

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 610
Department or Agency: Alabama Board of Nursing
Rule No.: 610-X-4-.09
Rule Title: Special Provisions For Actively Deployed Licensed Nurses
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.

Certificate of Authority of 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 Peggy Benson, Executive Officer REC'D & FILED SEP 20, 2023

Date Wednesday, September 20, 2023 LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: 610-X-4-.09 Special Provisions For Actively Deployed
Licensed Nurses

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board of Nursing proposes amending the rule related to accommodations for actively deployed licensees to conform to existing statute.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted until 4:30 p.m. on Friday, November 3, 2023 via Peggy.Benson@abn.alabama.gov or (334)293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, November 3, 2023

CONTACT PERSON AT AGENCY:

Peggy Benson, Executive Officer

*Peggy Benson, Executive
Officer*

Peggy Benson, Executive Officer

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

**Special Provisions For Actively Deployed
Licensed Nurses.**

(1) When a licensed nurse who is actively serving in the military is deployed during the biennial renewal period, the license shall not lapse, provided that the following conditions are met:

- (a) The license 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 licensee renews the license ~~within sixty (60) days~~no later than December 31 of the next year following return from deployment.

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

- (a) The license 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.
- (e) If the required continuing education contact hours were not earned for renewal during the earning period, the licensed nurse shall be required to complete the required continuing education hours needed for renewal no later than six months after discharge from active service, return to inactive military status, or return from deployment.

(3) The continuing education contact hours used for renewal may not be used for the next license renewal.

(4) The continuing education contact hours for the next license renewal may not be prorated.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §[31-12A-4](#); [§34-21-2\(j\)](#)
[\(1\)](#); [34-21-23](#)~~4-21-23(f)~~.

History: New Rule: Filed September 29, 2004; effective
November 1, 2004. **Amended:** Filed November 21, 2016; effective
January 5, 2017.