

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 540

Department or Agency: ALABAMA BOARD OF MEDICAL EXAMINERS

Rule No.: 540-X-8-.01

Rule Title: Definitions

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

William M. Perkins
William M Perkins

Date

Friday, September 19, 2025

REC'D & FILED
SEP 19, 2025
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-8-.01 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend the definition of "Joint Committee of the Board of Nursing and the State Board of Medical Examiners for Advanced Practice Nurses" pursuant to Act 2025-378. This amendment meets the "protection of public health" exemption from the moratorium on rule amendments contained in Governor Ivey's Executive Order No. 735, Reducing "Red Tape" on Citizens and Businesses.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Effie Hawthorne, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or email (publiccomment@albme.gov), until and including November 4, 2025. Persons wishing to submit data, views, or comments in person should contact Effie Hawthorne by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website: www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, November 4, 2025

CONTACT PERSON AT AGENCY:

Effie Hawthorne

William M. Perkins

William M Perkins

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

The following definitions will apply to these rules:

(1) BOARD OF MEDICAL EXAMINERS. The State Board Of Medical Examiners established pursuant to Code of Ala. 1975, §34-24-53.

(2) BOARD OF NURSING. The Board of Nursing established under Code of Ala. 1975, §34-21-2.

(3) ADVANCED PRACTICE NURSE. A registered nurse who has gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurse for advanced practice roles and has been approved by the Board of Nursing to engage in the practice of advanced practice nursing. Two categories of advanced practice nurses are subject to the requirements of collaborative practice:

(a) Certified registered nurse practitioners (CRNP)

(b) Certified nurse midwives (CNM)

(4) ADVANCED PRACTICE NURSING - COLLABORATIVE PRACTICE. The delivery of health care services by registered nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurses for advanced practice roles as certified registered nurse practitioners or certified nurse midwives:

(a) Practice as a certified registered nurse practitioner (CRNP) is the performance of nursing skills by a registered nurse who has demonstrated by certification advanced knowledge and skills in the delivery of nursing services within a health care system that provides for consultation, collaborative management or referral as indicated by the health status of the client.

(b) Practice as a certified nurse midwife (CNM) is the performance of nursing skills by a registered nurse who has demonstrated by certification advanced knowledge and skills relative to the management of women's health care focusing on pregnancy, childbirth, the post-partum period, care of the newborn, family planning and gynecological needs of women, within a health care system that provides for consultation, collaborative management or referral as indicated by the health status of the client.

(5) COLLABORATION. A formal relationship between one or more certified registered nurse practitioners or certified nurse midwives and a physician or physicians under which these nurses

may engage in advanced practice nursing as evidenced by written protocols approved according to the requirements of Code of Ala. 1975, §§34-21-80, et. seq. or exempted according to requirements of this statute. The term collaboration does not require direct, on-site supervision of the activities of a certified registered nurse practitioner or a certified nurse midwife by the collaborating physician. The term does require such medical oversight and direction as required by the rules and regulations of the Board of Nursing and the State Board of Medical Examiners.

(6) PHYSICIAN OR COLLABORATING PHYSICIAN. A doctor of medicine or a doctor of osteopathy licensed to practice medicine in Alabama who agrees in writing to practice in collaboration with one or more certified registered nurse practitioners or certified nurse midwives according to the rules and regulations adopted by the Board of Nursing and the State Board of Medical Examiners.

(7) JOINT COMMITTEE OF THE BOARD OF NURSING AND THE STATE BOARD OF MEDICAL EXAMINERS FOR ADVANCED PRACTICE NURSES. The Joint Committee of the Board of Nursing and the State Board of Medical Examiners for Advanced Practice Nurses is a committee composed of the following, pursuant to Code of Ala. 1975, §34-21-80 et seq.

(a) Two physicians licensed to practice medicine in ~~the State of Alabama~~this state;

(b) ~~One registered nurse licensed to practice professional nursing in the State of Alabama;~~

~~(c)~~ One licensed physician engaged in collaborative practice with a certified registered nurse practitioner or a certified nurse midwife in ~~the State of Alabama~~this state;

~~(d) One~~(c) Two certified registered nurse ~~practitioner~~practitioners engaged in ~~advanced~~an active collaborative practice ~~nursing~~ with a physician in ~~the State of Alabama~~this state; and

(e) One certified nurse midwife engaged in ~~advanced~~an active collaborative practice with a physician in ~~the State of Alabama~~this state.

(8) LEGEND DRUG. Any drug, medicine, chemical or poison bearing on the label the words, "Caution, federal law prohibits dispensing without prescription" or similar words indicating that such drug, medicine, chemical, or poison may be sold or dispensed only upon the prescription of a licensed practitioner, except that the term legend drug will not include any drug, substance, or compound which is listed Schedules I through V of the Alabama Uniform Controlled Substances Act.

(9) PRESCRIBE OR PRESCRIBING. The act of issuing a prescription for a legend drug.

(10) PRESCRIPTION. An order for a legend drug which is issued and signed by a practitioner authorized by law to prescribe and administer such drugs and is intended to be filled, compounded, or dispensed by a pharmacist.

(11) PROTOCOL. A document approved according to Code of Ala. 1975, §34-21-81, establishing the permissible functions and activities to be performed by certified registered nurse practitioners and certified nurse midwives and signed by collaborating physicians and any nurse practitioners or nurse midwives practicing with those physicians.

(12) MEDICAL OVERSIGHT. Concurrent and on-going collaboration between a physician and a CRNP or CNM and documentation of time together in a practice site; may include but is not limited to direct consultation and patient care, discussion of disease processes and medical care, review of patient records, protocols and outcome indicators, and other activities to promote positive patient outcomes.

(13) QUALITY ASSURANCE. Documented evaluation of the clinical practice of the certified registered nurse practitioner or certified nurse midwife against defined quality outcome measures, using a selected, meaningful sample of patient records which will identify areas needing improvement, set performance goals, and assess progress towards meeting established goals, with a summary of findings, conclusions, and, if indicated, recommendations for change. The physician's signature on the patient record does not constitute quality improvement monitoring.

(14) PRINCIPAL PRACTICE SITE. The main location at which the collaborating physician is engaged in the practice of medicine.

(15) REMOTE PRACTICE SITE. An approved site for collaborative practice without a collaborative or covering physician on-site. The collaborating physician's principal practice site, acute care hospitals, skilled nursing facilities, licensed, special-care assisted living facilities and licensed assisted living facilities are not remote practice sites for the purpose of these rules.

(16) READILY AVAILABLE. Response by the collaborating or covering physician by telephone or telecommunication for consultation, referral or direct medical intervention for a patient as indicated by the needs of a patient and based on usual and customary standards of medical practice.

(17) DIRECT MEDICAL INTERVENTION. Physical presence of a physician to attend the patient as defined in the collaborative practice protocol.

(18) COVERING PHYSICIAN. A doctor of medicine or a doctor of osteopathy licensed to practice medicine in Alabama who agrees in writing to be readily available to collaborate with and provide medical oversight to one or more certified registered nurse practitioners or certified nurse midwives and, if indicated, to provide direct medical intervention to patients during the absence of the Collaborating Physician. The covering physician shall be either a member of the same medical practice, practice group, or multidisciplinary medical team, or of the same or similar practice specialty as the collaborating physician and shall abide by the rules and regulations adopted by the Board of Nursing and the Board of Medical Examiners.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-53, 34-21-81.

History: Filed November 9, 1982 as Rule No. 540-X-2-.17.

Readopted: Filed February 8, 1983. Rules reorganized --rule number changed to 540-X-8-.01 (see conversion table at end of code): Filed June 14, 1984 (without publication in AAM).

Repealed: Filed June 20, 1996; effective July 26, 1996. New Rule: Filed June 20, 1996; effective July 26, 1996. **Amended:** Filed August 25, 2003; effective September 29, 2003. **Amended:** Filed October 6, 2006; effective November 10, 2006. **Amended:** Filed July 2, 2015; effective August 6, 2015. **Amended:** Published April 30, 2021; effective June 14, 2021. **Amended:** Published ; effective .