-.13, was renumbered to 610-X-1-.11, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.12 Board Member Compensation.

(1) Each member of the Board shall receive daily compensation as authorized by the Board for each day that the member attends Board meetings or engages in other duties of the Board, including but not limited to hearings, survey visits, conferences, and other meetings.

(2) At each September meeting, the Board shall set the amount of daily compensation to be received by Board members for the subsequent fiscal year.

(3) In addition to the daily compensation set by the Board, each member shall receive for expenses incurred in the discharge of Board duties the same per diem and travel allowance as is paid by law to state employees.

(4) The President, if authorized by the Board, may receive an additional one day of daily compensation per month.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2(e).
History: Filed September 29, 1989, effective November 4, 1989.
Amended: Filed September 20, 2002; effective October 25, 2002.
Amended: Filed May 23, 2011; effective June 27, 2011.

Ed. Note: Original 610-X-1-.14, was renumbered to 610-X-1-.12, as per certification filed September 20, 2002; effective October 25, 2002.

610-X-1-.13 Effective Date Of Enhanced Nurse Licensure Compact.

Any provisions of this Title published and adopted prior to January 1, 2020 which relates exclusively to interstate licensure and/or regulation of nurses in accordance with the Enhanced Nurse Licensure Compact shall have an effective date of January 1, 2020.
Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2(e).
History: **New Rule:** Filed July 26, 2019; effective September 9, 2019.