ALABAMA BOARD OF NURSING ALABAMA ADMINISTRATIVE CODE

CHAPTER 610-X-13 VOLUNTARY DISCIPLINARY ALTERNATIVE PROGRAM

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610-X-13-.01 Definitions.

(1) American Society of Addiction Medicine Patient Placement Criteria (ASAM Criteria): Current comprehensive criteria developed by the American Society of Addiction Medicine for determining appropriate treatment recommendations for substance use disorders.

(2) Board-Recognized Substance Use Disorders Treatment Provider: An organized program for treatment of substance use disorders that meets criteria set forth by the Alabama Board of Nursing in 610-X-13-.04.

(3) Comprehensive Substance Use Disorder Evaluation: An evaluation conducted in an inpatient or structured outpatient setting over a period of three (3) to seven (7) days by a multidisciplinary team that includes assessment of the applicant or licensed nurse's physical health, substance use, psychological and psychiatric functioning, family and social assessment, legal and occupational history, and gathering of collateral information from a variety of sources, to include board consultation, occupational information, and family and social information. Neuropsychological and cognitive testing, drug testing, and any other testing deemed appropriate by the evaluation team may also be included. At a minimum, the multidisciplinary team shall include a physician specializing in addiction medicine; a licensed psychologist who is qualified to conduct psychological and neuropsychological examinations and testing and render an opinion regarding the presence or absence of cognitive impairment; licensed physician(s), certified registered nurse practitioner(s), or physician assistant(s) who are qualified to conduct comprehensive physical and psychiatric examinations; and at least one licensed

health care professional or behavioral health professional who has at least one year of professional experience in the treatment of substance use disorder in health care professionals. Members of the multidisciplinary team do not have to be employees of the board recognized substance use disorder evaluation provider, but the board recognized substance use disorder evaluation provider must ensure the availability and participation of the members.

(4) Continuing Care/Aftercare: Sessions conducted by the substance use disorder treatment provider one (1) time per week for a MINIMUM of one (1) year after the completion of treatment. If the substance use disorder treatment provider does not conduct the aftercare itself, it shall facilitate the nurse's enrollment in aftercare at a provider appropriate for the nurse.

(5) Mental Condition: A disorder meeting diagnostic criteria for Mental Disorder as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) (American Psychiatric Association). (American Psychiatric Association: Statistical Manual of Mental Disorders, Washington, DC, American Psychiatric Association).

(6) Substance Use Disorder: A disorder meeting the diagnostic criteria for Substance Use Disorders (either Substance Dependence or Substance Abuse) as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) (American Psychiatric Association).

(7) Treatment Recommendations: The course of treatment recommended for a nurse, including recommendations for follow up care after completion of treatment. For treatment recommendations~~,~~ based on a diagnosis of a Substance Use Disorder, treatment recommendations must utilize ASAM Patient Placement Criteria for level of treatment and services required.

(8) Voluntary Disciplinary Alternative Program (VDAP): A program authorized by the Alabama Legislature to promote early identification, intervention, treatment, and rehabilitation of any registered nurse, licensed practical nurse or applicant issued a valid temporary permit for licensure whose competence is found to be impaired or compromised because of the use or abuse of drugs, alcohol, controlled substances, chemicals, or other substances or as a result of a physical or mental condition rendering the person unable to meet the standards of the nursing profession.

(9) VDAP Agreement. An agreement signed by the VDAP participant setting forth the terms and conditions with which the VDAP participant shall comply during participation in the VDAP.

(10) Sponsor: A person in recovery from a substance use disorder who acts as an accountability partner with the VDAP participant and who is willing to be identified and to provide his/her contact information to the Board.

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. **Repealed and New Rule:** Filed August 20, 2010; effective September 24, 2010. **Amended:** Filed July 24, 2014; effective August 28, 2014. **Amended:** Published July 31, 2024; effective September 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.

610-X-13-.02 Criteria For Eligibility.

(1) In order to gain admission to VDAP, a registered nurse, licensed practical nurse or first time applicant for licensure in Alabama shall:

(a) Hold an active license or a temporary permit to practice nursing in the State of Alabama.

1. An applicant for licensure by examination and a temporary permit who is requesting participation in VDAP shall sign a VDAP agreement before approval to take the Board-selected examination is granted. If the applicant does not pass the Board- selected examination, enforcement of the VDAP Agreement shall be stayed until passage of the Board-selected examination. If the applicant subsequently passes the Board-selected examination, the stay of the VDAP Agreement shall be lifted, and the applicant shall be required to comply fully with the VDAP Agreement.

2. An applicant for licensure by endorsement requesting participation in VDAP shall sign a VDAP Agreement before licensure is granted.

3. If the applicant has a multistate license, the applicant must consent to deactivation of the multistate licensure privilege. The applicant will not be eligible for the multistate license for the duration of the applicant's participation in VDAP. The applicant will have a single state license.

(b) Have had no previous disciplinary action against the nursing license in any state or jurisdiction related to the condition for which participation in VDAP is sought, not have been terminated from any alternative disciplinary program participation for noncompliance, and is not presently noncompliant in an alternative disciplinary program in another jurisdiction.

(c) Voluntarily request participation in VDAP.

(d) Admit to one of the following:

1. A physical or mental condition rendering the nurse unable to meet the standards of the nursing profession; or

2. Has voluntarily sought treatment for a substance use disorder

(e) Acknowledge in writing:

1. The extent of the condition or conditions leading to the voluntary request for participation in VDAP.

2. That his or her conduct is grounds for disciplinary action.

(f) Provide disclosure authorizations, releases of liability and any other records including but not limited to evaluations and treatment information as requested by the Board.

(g) Cease nursing practice until the:

1. Board recognized evaluation provider provides a written opinion that the licensed nurse is ready to resume safety sensitive employment in the field of nursing and will not pose a danger to self or the public.

2. Licensed nurse signs the VDAP Agreement for monitoring.

(h) Agree in writing to the terms set forth in the VDAP Agreement.
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 September 30, 2019; effective November 14, 2019. **Amended:** Published September 30, 2025; effective November 14, 2025.

610-X-13-.03 Requirements For Participation In Program.

A licensed nurse or first-time applicant for licensure participating in the program shall:

(1) Comply with all terms set forth in the VDAP Agreement.

(2) Be responsible for all costs for treatment and monitoring including Board-required drug screens if indicated.

(3) Use Board-recognized evaluation and treatment providers and laboratory facilities.

(4) Comply with instructions from the Board regarding evaluation, treatment, and treatment recommendations for the duration of the VDAP Agreement.

(5) Undergo evaluation by a Board-recognized evaluation provider, if directed by Board staff.

(6) For licensed nurses or applicants with substance use disorders:

(a) Undergo a comprehensive substance use disorder evaluation conducted by a board recognized evaluation provider.

(b) Be diagnosed with a substance use disorder, utilizing criteria from the most current version of the DSM,.

(c) Receive substance use disorder treatment by a Board-recognized substance use disorder treatment provider as defined in these rules, if treatment is recommended.

(d) If approved by the Board as an advanced practice nurse:

1. Remain out of practice as an advanced practice nurse until recommended for return to practice as an advanced practice nurse by a Board-recognized substance use disorder evaluation provider.

2. Restricted prescriptive privileges if recommended.

(e) Maintain a sponsor throughout the duration of the agreement if specified in the VDAP agreement.

(7) For physical or mental condition,

(a) For mental conditions:

1. Undergo a mental condition evaluation conducted by a board recognized evaluation provider. If the mental condition evaluation indicates a diagnosis that includes a substance use disorder, undergo a comprehensive substance use disorder evaluation conducted by a board-recognized substance use disorder evaluation provider.

2. Be diagnosed with a mental condition utilizing diagnostic criteria from the most current version of the DSM which condition would render the nurse or

applicant unable to meet the standards of nursing profession;

(b) For physical conditions:

1. Undergo a physical condition evaluation conducted by a board recognized evaluation provider, which may include a variety of evaluation components, based on the nature of the physical condition, including, but not limited to, functional evaluations and neurocognitive evaluations.

2. Be diagnosed with a physical condition using diagnostic criteria applicable to the diagnosis and which condition would render the nurse or applicant unable to meet the standards of the nursing profession;

(c) Receive treatment for the mental or physical condition, if treatment is recommended;

(d) If approved by the Board as an advanced practice nurse:

1. Remain out of practice as an advanced practice nurse until recommended for return to practice as an advanced practice nurse by a board recognized evaluation provider.

2. Restricted prescriptive privileges if recommended.

(8) Consent to deactivation of the multistate licensure privilege, if applicable, and agree that the nurse is ineligible for a multistate license while participating in VDAP.

(9) Remain out of nursing practice until such time as the Board receives a recommendation to return to practice from the board recognized evaluation provider.

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:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published September 30, 2025; effective November 14, 2025.

610-X-13-.04 Board Recognized Substance Use Disorder Evaluation and Treatment Providers.

(1) It is within the Board's discretion to recognize evaluation and treatment providers for mental and physical conditions and substance use disorders.

(2) The Board-recognized evaluation provider shall meet the following criteria:

(a) Conduct or provide for, by a qualified provider, assessment, evaluation, diagnosis, and treatment of mental health, physical condition or substance use disorder, utilizing the most current version of the DSM as indicated by the diagnosis, by a qualified provider that includes mental disorder diagnoses; factors including physical, psychosocial, contextual and environmental factors~~.~~; level of functioning; cognitive status; and disability.

(b) Possess the capability to evaluate health care professionals working in safety-sensitive employment.

(c) For substance use disorder evaluations, conduct a comprehensive substance use disorder evaluation. If treatment is recommended, the treatment recommendations shall be based on ASAM Criteria. Treatment recommendations shall identify a minimum of three treatment providers at which the recommended treatment may be obtained, at least two of which shall not be owned, operated, or otherwise financially affiliated with the evaluation provider. If three treatment providers cannot be identified, the evaluation provider shall state in writing the reason.

(d) For mental and physical condition evaluations, issue treatment recommendations, if treatment is recommended. The evaluation provider for mental or physical condition evaluations may not have a pre-existing treatment relationship with the nurse or applicant without prior approval of the board.

(e) Following completion of recommended treatment, issue recommendations regarding fitness to return to the practice of nursing and advanced practice nursing and recommendations regarding monitoring requirements for nurses who are recommended to return to practice. If board recognized evaluation provider is not the treatment provider selected by the nurse, the board recognized evaluation provider shall provide all necessary coordination to facilitate treatment at the selected treatment provider and, once the treatment is completed, shall make determination regarding the nurse's ability to resume safety sensitive employment in the field of nursing without danger to self or the public.

(f) Provide all written records requested by the Board in a timely manner. Failure to respond to requests for written records may result in removal of the Board-recognized evaluation provider from the list of Board's resources.

(g) Inform patients of the cost of the evaluation prior to commencing the evaluation.

(h) Inform the Board in writing of any changes in the evaluation provider's ownership, location, director, or membership of any required multidisciplinary team; interruption of operations for more than twenty-four (24) hours; or inability to comply with the requirements of this chapter.

(3) The Board-recognized treatment provider shall meet the following criteria:

(a) Conduct, during the initial phase of treatment for a mental condition, physical condition or substance use disorder, if indicated: biological testing and screening for drugs, chemicals, and alcohol that are analyzed by qualified medical and laboratory personnel. A drug screen that is positive during treatment requires confirmation, at the applicant or licensed nurse's expense, from a laboratory approved by the Board. The treatment provider shall notify the Board's designee(s) of any drug screen deemed positive.

(b) Communicate, in a timely manner, with authorized Board designee(s), through electronic communications and written reports:

1. Compliance or noncompliance with treatment requirements.

2. Data necessary to determine applicability of terms and conditions of and compliance with the VDAP Agreement, including, but not limited to, all information required in this section, as well as reports regarding attendance at treatment and aftercare/continuing care and results of any biological testing or screening for drugs, chemicals, and alcohol.

3. Changes in treatment plan based on the progress of the licensed nurse or applicant.

    a. Provide individualized written plan(s) of care including assessment and diagnosis, treatment goals, discharge criteria, guidelines for continuing recovery, and recommendations for return to nursing practice.

    b. Certification by the State Department of Mental Health or approved by a Board-recognized approving body, if applicable.

(c) For substance use disorder treatment providers:

1. Conduct or provide for Continuing Care/Aftercare for a minimum one day per week for twelve months or longer if required by the treatment provider following completion of treatment.

2. Incorporate an abstinence philosophy into treatment and require, at a minimum, the applicant or licensee's attendance at a minimum of three (3) abstinence-oriented support group meetings per week during treatment.

3. For programs offering only intensive outpatient treatment, provide at a minimum 100 hours of treatment per episode, excluding continuing care, at least three (3) days per week in the initial phase of treatment.

(d) For mental condition treatment at the inpatient or partial hospitalization level, conduct or provide for further outpatient care services for a minimum one day per week for twelve months or longer if recommended by the mental condition evaluation provider or by the treatment provider following completion of treatment.

(e) Provide all written records requested by the Board in a timely manner. Failure to respond to requests for written records may result in removal of the Board-recognized treatment provider from the list of Board's resources.

(f) Inform the Board in writing of any changes in the treatment provider's ownership, location, or director; interruption of operations for more than twenty-four (24) hours; or inability to comply with the requirements of this chapter.
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 September 30, 2025; effective November 14, 2025.

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) Has demonstrated behaviors of either:

1. such an egregious nature that a public order is necessary for the protection of the public, or

2. such a pattern of deceitfulness or noncompliance that confidential monitoring would be unduly burdensome for the board.

(f) Has a felony conviction.

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

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

(i) Has previously been discharged from VDAP, the Alabama Non-disciplinary Nursing Approach, or an alternative to discipline program in any other state or jurisdiction for noncompliance.
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 February 26, 2021; effective April 12, 2021. **Amended:** Published September 30, 2025; effective November 14, 2025.

610-X-13-.06 Causes For Termination From The Program.

(1) Prior to successful compliance with the VDAP Agreement, a participant may be terminated from the program at the discretion of the Board for the following reason(s):

(a) Noncompliance with any aspect of the VDAP Agreement.

(b) Any violation of federal or state statutes or rules.

(c) Receipt of information by the Board, which after investigation, results in disciplinary action by the Board.

(d) No longer meets the eligibility criteria established in this chapter.

(e) Any reason that constitutes Cause for Denial of Admission to VDAP as established in this chapter.

(2) Completion of the VDAP Agreement requires:

(a) Compliance with all program requirements specified in the VDAP agreement.

(b) Receipt of written notice of formal release as approved by the Board.

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 August 20, 2010; effective September 24, 2010. **Amended:** Filed July 24, 2014; effective August 28, 2014.

610-X-13-.07 Confidentiality Of Records.

Confidentiality of records shall be consistent with requirements of the Code of Ala. 1975, Section 34-21-25.
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.