

ALABAMA BOARD OF NURSING ALABAMA
ADMINISTRATIVE CODECHAPTER 610-X-14
MEDICATION ASSISTANT, CERTIFIED (MAC)

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610-X-14-.01 Definitions.

(1) Abandonment: Acceptance of a patient assignment, thus establishing a medication assistant, certified-patient relationship, and then ending the medication assistant, certified-patient relationship without giving reasonable notice to supervisory personnel so that others can make arrangements for continuation of care.

(2) Accountability: The state of being answerable or responsible for action.

(3) Application(s): Form(s) and process(es) for applicants seeking permits by examination, endorsement, reinstatement, or renewal.

(a) Incomplete application: Missing requirements.

(b) Complete application: Meets requirements.

(c) Void application: Any incomplete application voided due to failure by the applicant to satisfy all requirements within one year of submission.

(4) Dual Relationship: Any time a MAC interacts with a patient outside the MAC-patient relationship.

(5) Endorsement: The process of application for and method of permit approval for a medication assistant, certified originally licensed/permit as a MAC in a jurisdiction other than Alabama.

(6) Fine: A monetary penalty imposed by the Board.

(7) Hospital: A facility described in Code of Ala. 1975, Section 22-21-20(1), other than a health maintenance organization, which has an organized medical staff, or which employs the services of a medical director who is a physician licensed to practice medicine in Alabama. The term hospital shall not include the private offices of physicians or dentists, whether in individual, group, registered corporation, or registered association practice.

(8) Lapsed permit: Failure of a MAC to renew a permit; does not require examination for reinstatement, unless the permit is in lapsed status for more than two (years).

(9) Legally Authorized Prescriber: Healthcare professional who is authorized by law to prescribe medications or other treatment modalities.

(10) Letter of Admonishment: A letter from the Board that addresses the areas of concern over the reported conduct and

notifies the Medication Assistant, Certified or applicant for a permit that the case has been closed without discipline.

(11) Letter of Closure: A letter from the Board that notifies the Medication Assistant, Certified or applicant for a permit that the case has been closed without discipline.

(12) May: Power, privilege, or right retained by the Board.

(13) May not: Prohibition.

(14) Medication Assistant, Certified (MAC): A Medication Assistant, Certified through a Board approved program and the Medication Assistant Certification Exam (MACE) may perform limited medication administration tasks in a licensed healthcare facility other than a mental health residential community program or K-12 grade school program.

(15) Medication Assistant, Certified (MAC) Assignment: The assignment by a licensed nurse of medication administration duties to a MAC.

(16) Negligent: Failure to exercise the care required by the applicable standard of care.

(17) Permit: Board approval to practice as a Medication Assistant, Certified (MAC). The MAC receives authorization to practice as a MAC from the Board through an approved permit.

(18) Primary Source Verification: Verification provided directly to the Board by the entity that is the original source of the document of educational credentials, certification, and/or permit or an approved primary source organization recognized by the Board.

(19) Professional Boundary: Behavior of the MAC in maintaining a therapeutic relationship with a patient for the patient's benefit, rather than behavior that shifts the focus to the MAC.

(20) Reprimand: A formal censure by the Board.

(21) Responsibility: The charge to do something that is expected performance.

(22) Revocation: The withdrawal of the permit by Board action.

(23) Shall: Duty, requirement, or condition.

(24) Standard Precautions: Recommendations issued by the Centers for Disease Control and Prevention (CDC) to minimize the risk of transmission of pathogens.

(25) Supervision, Direct: Responsible licensed nurse is physically present in the facility and readily accessible to designate or prescribe a course of action or to give procedural guidance, direction, and periodic evaluation. Direct supervision by a licensed nurse is required for medication assistants, certified.

(26) Suspension: The temporary withdrawal of the permit by Board action.

(27) Unencumbered permit: An active permit that has no current stipulations, conditions, or limitations.

(28) Verification: The process of verifying original or current permit in Alabama. The verification process shall be defined by the Board.

(29) Voluntary Surrender: The voluntary relinquishment of a permit that has the force and effect of revocation.

(30) Willful: Commission of an act or omission when the Medication Assistant, Certified or applicant knows or reasonably should know that the act or omission violates the Chapter 21 of Title 34 of the Code of Ala. 1975.

(31) Board-approved Medication Assistant Education Program: a program approved by the Board to administer educational preparation for MACs. The Board may develop guidelines for programmatic maintenance of approval and administration or educational preparation for MACs.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021. **Amended:** Published January 31, 2022; effective March 17, 2022.

610-X-14-.02 Qualifications Of Applicants For Permit.

(1) The applicant for a MAC permit shall:

(a) Be a high school graduate or the equivalent, as determined by the Board.

(b) Be of good character. A criminal background check may be conducted by the Board at its discretion.

(c) Have successfully completed one of the following:

1. A Board-approved medication assistant education program in Alabama, or a medication assistant, certified program located in another jurisdiction or territory that

substantially meets the same educational criteria as Alabama programs, as determined by the Board.

2. NUR 113: Nursing Concepts 1 (Alabama Community College System Curriculum) or a substantially equivalent course, as determined by the Board.

3. US Armed Forces training equivalent to educational preparation for US Army Healthcare Specialist, US Navy Corpsman, and USAF Medical Technician, as determined by the Board according to the applicant's academic transcript validating education preparation.

(d) Complete the medication assistant certification exam (MACE) with a passing score.

(2) An applicant shall provide a valid social security number prior to the Board issuing a permit.

(3) Be a citizen or legal resident of the United States. Individuals who are not legally present in the United States are not eligible for permit.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021. **Amended:** Published January 31, 2022; effective March 17, 2022.

610-X-14-.03 Permit By Examination.

(1) The Board shall determine the official examination for medication assistant, certified permits.

(2) Each individual seeking entry into practice as a medication assistant, certified in Alabama shall give official evidence of having met a passing standard on the Board-designated official examination.

(3) Examination performance for each applicant shall be measured as provided by the Board-approved testing service. In the event that examination data are lost or destroyed through circumstances beyond the control of the Board, the applicant shall be required to retake the examination in order to meet requirements for permit.

(4) A Pass-Fail designation shall be recorded as the official result. An applicant who fails the certification examination shall not be approved or receive a permit and is not authorized to practice as a medication assistant, certified in Alabama.

(5) Official results shall be released by the Board to the applicant and the program from which the applicant graduated. Results may be released electronically or by mail at the Board's discretion. The Board shall not otherwise release individual examination results without written authorization from the applicant or licensee.

(6) An applicant who fails the certification examination in another jurisdiction or territory shall not be eligible for licensure by examination in Alabama until eligibility has been established by the original jurisdiction or territory.

(7) Any MAC practicing under the nursing delegation program described in §610-X-7-.11 prior to January 1, 2022 shall be issued a permit to practice as a MAC in the state of Alabama. Such permits shall be valid through December 31, 2023, at which time the permit may be renewed during the renewal period for MACs.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.04 Application Process For Permit By Examination.

(1) The applicant shall submit to the Board a complete electronic application and the required fee(s).

(2) A primary source official school transcript shall be submitted to the Board and shall indicate the date of completion of the program and/or date degree/certificate was conferred:

(3) The Board shall determine the applicant's eligibility to take the certification examination.

(4) If the applicant for permit by examination is issued a permit during the renewal period, the permit shall expire at the end of the next permit period.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.05 Applicant Request For Special Accommodation(s).

(1) An applicant for permit by examination who is otherwise qualified shall not be deprived of the opportunity to take the examination solely by reason of disability.

(2) Written requests for modification of the procedures for administering the examination shall be submitted to the Board at the time of application for certification. The written request shall include:

(a) An evaluation of the disability by the applicant's licensed physician or licensed psychologist, including the DSM IV diagnosis if appropriate.

(b) A statement from the director of the nursing education program addressing any accommodations made during the nursing education program.

(c) The specific accommodation being requested.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.06 Permit By Endorsement.

(1) The applicant for permit by endorsement shall:

(a) Have been duly approved and as a medication assistant, certified (MAC) under the laws of another state or territory and shall meet the requirements for the certification examination.

1. The Board may deny consideration of an applicant who has a revoked certification, approval or permit in another jurisdiction.

2. The Board may deny consideration of an applicant who has a suspended license, approval or permit in another jurisdiction.

(b) Provide for official verification of approval from original state of approval or from a board recognized primary source.

(c) Submit primary source evidence of completion of a medication assistant, certified education program that included theoretical and clinical experience appropriate to the type of program.

(d) Submit a complete electronic application and required fees.

(2) If the applicant for permit by endorsement is issued a permit during the renewal period for that permit type, the permit shall expire at the end of the next permit period.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.07 Renewal Of Permit.

(1) The Alabama medication assistant, certified permit shall be valid for two years beginning January 1 of each even-numbered year and expiring December 31 of each odd-numbered year.

(2) Renewal of Permit

(a) The renewal period shall be from 8:00 a.m. on September 1 to 4:30 p.m. on December 31 of the year the permit expires.

(b) Renewal notices may be transmitted electronically.

(c) To be eligible for renewal, the applicant shall:

1. Hold a valid, active Alabama permit.

2. Submit a completed electronic renewal application and required fee(s).

3. Meet continuing education and/or competency validation requirements as determined by the Board.

(3) An active permit is required to practice as a MAC. The licensee shall have evidence of the active permit available for employer inspection by January 1 of the new permit period.

(4) Failure to receive the renewal application or notice shall not relieve the MAC of the responsibility of renewing the permit by the expiration date.

(5) Any MAC not renewed as of December 31 of the renewal period shall lapse. Any individual who practices with a lapsed permit shall be subject to penalties established under Section 610-X-14-.21 of these rules.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

**610-X-14-.08 Special Provisions For Actively Deployed
Medication Assistant, Certified.**

(1) When an approved MAC who is actively serving in the military is deployed during the biennial renewal period, the permit shall not lapse, provided that the following conditions are met:

(a) The permit was active at the time of deployment.

(b) The licensee provides the Board a copy of the military activation or deployment orders, or other proof of active military service, in advance of deployment.

(c) The license renews the permit within sixty (60) days of return from deployment.

(2) In the event that a licensed MAC fails to notify the Board prior to deployment, the permit shall lapse, if not renewed. However, the permit may be reinstated or renewed without penalty or payment of the reinstatement or late renewal fee(s) under the following conditions:

(a) The permit was active at the time of deployment.

(b) The application for reinstatement or renewal is made while still in the armed services or no later than six months after discharge from active service or return to inactive military status.

(c) A copy of the military activation orders or other proof of active military service accompanies the application.

(d) The renewal fee is paid.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.09 Reinstatement Of A Lapsed Permit.

(1) A lapsed permit may be reinstated upon submission of an electronic completed application and compliance with the following:

(a) Payment of current renewal and reinstatement fees, outstanding fees, and fines.

(b) Successful completion of a background check as determined by the Board.

(c) If the reinstatement of a lapsed permit occurs during the renewal period for that permit type, the expiration of the permit shall be the end of the next permit period.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.10 Notice Requirements.

(1) The applicant or MAC shall notify the Board in writing of any requested name change. Appropriate legal documents shall be submitted prior to changing the name of the licensee on the permit. The legal documents required for a name change are one of the following:

(a) Marriage certificate.

(b) Divorce decree substantiating the name change

(c) Probate court records effecting a legal name change.

(2) The applicant shall notify the Board office in writing of any change in the reported address. The address of record is the last known address provided by the applicant or MAC.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.11 Verification Of Alabama Permit.

(1) The Board obtains primary source verification directly from educational programs or an organization recognized by the United States Department of Education prior to issuing a permit.

(2) Upon receipt of an electronic written request and payment of the required fee, the Board's designee shall provide written verification of an Alabama permit.

(3) The Board provides primary source verification to employers of MACs through an online subscription service and through license/permit look-up services.

(4) Healthcare organizations that employ MACs shall verify permits through the Board website or subscription service

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.12 Fees.

- (1) Fees and fines are non-refundable.
- (2) Fees are valid for 12 months from date of receipt.
- (3) Fees and fines may be paid by electronic means using a credit or debit card, if available. Other means of payment may be cashier's check, business check, money order, or certified check. The board may, at its discretion and subject to established guidelines, require that a single fee be paid by a combination of both electronic and other means.
- (4) Personal checks are only acceptable when the individual applicant or MAC name is imprinted on the check. Personal checks that are not acceptable forms of payment are:
 - (a) Counter checks.
 - (b) Third-party checks.
 - (c) On out-of-state banks.
- (5) Payment, regardless of method, that is not honored by the financial institution may result in disciplinary action and reporting to the appropriate authorities for prosecution.
- (6) The statutory bad check charge applies to any personal check returned by the financial institution for insufficient funds.
- (7) The Board shall set fees and charges annually. At each September meeting of the Board, the previous schedule of fees and charges shall be automatically readopted unless the Board proposes a revised schedule.
- (8) The following schedule of fees and charges apply:
 - (a) Biennial Renewal of MAC permit \$50.00
 - (b) Permit by Examination or Endorsement \$50.00
 - (c) Reinstatement of a lapsed, revoked or suspended permit \$75.00
 - (d) Copies of Records; \$5.00 search fee plus 0.25 per page

(e) Resend Mail Fee: \$25.00

(f) Statutory Bad Check Charge Maximum allowed by law

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.13 Standards And Scope Of Practice.

(1) The Board of Nursing may adopt standards of medication assistant, certified practice and continuing competency.

(2) A Medication Assistant, Certified (MAC) may perform limited medication administration tasks in a licensed healthcare facility (other than a mental health residential community program) or a Board of Nursing-approved health care or educational facility licensed, certified, or operated by this state, only as permitted by this rule.

(a) In order to perform limited medication administration tasks, a MAC must successfully complete a Board-approved education program or a comparable program in another state and hold an active Alabama valid medication assistant, certified permit and certification (MACE).

(3) Medication administered by a MAC in a licensed healthcare facility or a Board of Nursing-approved health care or educational facility licensed, certified, or operated by this state may occur only when all of the following conditions are met:

(a) At least one licensed nurse is on the premises of the facility at the time when the MAC limited medication administration task occurs.

(b) A licensed nurse supervises the limited medication administration task performed by the MAC and is available to intervene as needed.

(c) The limited medication administration tasks the MAC performs are based on the patient's/resident's needs, as documented in the comprehensive and/or focused assessment by the registered nurse or licensed practical nurse and the outcome of a comprehensive assessment determines the medications that may safely be administered by a MAC to the patient/resident.

(d) The MAC shall not perform any duties that require the exercise of independent nursing judgment or intervention. Specific tasks that require independent nursing judgment or

intervention that shall not be administered by the MAC include, but are not limited to:

1. Administration of injectable medications, with the exception of medications by premeasured auto-injectable devices or premeasured syringes for anaphylaxis, vaccinations, and opioid-related drug overdose.
2. Calculation of medication dosages, other than measuring a prescribed amount of liquid medication or breaking a scored tablet.
3. Receipt of verbal or telephone orders from a licensed prescriber.
4. Administration of medications ordered as needed (PRN), except under the direction of a licensed nurse, which direction shall be provided directly for each separate dose of the PRN medication
5. Administration of controlled substances. The MAC shall not have access to stored controlled substances.

(e) Subject to all other limitations imposed by this rule, routes of medication administration for which the MAC may perform limited medication administration tasks may include eye, ear, nose, oral, topical, inhalant, rectal, or vaginal.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021. **Amended:** Published January 31, 2022; effective March 17, 2022.

610-X-14-.14 Conduct And Accountability.

The medication assistant, certified shall:

- (1) Have knowledge and understanding of the laws and rules regulating medication assistants, certified in Alabama.
- (2) Function within the legal scope of medication assistant, certified practice, as defined in this chapter.
- (3) Obtain instruction and supervision from a licensed nurse as necessary, when implementing new or unfamiliar medication administration.
- (4) Be responsible and accountable for the quality of medication administration to patients, based on and limited to scope of education, demonstrated competence, and medication assistant, certified experience.

(5) Accept individual responsibility and accountability for judgments, actions, and competency, remaining current with technology and practicing consistent with facility policies and procedures for limited medication administration by the MAC.

(6) Accept individual responsibility and accountability for recognition and appropriate medication administration action by notifying the licensed nurse immediately following a change in the patient's mental or physical status.

(7) Practice in compliance with current CDC Standard Precautions and Infection Control, including aseptic technique.

(8) Practice without discrimination on the basis of age, race, religion, gender, national origin, sexual orientation, patient diagnosis, or disability.

(9) Respect the dignity and rights of patients and their significant others, including, but not limited to:

(a) Privacy.

(b) Safety.

(c) Protection of confidential information, unless disclosure is required by law.

(d) Freedom from exploitation of physical, mental, sexual, or financial boundaries.

(e) Protection of real and personal property.

(f) Behavior that is therapeutic and places the patient's interests before the medication assistant, certified's interests.

(10) Collaborate with other members of the health care team.

(11) Accept individual responsibility and accountability to avoid personal disruptive behaviors that negatively impact patient care and the nursing profession.

(12) Accept individual responsibility and accountability for timely reporting of illegal, substandard, unethical, unsafe, or incompetent medication assistant practice directly to the Board of Nursing.

(13) Accept individual responsibility and accountability for accurate, complete, and legible documentation related to

(a) Patient care records.

- (b) Health care employment.
- (c) Permit and other credentials.
- (d) Continuing education records.

(14) Documentation of medication administration interventions and responses in an accurate, timely, thorough, and clear manner.

(15) Executing medical regimens according to approved medical protocols and standing orders, including administering limited medications administration prescribed by a legally authorized prescriber and according to facility policies.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.15 Documentation Standards.

(1) The standards for documentation of medication assistants, certified provided to patients by MACs are based on principles of documentation, regardless of the documentation format.

(2) Documentation of nursing care shall be:

(a) Legible.

(b) Accurate.

(c) Complete. Complete documentation includes reporting and documenting on appropriate records a patient's status, including signs and symptoms, responses, treatments, medications, communication of pertinent information to other health team members, and unusual occurrences involving the patient. A signature of the writer, whether electronic or written, is required in order for the documentation to be considered complete.

(d) Timely.

1. Charted at the time or after the care, to include medications. Charting prior to care being provided, including medications, violates principles of documentation.

2. Documentation of medications given that is not in the sequence of the time the care was provided shall be recorded as a "late entry," including a date and time the

late entry was made, as well as the date and time the care was provided.

(e) A mistaken entry in the record by a MAC shall be corrected by a method that does not obliterate, white-out, or destroy the entry.

(f) Corrections to a record by a MAC shall include the name or initials of the individual making the correction.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.16 Medication Administration And Safety.

(1) The medication assist, certified shall have knowledge of limited medication administration and safety, and knowledge of when to report concerns to the supervising licensed staff including but not limited to:

- (a) Drug action.
- (b) Classifications.
- (c) Expected therapeutic benefit of medication.
- (d) Expected monitoring.
- (e) Possible side effects and interventions for same.
- (f) Adverse reactions and interventions for same.
- (g) Emergency interventions for anaphylactic reactions.
- (h) Safety precautions, including but not limited to:
 - 1. Right patient.
 - 2. Right medication.
 - 3. Right time.
 - 4. Right dose.
 - 5. Right route.
 - 6. Right reason.
 - 7. Right documentation.

- (i) Interactions with other drugs, foods, or complementary therapies.
- (2) The MAC shall exhibit skills when administering medications, including but not limited to:
 - (a) Physical ability to open medication packaging and access delivery systems.
 - (b) Read, write, and comprehend English.
 - (c) Read, write, and comprehend scientific phrases relevant to administration of medication.
 - (d) Measuring medication dosages in elixir format.
 - (e) Routes of acceptable administration for the MAC.
 - (f) Proper usage of technical equipment for medication administration.
- (3) Documentation of medication administration shall comply with the principles of documentation and include safety precautions of medication administration, federal and state law, and facility policy.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.17 Patient Care Orders.

- (1) The MAC shall NOT receive handwritten, verbal, or electronic medical orders from a legally authorized prescriber or relayed by another licensed or registered health care professional, or certified medical assistant.
- (2) The MAC shall NOT implement approved medical protocols and standing orders at the direction of a legally authorized prescriber, unless verified by the supervising licensed nurse.
- (3) The MAC shall follow the facility policies and procedures regarding limited medication administration duties.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.18

**Requirements For Competency Assessment Of
Medication Assistant, Certified.**

(1) Competency assessments for each MAC employed by a facility must be conducted upon initial hire and annually thereafter by a licensed nurse. The licensed nurse must maintain records of the initial and annual competency validation on file at the facility. Competency assessments must include a demonstration of each of the following competency areas and standards:

(a) Maintaining confidentiality; does not share confidential information, except when it affects the recipient's care and is shared only to the appropriate person(s).

(b) Complying with a recipient's right to refuse to take medication; Does not force recipients to take medication. Uses appropriate measures to encourage taking of medications when directed for recipients who are not competent.

(c) Maintaining hygiene and current accepted standards for infection control; utilizes appropriate infection control principles when providing medications.

(d) Documenting accurately and completely; accurately documents all medication provided including the name of the medication, dose, route, and time administered and any refusal of medication, and spoilage.

(e) Providing medications according to the seven rights; provides the right medication, to the right person, at the right time, in the right dose, for the right purpose, and by the right route with correct documentation.

(f) Having the ability to understand and follow instructions; comprehends written or oral directions.

(g) Practicing safety in application of medication procedures; properly:

1. Stores and handles all medication in accordance with facility policy.

2. Intervenes when unsafe conditions of the medication indicate a medication should not be provided.

3. Provides medication to recipients in accordance with their age and condition.

4. Records all medication provided or refused.

(h) Having knowledge of abuse and neglect reporting requirements. identifies-occurrences of possible abuse of a vulnerable adult and reports this information to the appropriate supervising licensed nurse and as required by facility policies.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.19 Supervision/Reporting By Licensed Nurses.

(1) The licensed nurse supervising medication administration may, at any time, suspend or withdraw the medication administration assigned to the MAC(s).

(2) The licensed healthcare facility has authorized limited medication administration tasks by MACs and has complied with the requirements of this chapter.

(3) The chief nursing officer or, if no such position exists within the licensed healthcare facility, an Alabama-licensed registered nurse who has oversight responsibility for medication administration in the facility shall:

(a) Develop facility policies and procedures related to limited medication administration tasks to the MAC which define the responsibilities of and required facility training and competency validation for the MAC, congruent with these rules.

(b) Submit, annually or upon request, reports to the Alabama Board of Nursing, in a format specified by the Board, including, but not limited to:

1. Total number of patients/residents served by MACs participating in the limited medication administration program.

2. Total number of MACs that currently participate in the limited medication administration program.

3. Total number of licensed nurses trained in MAC supervision during the reporting year.

4. Total number of medication errors in each category listed below:

(i) Wrong person

(ii) Wrong medication

- (iii) Wrong dose
- (iv) Wrong time/day
- (v) Wrong route
- (vi) Wrong purpose
- (vii) No documentation
- (viii) Identify and implement a quality improvement plan for medication errors.

(c) Provide and document an initial and annual competency validation evaluation of each MAC performing limited medication administration for all routes of administration.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.20 Grounds For Discipline Or Denial Of An Initial Permit.

The Board may deny an application for an initial permit, or upon permitting, reprimand and fine the permit, upon proof that the applicant:

- (1) Has failed to meet any requirement or standard established by law or by rules and regulations adopted by the Board.
- (2) Has engaged in fraud, misrepresentation, deception, or concealment of a material fact in applying for or securing the permit or taking any examination required for the permit.
- (3) Has engaged in a course of conduct that would be grounds for discipline under Rule 610-X-14-.21.
- (4) Has disciplinary action pending or having had a license, registration, or certification for any health-related profession or occupation denied, conditionally issued, fined, reprimanded, censured, restricted, limited, placed on probation, suspended, revoked, voluntarily surrendered, or otherwise encumbered in any state, territory or country.
- (5) Has been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct that would constitute grounds for discipline Alabama under Rule 610-X-4-.21.

(6) Has engaged in conduct that is inconsistent with good moral character.

(a) The decision as to whether the applicant has engaged in conduct that is inconsistent with good moral character is within the discretion of the Board of Nursing.

(b) In determining whether the applicant has engaged in conduct that is inconsistent with good moral character, the Board may consider the applicant's criminal history, pattern of illegal conduct or disregard for the law, or other evidence bearing on the applicant's fitness and capacity for practice as a Medication Assistant, Certified.

(7) Is or has been non-compliant with a monitoring agreement or contract with an alternative to discipline program or order issued in another jurisdiction pertaining to any license, certification, or registration for a health-related profession or occupation.

(8) Is subject to any other ground(s) for discipline or denial of licensure authorized by law.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.21 Grounds For Discipline Of, Denial Of Renewal Of, Or Denial Of Reinstatement Of A Permit.

The Board may deny, reprimand, fine, accept the voluntary surrender of, or revoke any permit issued pursuant to this chapter, upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a permit by:

(a) Filing false, forged or altered documents or credentials, including required continuing education documentation.

(b) Misrepresenting or falsifying facts in applying for an original permit, or renewal, reactivation, or reinstatement of a permit.

(c) Having another person appear for a permit, licensing or certification examination.

(2) Has been convicted of a felony.

(3) Is guilty of a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession.

(a) For purposes of this rule a person is guilty of a crime if the person:

1. Has been convicted of the crime.
2. Regardless of court disposition, has entered a plea of guilty, o contest, nolo contendere, not guilty by reason of insanity, or other similar plea, or has stipulated that a prima facie case exists that would support conviction.

(b) For purposes of this rule, a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession is any crime, whether felony or misdemeanor, that involves:

1. Drugs.
2. Theft.
3. Lewdness or any sexual offense.
4. Abuse.
5. Violence.
6. Fraud.
7. Any other conduct detrimental to the public's health, safety or welfare.

(4) Is unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the Medication Assistant, Certified unsafe or unreliable as a licensee as demonstrated by one or more of the following:

(a) Testing positive for alcohol and/or unauthorized mood- altering drugs.

(b) Misappropriation or diversion of drugs from the workplace for self-use.

(c) Obtaining or attempting to obtain an unauthorized prescription by fraudulent means for self-use.

(d) A pattern of abuse or misuse of habit forming and/or mood-altering drugs or alcohol.

- (e) Impairment while on duty due to alcohol or the use of illegal, unauthorized, or duly authorized mood-altering drugs.
 - (f) Refusal to submit to drug screen.
 - (g) Submission of or attempt to submit a diluted, adulterated, or substituted specimen for drug testing.
 - (h) The use of alcohol or habit forming or mood-altering drugs to such an extent that medical or psychiatric treatment, rehabilitation, or counseling is sought by the Medication Assistant, Certified or is recommended by a legally authorized prescriber.
 - (i) Admitting to a substance use disorder.
- (5) Is unable to safely practice with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition, as demonstrated by one or more of the following:
- (a) Testing positive for alcohol and/or unauthorized mood-altering drugs.
 - (b) Misappropriation or diversion of drugs from the workplace for self-use.
 - (c) Obtaining or attempting to obtain an unauthorized prescription by fraudulent means for self-use.
 - (d) A pattern of abuse or misuse of habit forming and/or mood-altering drugs or alcohol.
 - (e) Impairment while on duty due to alcohol or the use of illegal, unauthorized, or duly authorized mood-altering drugs.
 - (f) Refusal to submit to drug screen.
 - (g) Submission of or attempt to submit a diluted, adulterated, or substituted specimen for drug testing.
 - (h) The use of alcohol or habit forming or mood-altering drugs to such an extent that medical or psychiatric treatment, rehabilitation, or counseling is sought by the licensed nurse or is recommended by a legally authorized prescriber.
 - (i) Admitting to a substance use disorder.

(j) More than one alcohol or drug-related arrest within a five-year period.

(k) A mental or physical condition which renders the Medication Assistant, Certified unable to safely practice with reasonable skill and safety as demonstrated by one or more of the following:

1. Conduct that poses a serious risk of harm to the Medication Assistant, Certified or any other person.
2. Cognitive deficits that render a licensed nurse unable to exercise appropriate nursing judgment.
3. Impairment of functional capacity.
4. Inappropriate or disruptive behavior in the workplace.
5. A judicial finding of incompetence.
6. Any other conduct in the workplace that suggests an inability to safely practice with reasonable skill and safety to patients.

(6) Has been convicted of any violation of a federal or state law relating to controlled substances, including misdemeanor and felony offenses.

(7) Is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health, as demonstrated by one of more of the following:

(a) Failure to practice in accordance with the standards adopted by the Board in Alabama Board of Nursing Administrative Code Chapters 610-X-14.

(b) Practice beyond the scope of the Medication Assistant, Certified's practice, as determined by, but not limited to:

1. Educational preparation.
2. Permit status.
3. State and federal statutes and regulations, including, but not limited to, Chapter 610-X-14 of the Alabama Board of Nursing Administrative Code.
4. State and national standards appropriate to the type of practice.

5. Facility policy.

6. Knowledge, skills and ability to manage risks and potential complications.

7. Required instruction and supervision.

(c) Failure to perform an evaluation of a patient's status.

(d) Failure to implement the plan of care or institute interventions that might be required to stabilize a patient's condition or to prevent complications.

(e) Failure to:

1. Use appropriate judgment.

2. Administer medications and treatments in a responsible manner.

3. Demonstrate competence in administering or carrying out patient care.

4. Document nursing care.

5. Account for controlled substances.

(f) Falsifying, altering, destroying, or attempting to destroy patient, employer or employee records.

(g) Abandoning or neglecting patients.

(h) Failure to respect or safeguard the patient's, or significant other's, dignity, right to privacy, safety, and confidential health information unless disclosure is required by law.

(i) Failure to maintain professional boundaries.

(j) Intentionally or negligently causing or permitting one or more of the following to a patient:

1. Physical abuse.

2. Sexual abuse.

3. Emotional abuse.

4. Verbal abuse.

5. Willful harassment or intimidation.

6. Financial exploitation.

(k) Permitting a dual relationship with a patient to disrupt, delay, or inappropriately influence the care provided to that patient or any other patient.

(l) Exhibiting inappropriate unprofessional or disruptive conduct or behavior in the workplace.

(m) Engaging in fraud, deceit, or misrepresentation in seeking employment, practicing, seeking to practice, or advertising by:

1. Falsification, alteration, or forgery of a permit, identification card, license, or credentials.

2. Falsification or misrepresentation of credentials, permit status, or educational background.

3. Forgery of educational documents.

4. Falsification, misrepresentation, or forgery of employment records.

5. Falsification or misrepresentation of any information on an application for employment.

(n) Intentionally or negligently is representing or falsifying facts in billing a patient or any public or private third-party payor.

(o) Aiding, abetting, directing, or assisting an individual to violate or circumvent any law or rule intended to guide the conduct of a licensed nurse, Medication Assistant, Certified, or any other licensed health care provider.

(p) Personal use of unauthorized or illegal drugs or substances, which includes taking medication prescribed for someone else.

(q) Testing positive for unauthorized or illegal mood-altering drugs or substances.

(r) A pattern of abuse or misuse of habit forming and/or mood- altering drugs or substances or alcohol.

(s) Practicing, attempting to practice, or continuing to practice when the Medication Assistant, Certified is unable to perform with reasonable skill and safety due to the licensed nurse's mental or physical impairment resulting from:

1. Alcohol.

2. Unauthorized, duly authorized, or illegal drugs or substances.

(t) Obtaining or attempting to obtain controlled drugs or substances without direction from a legally authorized prescriber or through fraudulent means.

(u) Furnishing or administering drugs or controlled substances to any person.

(v) Misappropriation, diversion, or attempted misappropriation or diversion, of drugs or substances from the workplace.

(w) Refusal to submit to drug screen.

(x) Appropriating real or personal property of a patient, employer, or any other person or entity; or failing to take precautions to prevent misappropriation of real or personal property of a patient, employer, or any other person or entity.

(y) Failure to report illegal, substandard, unethical, unsafe or incompetent practice or disciplinary action in any state, territory, country, or other jurisdiction.

(z) Having a license, registration, privilege to practice, permit or certification denied, conditionally issued, fined, reprimanded, censured, restricted, limited, placed on probation, suspended, revoked, voluntarily surrendered, or otherwise encumbered in any state, territory, country, or other jurisdiction, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces, for any act or conduct which would constitute grounds for disciplinary action in Alabama.

(aa) Violation of any provision of the Alabama Nurse Practice Act, the Alabama Board of Nursing Administrative Code, or any state or federal law pertaining to matters of health which is likely to deceive, defraud, or injure the public.

(bb) Non-compliance with a monitoring agreement or contract with an alternative to discipline program or order issued in another jurisdiction pertaining to any license, certification, permit or registration for a health-related profession or occupation.

(8) Has willfully or repeatedly violated any of the provisions of the Alabama Nurse Practice Act, by:

(a) Failing to respond to official Board correspondence, including but not limited to:

1. Requests for information.
2. Subpoenas.
3. Notices.

(b) Practicing, seeking to practice, or attempting to practice as a Medication Assistant, Certified without an active permit.

(c) Impersonating an applicant for a permit or license or allowing another person to use the Medication Assistant, Certified's permit.

(d) Continued violation of any statute or rule after notice by the Board.

(e) Failure to comply with any stipulated terms and conditions of any Board order, agreement, or contract.

(9) Having been sentenced to a period of continuous incarceration serving a penal sentence for the commission of a misdemeanor or felony. The disciplinary action shall remain in effect until the board acts upon the application of the licensee for reinstatement of the license.

(10) Payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.

(11) Any other reasons authorized by law.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.22 Investigation.

(1) Upon self-disclosure or receipt of a written complaint alleging that an applicant or a Medication Assistant, Certified has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action in 610-X-14-.20-.21, the Executive Officer shall provide for an investigation by Board staff to determine if there is sufficient evidence to warrant disciplinary proceedings.

(a) The Board shall consider only those complaints which include the following:

1. The name of the applicant or Medication Assistant, Certified.
2. The name and contact information (telephone number, email address, etc.) of the complainant.
3. Specific allegation(s) which, if substantiated through investigation, would constitute violation(s) of the Alabama Nurse Practice Act (Code of Ala. 1975, §34-21-1, et. seq.) or the Alabama Board of Nursing Administrative Code.

(2) When an investigation discloses that disciplinary action is not warranted for the protection of the public health, safety and welfare, the investigative file shall be closed, provided that the matter may be reinvestigated at any time if circumstances so warrant.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.23 Board Action Following Investigation.

The Board or its authorized designee shall have the power to act on the report of the investigation as follows:

(1) Dismiss a complaint with a letter of closure or a letter of admonishment.

(2) Commence disciplinary proceedings through pursuit of informal disposition in accordance with Alabama Board of Nursing Administrative Code Section 610-X-14-.26 or the issuance of an administrative complaint pursuant to Alabama Board of Nursing Administrative Code, Section 610-X-14-.25.

(3) Accept the voluntary surrender of the Medication Assistant, Certified permit.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.24 Administrative Procedure Act.

The Alabama Board of Nursing hereby adopts by reference as its rules Sections 12 through 21 of Chapter 22, Title 41, Code of Ala. 1975, as amended, governing contested cases, appeals, and related

proceedings unless inconsistent with Section 34-21-25 or Chapter 610-X-14.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.25 Formal Disposition Of Contested Cases.

(1) At least twenty days prior to the administrative hearing, an administrative complaint shall be served on the applicant or Medication Assistant, Certified as follows:

(a) Personal service made by any sheriff of the State of Alabama.

(b) If the applicant or Medication Assistant, Certified is out of state, evades service, or cannot be served personally, service shall be made by registered or certified mail to the last known post office mailing address shown on the records of the Board.

(c) If the applicant or Medication Assistant, Certified is represented by an attorney who has filed a notice of appearance with the Board, service shall be made on the attorney personally or by registered or certified mail.

(2) The Board's administrative complaint may be amended without leave of the hearing officer prior to the hearing so long as the amendment is germane to the charge or charges and does not materially alter the nature of any offense charged.

(3) A motion for withdrawal of the administrative complaint may be filed with the Board. The circumstances surrounding the attempt to withdraw the administrative complaint shall be explained by the person who is attempting to withdraw the administrative complaint. A motion for withdrawal of the administrative complaint shall be ruled upon by the hearing officer. No administrative complaint that is well-founded shall be dismissed solely upon the motion of the original complainant.

(4) Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board. Pleadings shall be deemed filed upon actual receipt.

(5) Requests for subpoenas shall be filed with the Board at least ten days prior to the administrative hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server or other entity shall be the responsibility of the party requesting the subpoena. Any expenses incurred relative to subpoenas requested by a Respondent, either

for witnesses or related to production of documents, are the responsibility of the party who requested the issuance of said subpoena.

(6) The administrative hearing shall be conducted by a hearing officer provided by the Board. All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board. Telephonic or other real-time electronic testimony is admissible at the discretion of the hearing officer. Evidence may be taken by deposition at the discretion of the hearing officer.

(7) A continuance may be granted by the Board's designee or, if the Board's designee objects to said continuance, upon the filing of a written motion and affidavit detailing the reasons for the continuance.

(8) The Board may, at its discretion, digitally record or video administrative hearings. The Hearing Officer shall rule upon objections to digital or video recording of an administrative hearing.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.26 Informal Disposition Of Contested Cases.

(1) Complaints or controversies may be considered and resolved by the Board or Board designee through alternative dispute resolution, informal conferences, meetings, or other informal means. Such shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.

(2) Informal dispositions may be made of any contested case by stipulation agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by the Board.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.27 Decisions Of The Board.

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition, the Board may take one or more of the following actions:

(a) Dismiss the administrative complaint in its entirety or any alleged violation in the complaint.

(b) Find the respondent not guilty of any or all of the violations alleged in the administrative complaint.

(c) Find the respondent guilty of any or all of the violations alleged in the administrative complaint. If the Board finds the respondent guilty of one or more of the violations alleged in the administrative complaint, the Board may take one or more of the following disciplinary actions against the respondent:

1. Reprimand the respondent's Medication Assistant, Certified permit.

2. Require the respondent to participate in an educational program.

3. Revoke the respondent's Medication Assistant, Certified permit.

4. Deny approval of the application for a Medication Assistant, Certified permit.

5. Deny renewal or reinstatement of a Medication Assistant, Certified permit.

6. Impose other sanctions or restrictions.

7. Levy a fine not to exceed \$1,000.00 per violation.

(2) The decisions of the Board shall be in writing in the form of an Order, a copy of which shall be mailed or delivered to the respondent or the respondent's attorney.

(3) The decisions of the Board shall be subject to public dissemination, including but not limited to the required reporting of disciplinary actions to all federal data banks.

(4) Judicial review of decisions of the Board may be sought in the Circuit Court of Montgomery County, Montgomery, Alabama. Appeals are to be perfected in accordance with the Alabama Administrative Procedures Act.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.28 Application Following Denial Of A Permit.

(1) Application for a permit following denial of a permit, shall:

(a) Include evidence of rehabilitation, or elimination or resolution of any issues that were identified in the Board's most recent order as reasons for denial of a permit.

(b) Be made according to Chapter 610-X-14.

(2) Board action on applications following denial of a permit may be resolved either informally or through the administrative hearing process.

(3) In considering a subsequent application for a permit, the Board may evaluate factors that include but are not limited to:

(a) The severity of the act(s) or omission(s) which resulted in the denial of the permit.

(b) The conduct of the applicant subsequent to the denial of the permit.

(c) The lapse of time since denial of the permit.

(d) Compliance with any conditions stipulated by the Board as a prerequisite for a subsequent application.

(e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.

(f) Whether the applicant is in violation of any applicable statute or rule.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.29 Reinstatement Of A Revoked Permit.

(1) Application for reinstatement of a revoked permit may be made twelve months after the effective date of revocation unless otherwise specified in Order or Agreement.

(2) Applications for reinstatement of a revoked permit shall include:

- (a) The non-refundable application fee.
- (b) Detailed letter of explanation regarding the circumstances that resulted in the revocation of the permit and actions the applicant has taken to address the issue.
- (c) Documented evidence of any continuing education requirements for reinstatement of a lapsed permit.
- (d) Verification of the status of all health-care related licenses, certifications, permits and registrations from each jurisdiction/entity where a license, certification, permit or registration has ever been issued and certified copies of any disciplinary order(s) issued by any jurisdiction/entity where a license, certification, permit or registration has ever been issued.
- (e) Five (5) affidavits from persons who are not related to the applicant and who have direct knowledge of the circumstances surrounding the revocation of the permit and the actions the applicant has taken to address the issue.
- (f) If the circumstances that resulted in the revocation of the permit involved allegations of substance abuse, substance dependence, or drug diversion, the applicant shall provide:
 - 1. Documented evidence of a comprehensive substance use disorder evaluation and fitness to return to the practice without any Board monitoring, which evaluation shall be conducted by a Board-recognized treatment provider whose program includes a health care professionals tract and completed no more than twelve (12) months prior to the date of the application.
 - 2. Evidence of compliance with all treatment provider recommendations.
 - 3. Complete results of drug screens obtained from participation in a Board-recognized program of random drug testing for a minimum of twelve (12) months immediately prior to the date of the application.
- (g) If the circumstances that resulted in the revocation of the permit involved allegations of physical or mental impairment, the applicant shall provide:
 - 1. Documented evidence of current neuropsychological and physiological evaluations.
 - 2. Compliance with all treatment provider recommendations.

3. A statement from the evaluators that the individual s fit to return to practice without any Board monitoring.

(h) Executed releases authorizing the sharing of information between and communication with all necessary healthcare providers and Board staff.

(i) Submission of results of all required evaluations conducted by a Board acceptable licensed healthcare provider in consultation with Board staff.

(j) If the applicant has any arrest(s) that resulted in pending misdemeanor or felony charges, the applicant shall provide:

1. A detailed letter of explanation regarding the circumstances surrounding the charges.
2. The nature of the charges.
3. The case number.
4. The jurisdiction in which the charges are pending.

(k) If the applicant has any misdemeanor or felony conviction(s) or has (regardless of court disposition) entered a plea of guilt, nolo contendere, no contest, not guilty by reason of insanity, or other similar plea, the applicant shall provide:

1. Certified copies of court records including the Case Action Summary showing the final disposition of the charges.
2. Any written Plea Agreement or Deferred Prosecution Agreement.
3. Documentation of compliance with conditions imposed by the Court.

(l) If the applicant has been administratively discharged from any branch of the armed services with any characterization besides "Honorable" or has been court-martialed, the applicant shall provide a detailed letter of explanation and official documentation of discharge (typically, a D0214 Members 4 copy).

(m) For every period of employment since revocation of the applicant's Alabama nursing license, the applicant shall provide:

1. The name, address, and telephone number of any employer.

2. The name of any supervisor.
3. The dates of employment.
4. Job title.
5. Description of job duties.
6. Reason for leaving said employment.

(3) Applications for reinstatement of a revoked permit are incomplete until all of the information required to be provided pursuant to this rule has been submitted. The Board may not consider incomplete applications.

(4) Applications for reinstatement of a revoked permit may be resolved either informally or through the administrative hearing process.

(5) In considering reinstatement of a revoked permit, the Board may evaluate factors that include but are not limited to:

- (a) Severity of the act(s) that resulted in revocation of the permit.
- (b) Conduct of the applicant subsequent to the revocation of permit.
- (c) Lapse of time since revocation.
- (d) Compliance with all reinstatement requirements stipulated by the Board.
- (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
- (f) Whether the applicant is in violation of any applicable statute or rule.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

610-X-14-.30 Non-Disciplinary Administrative Penalties.

(1) Non-disciplinary administrative penalties not to exceed \$1,000.00 (one-thousand dollars) per violation may be imposed for the following violations of Title 34, Chapter 21 of the Code of Ala. 1975:

(a) Practicing on a lapsed Medication Assistant, Certified permit for a period of time not to exceed 90 calendar days from the date of the lapse.

(b) Failure to submit required documentation within the deadline established by the Board.

(c) Continuing education violations that do not involve fraud or deceit.

(2) If a permit-holder fails to pay the non-disciplinary administrative penalty within 30 days of its assessment, the Board may refer the matter for investigation to determine if formal proceedings should be instituted for the conduct.

(3) A Medication Assistant, Certified shall not qualify for the non-disciplinary administrative penalty referenced above for more than one (1) violation occurring within five (5) years of any prior application of this rule.

(4) Non-disciplinary administrative penalties:

(a) Are not publicly available information;

(b) Are not issued following a formal proceeding;

(c) May not be issued for conduct which is connected to the delivery of healthcare services; and

(d) May not be assessed in conjunction with any other disciplinary action.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2.1.

History: New Rule: Published September 30, 2021; effective November 14, 2021.