

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 610
Department or Agency: Alabama Board of Nursing
Rule No.: 610-X-8-.11
Rule Title: Reinstatement Of A Revoked License, Multistate Licensure Privilege, Permit, Certificate Or Approval
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? Yes

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

Peggy Benson
Peggy Benson, AL

REC'D & FILED

Date

Friday, May 23, 2025

MAY 28, 2025

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: 610-X-8-.11 Reinstatement Of A Revoked License,  
Multistate Licensure Privilege, Permit, Certificate Or  
Approval

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board of Nursing proposes to amend the rule related to reinstatement of revoked licenses, permits, and practice privileges to reflect regulatory best practices.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments may be directed to Peggy.Benson@abn.alabama.gov or Alabama Board of Nursing, Attention: Peggy Benson, P.O. Box 303900, Montgomery, AL 36130-1011, and will be accepted through 4:30 p.m. on Monday, August 4, 2025.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Peggy Benson

*Peggy Benson*

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Peggy Benson, AL

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

**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 ~~or Agreement~~.

(2) Applications for reinstatement of a revoked license, permit, certificate, , or ~~approval~~ 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 ~~heath~~ health-care related licenses, permits, ~~certificate~~ 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) ~~Five (5)~~ 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 ~~was~~ suspended, the applicant shall provide documented evidence regarding efforts to comply with any previously stipulated terms of a Board Order ~~or agreement~~. 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 ~~requiring a~~

~~program of random drug screening~~ or agreement containing substance use disorder stipulations (i.e. evaluation, treatment, aftercare, etc.), the applicant shall provide:

1. ~~Documented~~ 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.

~~42. Evidence of compliance with all treatment provider recommendations~~ 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.

~~3. Complete~~ (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 ~~twelve (12)~~ three (3) months immediately prior to the date of the application.

~~(h)~~ (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.

~~(i)~~ (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.

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

~~(k)~~ (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.

~~(l)~~ (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, ~~or~~

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.

~~(m)~~ (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).

~~(n)~~(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 ~~may~~shall not consider incomplete applications.

(4) Applications for reinstatement of a revoked license, permit, certificate, or approval may be resolved ~~either informally~~ 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 ~~who have professional knowledge of the applicant~~.

(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~~(j)~~(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 \_\_\_\_\_ ; effective \_\_\_\_\_ .