

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 610
Department or Agency: Alabama Board of Nursing
Rule No.: 610-X-4-.04
Rule Title: Application Process For Licensure By Examination
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: [Handwritten Signature]
Date: 7/20/2023

REC'D & FILED

JUL 20 2023

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 610-X-4-.04 Application Process For Licensure By
Examination

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
Amend

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

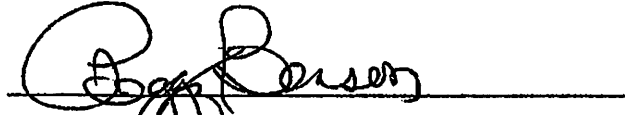
The Board proposes to amend the rule to reduce the fee for a temporary permit to practice nursing by 50% and consolidate the temporary permit fee within the licensure application fee. Upon implementation, the Board will issue temporary permits to all first-time applicants. As a reduction in regulatory burden and an effort to expand access to care for Alabamians and promote the public health, the proposal is excepted from the provisions of Executive Order 735.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, September 4, 2023

CONTACT PERSON AT AGENCY:

Peggy Sellers Benson



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Application Process For Licensure By Examination.

- (1) The applicant shall submit to the Board an electronic completed application and the required fee(s).
- (2) The applicant for multistate licensure shall provide evidence of legal residence in Alabama. This evidence may include, but is not limited to, a current:
 - (a) driver's license with a home address;
 - (b) voter registration card with a home address;
 - (c) federal income tax return with a primary state of residence declaration;
 - (d) military form no. 2058 (state of legal residence certificate); or
 - (e) W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.
- (3) 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.
- (4) Multistate applicants shall be referred to a local approved agency where fingerprint or other biometric-based information is collected for state and federal criminal background checks. The state and federal results are transmitted to the Board. The Board will participate in the Federal Bureau of Investigation Rap Back system, or an entity performing a similar function, if available.
- (5) The Board shall determine the applicant's eligibility to take the licensing examination.
- (6) If the applicant for licensure by examination is issued a license during the renewal period for that license type, the license shall expire at the end of the next license period.
- (7) Following a determination by Board staff that the first-time applicant for licensure by examination is eligible, the Board shall issue A first-time applicant for licensure by examination may request a nonrenewable temporary permit to practice nursing.
 - (a) The temporary permit is valid for a period of time determined by the Board.

(b) The temporary permit allows the applicant for licensure by examination to practice and use the title Nursing Graduate-PN Program (NG-PNP) or Nursing Graduate-RN Program (NG-RNP), as appropriate, subject to the following stipulations.

1. The Nursing Graduate must function under direct supervision of a currently licensed registered nurse.
2. The Nursing Graduate shall not assume nor be assigned charge responsibilities.
3. Nursing Graduates holding temporary permits shall practice only in Alabama.
4. A temporary permit issued by a party state other than Alabama does not grant the holder a multistate licensure privilege.

(c) A temporary permit issued by the Board to an applicant for licensure by examination shall immediately become null and void if one of the following conditions is met:

1. The applicant fails the licensing examination.
2. The expiration date on the permit is reached.
3. A license is issued.
4. The applicant is denied licensure.

(d) The applicant who receives a temporary permit is required to:

1. Provide every employer evidence of the temporary permit for visual inspection.
2. Provide to an employer validation of a current license upon receipt of the official license notice.
3. Inform the employer of denial of licensure.
4. Immediately inform the employer of failure of the licensing examination.

(e) The Board shall issue notice of denial of licensure. Receipt of notice is presumed within five calendar days of mailing.

(f) An applicant who is ineligible for or is denied a multistate license may be eligible for single state licensure, at the discretion of the Board.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §§34-21-21, 34-21-22.

History: Filed September 29, 1982. **Amended:** Filed February 1, 1994; effective March 8, 1994. **Repealed and New Rule:** Filed May 29, 2001; effective July 3, 2001. **Repealed and New Rule:** Filed September 29, 2004; effective November 1, 2004. **Amended:** Filed November 26, 2007; effective December 31, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed April 22, 2016; effective June 6, 2016. **Amended:** Filed November 21, 2016; effective January 5, 2017. **Amended:** Filed July 25, 2019; effective September 9, 2019; operative January 1, 2020. **Amended:** Published November 29, 2019; effective January 13, 2020.

~~**Ed. Note:** Rule 610-X-4-.03 was renumbered to 610-X-4-.04 as per certification filed November 26, 2007.~~