

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 610
Department or Agency: Alabama Board of Nursing
Rule No.: 610-X-4-.05
Rule Title: Applicant Request For Special Accommodation(s)
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: 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

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-.05 Applicant Request For Special  
Accommodation(s)

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Nursing proposes to amend the rule relating to requests for accommodations to reflect the current edition of the DSM.

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)

**Applicant Request For Special Accommodation(s)**.

(1) An applicant for licensure 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 licensure. 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 from the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), 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)~~(j)(6); Title II of the Americans with Disabilities Act.

**History:** Filed September 29, 1982. **Amended:** Filed September 18, 1985; effective October 24, 1985. **Amended:** Filed June 22, 1990; effective July 30, 1990. **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 November 21, 2016; effective January 5, 2017.