**ALABAMA BOARD OF NURSING**
**ADMINISTRATIVE CODE**

**CHAPTER 610-X-8**
**DISCIPLINARY ACTION**

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**610-X-8-.01 Definitions.**

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

(2) Administrative complaint: A legal document which contains notice of the time and place of an administrative hearing; contains a statement of the charges against the applicant; holder of a license, permit, certificate, approval or multistate licensure privilege; continuing education provider; or nursing education program. The administrative complaint complies with the notice provisions for contested cases as set forth in the Alabama Administrative Procedures Act.

(3) Assessment, Comprehensive: the systematic collection and analysis of data including the physical, psychological, social, cultural and spiritual aspects of the patient by the registered nurse for the purpose of judging a patient's health and illness status and actual or potential health needs. Comprehensive assessment includes patient history, physical examination, analysis of the data collected, development of the patient plan of care, implementation and evaluation of the plan of care.

(4) Assessment, Focused: An appraisal of a patient's status and specific complaint through observation and collection of objective and subjective data by the registered nurse or licensed practical nurse. Focused assessment involves identification of normal and abnormal findings, anticipation and recognition of changes or potential changes in patient's health status, and may contribute to a comprehensive assessment performed by the registered nurse.

(5) Board-Acceptable Licensed Healthcare Provider: A licensed healthcare provider who has been accepted, in advance, by Board staff to conduct a required evaluation of a licensee for purposes of reinstatement of a Board-Lapsed license.

(6) Board-Lapsed License, Permit, Certificate or Approval: An Order of the Board that lapses a license, permit, certificate, or approval until identified conditions are met and the license is reinstated by Order of the Board.

(7) Dual Relationship: any time the holder of a license, permit, certificate, approval, or multistate licensure privilege interacts with a patient outside the nurse-patient relationship or the permittee-patient relationship.

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

(9) Letter of Admonishment: A letter from the Board that addresses the areas of concern over the reported conduct and notifies the applicant for or holder of a license, permit, certificate, approval or multistate licensure privilege that the case has been closed without discipline.

(10) Letter of Closure: A letter from the Board that notifies the applicant for or holder of a license ,permit, certificate, approval or multistate licensure privilege that the case has been closed without discipline.

(11) May: power, privilege or right retained by the Board.

(12) May not: prohibition.

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

(14) Probation: The monitored practice of nursing or practice of the holder of a permit, certificate or approval which permits the holder of the license, permit, certificate or approval to continue to practice pursuant to specified conditions as set forth by the Board.

(15) Professional Boundary: behavior of the holder of a license, permit, certificate, approval, or multistate licensure privilege in maintaining a therapeutic relationship with a patient for the patient's benefit rather than behavior that lessens the patient's care and shifts the focus to the holder of the license, permit, certificate, approval or multistate licensure privilege.

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

(17) Revocation: The withdrawal of the license, permit, certificate, approval or multistate licensure privilege by Board action.

(18) Shall: duty, requirement, or condition precedent.

(19) Suspension: The temporary withdrawal of the license, permit, certificate or approval by Board action.

(20) Voluntary Surrender: The voluntary relinquishment of a license, permit, certificate, approval or multistate licensure privilege that has the force and effect of revocation.

(21) Willful: Commission of an act or omission when the applicant for or holder of a license, permit, certificate, approval, or multistate licensure privilege knows or reasonably should know that the act or omission violates the Nurse Practice Act.

(22) Adverse Action: Any administrative, civil, equitable, or criminal action permitted by the law of state which is imposed by a licensing board or other authority against the holder of a license, permit, certificate, approval, or multistate licensure privilege, including actions against the license or multistate privilege of an individual, including revocation, suspension, probation, monitoring of , limitation on the practice of , the bringing of a cease and desist action against , or any other encumbrance on a license, permit, certificate, approval or multistate licensure privilege affecting the authorization of a individual to practice.

(23) Current Significant Investigative Information: Any of the following:

(a) Investigative information that the Board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(b) Investigative information indicating that nurse presents an immediate threat to public health and safety, regardless of whether the nurse has been notified and has had an opportunity respond.

(24) Coordinated Licensure Information System: An integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

**Author:** Alabama Board of Nursing
**Statutory Authority:** Code of Ala. 1975, §§34-21-2(j)(1), 34-21-25.
**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Amended:** Filed July 22, 2005; effective August 26, 2005. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed August 19, 2011; effective September 23, 2011. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

## 610-X-8-.02 Grounds For Discipline Or Denial Of An Initial License, Permit, Certificate or Approval.

The Board may, upon licensure, reprimand, fine, place on probation with conditions for continued practice, suspend, require the evaluation of, impose continuing education requirements upon, and/or otherwise discipline the holder of any license, permit, certificate or approval issued by it, or multistate privilege to practice in Alabama, or deny the application for an initial license, permit, certificate or approval, upon proof that the person:

(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 licensure or taking any examination required for licensure.

(3) Has engaged in a course of conduct that would be grounds for discipline under Rule 610-X-8-.03.

(4) Has disciplinary action pending or has had a license, permit, registration, certificate, or approval for any health-related profession 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-8-.03.

(6) For applicants for a RN or LPN license, 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.

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 licensed nurse.

(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, permit, certificate, approval or registration for a health-related profession.

(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, §§34-21-21, 34-21-25.
**History:** Filed September 29, 1982. **Amended:** Filed March 23, 1984; effective April 27, 1984. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed March 18, 2019; effective May 2, 2019. **Amended:** Published July 31, 2024; effective September 14, 2024.

## 610-X-8-.03 Grounds For Discipline Of, Denial Of Renewal Of, Or Denial Of Reinstatement Of A License, Permit, Certificate, Approval Or Multistate Licensure Privilege.

The Board may deny the renewal or reinstatement application of, reprimand, fine, place on probation with conditions for continued practice, suspend, require the evaluation of, impose continuing education requirements upon, revoke and/ or otherwise discipline the holder of any license, permit, approval, certificate, or multistate privilege to practice in Alabama, upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license, multistate licensure privilege, or certificate of qualification to engage in advanced practice nursing by:

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

(b) Misrepresenting or falsifying facts in applying for initial, renewal, or reinstatement of a license, permit, certificate, or approval.

(c) Having another person appear for a licensing, permitting, 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, no 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 an extent as to

render the individual unsafe or unreliable 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.

(5) Is unable to safely practice nursing 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 individual unable to safely practice nursing 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 individual or any other person.

2. Cognitive deficits that render the individual 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 nursing 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) Pertaining to an applicant for or holder of a license, certificate, or approval, to practice nursing or a multistate privilege to practice, 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 nursing in accordance with the standards adopted by the Board in Alabama Board of Nursing Administrative Code Chapters 610-X-5, 610-X-6, 610-X-7, or 610-X-9.

(b) Practice beyond the scope of the individual licensed nurse’s practice, as determined by, but not limited to:

1. Educational preparation.

2. License status.

3. Advanced practice approval.

4. Collaborative practice agreements.

5. State and federal statutes and regulations.

6. State and national standards appropriate to the type of practice.

7. Nursing experience.

8. Standardized procedures.

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

10. Required instruction and supervision.

(c) Failure to perform an assessment or 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 nursing 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 nursing 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 temporary permit, identification card, license, advanced practice approval, or credentials.

2. Falsification or misrepresentation of credentials, licensure status, advanced practice approval, collaborative practice 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 misrepresenting 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 or any other licensed health care provider.

(p) Failure to ensure verification of current Alabama temporary permit, licensure, and credentials of nursing personnel for whom the licensed nurse is administratively responsible.

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

(r) Testing positive for unauthorized or illegal mood-altering drugs or substances or submitting or attempting to submit a diluted, adulterated, or substituted specimen for drug testing.

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

(t) Practicing, attempting to practice, or continuing to practice when the licensed nurse 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.

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

(v) Furnishing or administering drugs or controlled substances to any person, without direction from a legally authorized prescriber.

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

(x) Refusal to submit to drug screen.

(y) 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.

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

(aa) Having a license, permit, registration, privilege to practice, approval 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.

(bb) Any act or omission which would constitute grounds for denial or termination of qualification to engage in advanced practice nursing.

(cc) 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.

(dd) 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, or registration for a health- related profession.

(8) Has willfully or repeatedly violated any of the provisions of Article 2 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.

4. Annual Reports for nursing education, standardized procedures, and report of employing agencies.

(b) Practicing, seeking to practice, or attempting to practice professional nursing, practical nursing, advanced practice nursing, medication assistant certified practice, or nursing support technician certified practice without an active license, permit, certificate, temporary permit, or approval.

(c) Impersonating an applicant for or holder of a license, permit, certificate, approval or multistate licensure privilege or permitting or allowing another person to use the individual’s license, permit, certificate, approval or multistate licensure privilege.

(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) Failure of an individual who possesses a license, permit, approval, certificate, or multistate licensure privilege to practice in Alabama and who provides continuing education to comply with continuing education rules.

(11) Failure to repay scholarship funds awarded by the Board for graduate study.

(12) 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.

(13) Violation of Code of Ala. 1975, §34-21-86, which addresses prescribing practices for certified registered nurse practitioners or certified nurse midwives or any adverse action against a Drug Enforcement Administration certificate or certificate of qualification issued pursuant to Article 11 of the Alabama Uniform Controlled Substances Act.

(14) Pertaining to an applicant for or holder of a Medication Assistant, Certified permit or a Nursing Support Technician, Certified permit, 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 for Medication Assistant, Certified, or Alabama Board of Nursing Administrative Code Chapter 610-X-17 for Nursing Support Technician, Certified.

(b) Practice beyond the scope of the Medication Assistant, Certified's or Nursing Support Technician, 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, if administering medications and treatments is within the scope of practice of the permit.

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

4. Document patient 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 or submitting or attempting to submit a diluted, adulterated, or substituted specimen for drug testing.

(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.

(15) Any other reasons authorized by law.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Ala. 1975, §§34-21-2(j)(1), 34-21-25, 34-21-86.

**History:** Filed September 29, 1982. **Amended:** Filed February 17, 1984; effective March 24, 1985. **Amended:** Filed September 29, 1989; effective November 4, 1989. **Amended:** Filed February 15, 1991; effective March 22, 1991. **Amended:** Filed February 5, 1998; effective March 12, 1998. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Amended:** Filed July 22, 2005; effective August 26, 2005. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed March 18, 2019; effective May 2, 2019. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

**610-X-8-.04 Investigation.**

(1) Upon self-disclosure or receipt of a written complaint alleging that an applicant for or holder of any license, permit, certificate or approval issued by the Board or a holder of multistate licensure privilege has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, 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 for or holder of a license, permit, approval, certificate, or multistate licensure privilege.

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.

(a) When the holder of a multistate license changes his or her primary state of residence during the course of an investigation, the investigation shall continue. The board may take any appropriate actions and shall report the conclusions of the investigation to the administrator of the coordinated

licensure information system, which shall promptly notify the new home state of any actions.

(b) The board shall notify the coordinated licensure information system of any current significant investigative information. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

**Author:** Alabama Board of Nursing
**Statutory Authority:** Code of Ala. 1975, §§34-21-2(j)(1), 34-21-25.
**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 20, 2018; effective September 3, 2018. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

## 610-X-8-.05 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-8-.08 or the issuance of an administrative complaint pursuant to Alabama Board of Nursing Administrative Code, Section 610-X-8-.07.

(3) Accept voluntary surrender of a license, permit, certificate, approval, or multistate licensure privilege to practice nursing in Alabama.

**Author:** Alabama Board of Nursing
**Statutory Authority:** Code of Ala. 1975, §§34-21-2(j)(1), 34-21-25.
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**610-X-8-.06 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-8.
**Author:** Alabama Board of Nursing
**Statutory Authority:** Code of Ala. 1975, §41-22-9.
**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014.

**610-X-8-.07 Formal Disposition Of Contested Cases.**

(1) At least twenty days prior to the administrative hearing, an administrative complaint shall be served on the applicant for or holder of the license, permit, approval, certificate, or multistate licensure privilege, continuing education provider, or nursing education program as follows:

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

If the applicant for or or holder of the license, permit, approval, certificate, or multistate licensure privilege, continuing education provider, or nursing education program 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.

(b) If the applicant for or holder of the license, permit, approval, certificate, or multistate licensure privilege, continuing education provider, or nursing education program is represented by an attorney who has filed a notice of appearance with the Board and has agreed to accept service for their client, 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(j)(1)(7)(8)(16), 34-21-25, 41-22-12, 41-22-14, 41-22-12(e).
**History:** **New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

**610-X-8-.08 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(j)(1), 41-22-12(e).
**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014.

**610-X-8-.09 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 license, permit, approval, certificate, or multistate licensure privilege.

2. Place on probation with conditions for continued practice the respondent’s license, permit, approval, certificate, or multistate licensure privilege.

3. Require the respondent to participate in continuing education programs.

4. Suspend the respondent's license, permit, certificate, approval, or multistate licensure privilege.

5. Revoke the respondent’s license, permit, certificate, approval, or multistate licensure privilege.

6. Order the respondent to undergo an evaluation.

7. Lapse the respondent's license, permit, approval, certificate, or multistate licensure privilege by Order of the Board.

8. Deny approval of the applicant to take the license, permit, or certification examination, deny approval of the applicant for a license, permit, certificate, or approval by endorsement, deny the application for multistate licensure, or deny the application for a certificate of qualification to engage in advanced practice nursing or approval of a collaborative practice.

9. Deny renewal or reinstatement of a license, permit, certificate, or approval.

10. Impose other sanctions or restrictions.

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

12. Withdraw approval of a nursing education program.

13. Deny approval of a nursing education program.

14. Continue approval of a nursing education program for a specified period.

15. Direct a nursing program administrator to notify students in writing of the Board's decision.

16. Issue a cease and desist order on or impose an encumbrance on the multistate licensure privilege.

17. If the Board takes adverse action against a multistate license, the Board's order shall also include a statement that the multistate licensure privilege of the nurse is deactivated in all party states during the pendency of the order.

(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 databanks.

(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, §34-21-25, 34-21-2 (j)(1)(4)(5).
**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed August 19, 2011; effective September 23, 2011. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

## 610-X-8-.10 Application Following Denial Of Application For License, Permit, Certificate, Or Approval.

(1) Application for a license, permit, certificate, or approval following denial of the license, permit, certificate, or approval, 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 licensure or certificate.

(b) Be made according to Chapter 610-X-4, 610-X-14, and 610-X-17.

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

(3) In considering a subsequent application, 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 application.

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

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

(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(j)(1), 34-21-25.

**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

**610-X-8-.11 Reinstatement Of A Revoked License, Multistate Licensure Privilege, Permit, Certificate Or Approval.**

(1) Application for reinstatement of a revoked license, permit, approval, or certificate may be made twelve (12) months after the effective date of the revocation unless otherwise specified in the Order.

(2) Applications for reinstatement of a revoked license, permit, certificate, or approval shall include:

(a) The non-refundable application fee.

(b) Detailed letter of explanation regarding the circumstances that resulted in the revocation of the license, permit, certificate, or approval and actions the applicant has taken to address the issue.

(c) Documented evidence of continuing education requirements for reinstatement of a lapsed license, permit, certificate, or approval.

(d) Verification of the status of all health-care related licenses, permits, certificates, approvals, and registrations from each jurisdiction/entity where a license, permit, certificate, approval, or registration has ever been issued and certified copies of any disciplinary order(s) issued by any jurisdiction/entity where a license, permit, certificate, approval, or registration has ever been issued.

(e) Three (3) affidavits from persons who are not related to the applicant and who have direct knowledge of the circumstances surrounding the revocation of the license, permit, certificate or approval and the actions the applicant has taken to address the issue.

(f) If the applicant’s license, permit, certificate, or approval was revoked while the applicant’s license, permit, certificate, or approval was on probation or suspended, the applicant shall provide documented evidence regarding efforts to comply with any previously stipulated terms of a Board Order. Any unpaid fine, pursuant to a previous Order of the

Alabama Board of Nursing, must be paid prior to approval of the application by the Board.

(g) If the circumstances that resulted in the revocation of the license, permit, certificate, or approval involved allegations of substance abuse, substance dependence, or drug diversion, or if the license was revoked while encumbered by an order or agreement containing substance use disorder stipulations (i.e. evaluation, treatment, aftercare, etc.), the applicant shall provide:

1. Complete results of drug screens obtained from participation in a Board-recognized program of random drug testing for a minimum of six (6) months immediately prior to the date of the application and documented evidence of a comprehensive substance use disorder evaluation and fitness to return to the practice of nursing conducted by a Board-recognized treatment provider whose program includes a health care professionals' track and completed no more than twelve (12) months prior to the date of the application. The provider must indicate support for the applicant's return to the practice of nursing.

2. If the applicant meets the criteria established in paragraph (g), but the applicant has been monitored by another nursing regulatory authority for conduct that is the same, or significantly similar to, the conduct resulting in the applicant's revocation of their Alabama license, permit, certificate, or approval, and the applicant successfully completed all requirements of said monitoring program, the applicant may:

a) submit a copy of the Order from the other nursing regulatory authority and official notification of successful completion.

(i) Upon review, the Alabama Board of Nursing may deem the application complete without the requirement of paragraph (g)(1) above.

(h) If the circumstances that resulted in the revocation of the license, permit, certificate, or approval do not meet the requirements of (g), but the license, permit, certificate or approval was revoked while encumbered by an order requiring a program of random drug screening, the applicant shall provide complete results of drug screens obtained from participation in a Board-recognized program of random drug testing for a minimum of three (3) months immediately prior to the date of the application.

(i) If the circumstances that resulted in the revocation of the license, permit, certificate, or approval 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 is fit to return to the practice of nursing.

(j) Executed releases authorizing the sharing of information between and communication with all necessary mental health providers, substance use disorder treatment providers, healthcare providers, and Board staff.

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

(l) 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.

(m) 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, other similar plea, or stipulated to a prima facie case, 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.

(n) 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 DD214 Members 4 copy).

(o) For every period of employment since revocation of the applicant's Alabama license, permit, certificate, or approval, 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 license, permit, certificate, or approval are incomplete until all of the information required to be provided pursuant to this rule has been submitted. The Board shall not consider incomplete applications.

(4) Applications for reinstatement of a revoked license, permit, certificate, or approval may be resolved through informal disposition or through the administrative hearing process.

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

(a) Severity of the act(s) that resulted in revocation of the license.

(b) Conduct of the applicant subsequent to the revocation of license.

(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 or evaluations provided directly to the Board from qualified individuals.

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

(6) Any applicant for reinstatement of a revoked multistate licensure privilege must first demonstrate an active, unencumbered license in his or her home state. The Board may, in its discretion, require the applicant for reinstatement of a revoked multistate licensure privilege, to comply with the requirements of this section.

**Author:** Alabama Board of Nursing
**Statutory Authority:** Code of Ala. 1975, §34-21-25(g).
**History:** Filed September 29, 1982. **Repealed and New Rule:** Filed January 29, 2002; effective March 5, 2002. **Amended:** Filed July 22, 2005; effective August 26, 2005. **Repealed and New Rule:** Filed May 21, 2010; effective June 25, 2010. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.

## 610-X-8-.12 Reinstatement Of A Board Lapsed License, Permit, Certificate Or Approval.

(1) Application for reinstatement of a board-1apsed license, permit, certificate or approval may be made at any time after the effective date of the Order that resulted in the Board-Lapsed license, permit, certificate or approval, unless otherwise specified in the Order.

(2) Applications for reinstatement of a board-1apsed license, permit, certificate or approval shall include:

(a) The non-refundable reinstatement fee for reinstatement of the lapsed license, permit, certificate or approval.

(b) A completed application for reinstatement of board-1apsed license, permit, certificate or approval.

(c) Documented evidence of continuing education requirements for reinstatement of a lapsed license, permit, certificate or approval.

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

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

(f) Submission of all documentation in support of any affirmative responses to regulatory questions on the application.

(g) Submission of official verification of licensure from each jurisdiction where the applicant holds or has ever held a nursing or health-related license, permit, certificate or approval.

(3) Completed applications for reinstatement of a board-1apsed license, permit, certificate or approval shall be adjudicated through either informal disposition or formal disposition of a contested case. A Board- Lapsed license may only be reinstated by Order of the Board.

(4) If the Board determines that the conditions identified in the Board-Lapsed Order have been satisfied, the Board may, in its discretion, reinstate the license, permit, certificate or approval upon such terms and conditions as it deems appropriate.

(a) If the Board-Lapsed Order stayed the licensee's or holder of a certificate of qualification to engage in advanced practice nursing's Voluntary Disciplinary Alternative Program Agreement, the Board may, in its discretion, permit the licensee or holder of the certificate of qualification to engage in advanced practice nursing to complete the terms of the Voluntary Disciplinary Alternative Program Agreement, despite the prior imposition of the Board-Lapsed Order.

(b) If the Board-Lapsed Order stayed the probation of a licensee or holder of a permit, certificate or approval probation, the Board's order shall, at a minimum, require the licensee or holder of the permit, certificate or approval to be reinstated on probation, under such terms and conditions as it deems appropriate.

**Author:** Alabama Board of Nursing
**Statutory Authority:** Code of Ala. 1975, §§34-21-2, 34-21-24(a).
**History: Amended: New Rule:** Filed August 19, 2011; effective September 23, 2011. **Amended:** Filed June 24, 2014; effective July 29, 2014. **Amended:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.

**610-X-8-.13 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 Alabama:

(a) Practicing on a lapsed registered nurse license, licensed practical nurse license, medication assistant, certified permit or nursing support technician certified permit for a period of time not to exceed 90 calendar days from the date of the lapse.

(b) Practicing as an advanced practice nurse with a lapsed certificate of qualification for a period of time not to exceed 90 calendar days from the date of the lapse.

(c) Other practice without Board approval for a period of time not to exceed 90 calendar days from the date of loss of approval.

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

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

(2) If a licensee or holder of a permit, certificate or approval 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 licensee or holder of a permit, certificate or approval 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, 34-21-24(a).
**History: New Rule:** Filed July 26, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published July 31, 2024; effective September 14, 2024.