

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 610
Department or Agency: Alabama Board of Nursing
Rule No.: 610-X-4-.16
Rule Title: Special Circumstances
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

Honor L. Ingels
Honor L Ingels

Date

Friday, May 8, 2026

REC'D & FILED

MAY 8, 2026

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: 610-X-4-.16 Special Circumstances

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Nursing proposes amending the subject rule to ensure agency compliance with the Servicemembers Civil Relief Act (50 U.S.C. § 4025a).

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm, Friday, July 3, 2026, and may be directed to Alabama Board of Nursing, PO Box 303900, Montgomery, AL 36130-3900, Natalie.Baker@abn.alabama.gov, or 334/293-5236.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 3, 2026

CONTACT PERSON AT AGENCY:

Honor L. Ingels

Honor L. Ingels

Honor L Ingels

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

Special Circumstances.

(1) In the event the Governor proclaims a state of emergency impacting any part of Alabama, Code of Ala. 1975 Section 34-21-6 applies for the first thirty (30) days. An individual licensed to practice as a registered nurse or licensed practical nurse in another state may provide emergency assistance in Alabama for up to thirty (30) days subject to verification of licensure in the state where licensed, provided that the nurse has successfully passed the board selected nurse licensure examination required for licensure in Alabama. Any organization or individual who provides employment or volunteer opportunities for the licensed nurse providing nursing services is responsible to ensure the validity of the nursing license.

(2) Should an emergency continue past thirty days, a temporary permit to practice as a registered nurse or licensed practical nurse in Alabama for ninety (90) days is required. An application for an emergency temporary permit to practice as a registered nurse or licensed practical nurse is required to be submitted to the Board electronically. Applicants for temporary permits are required to demonstrate that they have successfully completed the board selected nurse licensure examination required for licensure in Alabama.

(3) In the event of a state or nationally declared emergency in a jurisdiction outside Alabama, any individual licensed in the jurisdiction where the emergency occurred may apply electronically for a Disaster Temporary Permit to practice as a registered nurse or licensed practical nurse in Alabama in the manner prescribed by the Board. The Disaster Temporary Permit shall be valid for not more than ninety (90) days. Applicants for disaster temporary permits are required to demonstrate that they have successfully completed the board selected nurse licensure examination required for licensure in Alabama.

(4) Any individual licensed to practice as a registered nurse or licensed practical nurse in another state is required to have an Alabama license if educational or consultative services extend beyond 30 calendar days in one year, unless the individual holds a valid multistate license issued by a party state other than Alabama.

(a) Providing nursing care at a camp in Alabama for longer than seven (7) days within a calendar year requires a license to practice nursing in Alabama.

(b) Providing nursing care to and accompanying students from another state to Alabama for longer than seven (7) days

within a calendar year requires a license to practice nursing in Alabama, unless the individual holds a valid multistate license issued by a party state other than Alabama.

(c) Providing preparational services for an out of state organ transplant team is considered consultative services for the purposes of this rule.

(d) Gratuitous Vaccine Administration with a Retired, Inactive, or Lapsed License

1. Any individual holding an Alabama nursing license in a "retired," "inactive" or "lapsed" status may administer vaccines in Alabama without compensation during a declared state or national pandemic, provided that the license is otherwise in good standing, has not been revoked or voluntarily surrendered, and was not encumbered at the time the license became retired, inactive or lapsed. A nurse so qualified is authorized to administer vaccines necessitated by the public health emergency. A nurse so qualified may administer authorized vaccines via the following routes of administration: oral intranasal, and subcutaneous, intradermal, or intramuscular injections, pursuant to a valid order or prescription by a legally authorized prescriber. Gratuitous vaccine administration is restricted to practice without compensation and does not include any other practice or nursing for compensation.

2. Any entity that seeks to utilize the gratuitous vaccine administration services authorized in this section shall first verify licensure status of the nurse in every jurisdiction where the nurse holds or has held a registered nurse or where the nurse holds or has held a registered nurse or licensed practical or vocational nurse license. The nurse:

(i) Must not have had a nursing license revoked or voluntarily surrendered in any state, territory, or country.

(ii) Must not have had a suspended, probated, or otherwise encumbered license immediately prior to the time the license became lapsed, inactive, or retired.

(5) Telephonic or electronic services used to communicate with patients and provide direction regarding nursing and medical care require an active license to practice nursing in Alabama, or a valid multistate RN or LPN license issued by a party state other

than Alabama, or a valid multistate RN or LPN license issued by a party state other than Alabama.

(6) A licensed nurse who retires or ceases nursing practice for any reason and has no intention to practice in the future may apply to the Board for an inactive license with a "retired" status.

(a) The license will remain inactive unless the licensee reactivates the license.

(b) Continuing education is not required to maintain an inactive license.

(c) In order to reactivate an inactive license, the applicant shall submit an electronic application, pay the required fees, and submit 24 contact hours of continuing education earned within two years of the date of the application.

(d) A nurse currently participating in the Voluntary Disciplinary Alternative Program or holding licenses currently encumbered pursuant to discipline by the Board shall not be eligible to inactivate or retire the license.

(e) If an applicant or an inactive license is currently the subject of an investigation or a pending disciplinary proceeding with the Board, the nurse shall not be eligible to inactivate or retire the license.

(7) In the event of a national emergency duly declared by federal officials, or in the event of a natural disaster or state of emergency duly proclaimed by the Governor, a certified registered nurse practitioner or certified nurse midwife may provide emergency treatment without immediate physician collaboration to patients within the affected areas of the state, provided that the treatment is within the individual's scope of education, training, and approved protocol. The certified registered nurse practitioner or certified nurse midwife in such circumstance shall make reasonable efforts to inform the collaborating physician of the location and type of emergency services being provided and shall act in conformance with the direction of local physicians. The authority granted under this paragraph shall extend only for the duration of the declared national emergency or state emergency or natural disaster.

(8) In the event that a licensed healthcare facility activates its emergency operation plan in response to a public health emergency, a licensed nurse or advanced practice nurse may act within such alternative standards of care delivery as are authorized by the Governor's Proclamation and alternative

standards and scope of practice as are provided in the emergency operations plan, provided that any such practice is within the scope of practice, education, training, and national certification of the licensed nurse or advanced practice nurse and congruent with any limits imposed in the Code of Alabama and not addressed by the Governor's Proclamation. A certified registered nurse practitioner or certified nurse midwife may provide emergency treatment without immediate physician collaboration to patients within the affected areas of the public health emergency, provided that the treatment is within the individual's scope of education, training, and approved protocol. The certified registered nurse practitioner or certified nurse midwife in such circumstance shall make reasonable efforts to inform the collaborating physician of the location and type of emergency services being provided and shall act in conformance with the direction of local physicians. The authorization provided in this section shall be effective only for the duration of time during which the Governor's Proclamation and emergency operation plan are active.

(9) In the event that a licensed healthcare facility activates its emergency operation plan in response to a community disaster, a licensed nurse or advanced practice nurse may act within such alternative clinical models or clinical department utilization as are provided in the emergency operations plan, provided that any such practice is within the scope of practice, education, training, and national certification of the licensed nurse or advanced practice nurse and congruent with any limits imposed in the Code of Alabama. A certified registered nurse practitioner or certified nurse midwife may provide emergency treatment without immediate physician collaboration to patients within the affected areas of the community disaster, provided that the treatment is within the individual's scope of education, training, and approved protocol. The certified registered nurse practitioner or certified nurse midwife in such circumstance shall make reasonable efforts to inform the collaborating physician of the location and type of emergency services being provided and shall act in conformance with the direction of local physicians. The authorization provided in this section shall be effective only for the duration of time during which the emergency operation plan is active.

(10) Any applicant for initial licensure who possesses an active, unencumbered license in another state and who is the eligible spouse of a service member or other qualified individual, as defined in Section 31-1-6, Code of Ala. 1975, shall:

- (a) Be eligible to apply for a service member spouse temporary permit, which shall be valid for 365 days.

(b) Be exempt from payment of the initial licensure fee provided for in Section 610-X-4-.14 of these rules.

(c) The applicant is required to substantiate his or her eligibility by providing the following:

1. A marriage certificate substantiating marriage to the service member.

2. Official documentation of the qualified service member or other qualified individual's relocation to the state.

(11) Any applicant for initial approval as a certified registered nurse anesthetist or clinical nurse specialist, or any applicant for an initial certificate of qualification as a certified registered nurse practitioner or certified nurse midwife, who is approved to practice advanced practice nursing in another state and is the eligible spouse of a service member or other qualified individual, as defined in Section 31-1-6, Code of Ala. 1975, shall:

(a) Be eligible to apply for service member spouse temporary advanced practice approval, which shall be valid for 365 days.

(b) Be exempt from payment of the initial advanced practice approval or certificate of qualification fee provided for in Section 610-X-4-.14 of these rules.

(c) The applicant is required to substantiate his or her eligibility by providing the following:

1. A marriage certificate substantiating marriage to the service member.

2. Official documentation of the qualified service member or other qualified individual's relocation to the state.

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(12) This paragraph implements the requirements of the Servicemembers Civil Relief Act, 50 U.S.C. § 4025a. The definitions contained in 50 U.S.C. § 4025a are incorporated in this rule.

(a) If a servicemember or the spouse of a servicemember has a covered license and relocates to Alabama because the servicemember receives military orders for service in Alabama, the servicemember or spouse of the service member may be granted a Servicemembers Civil Relief Act (SCRA) Privilege to Practice in

Alabama for such covered license. The privilege to practice is valid for the scope of practice of the covered license in Alabama. To be granted a SCRA Privilege to Practice in Alabama, the servicemember or spouse of the servicemember must submit a complete SCRA Privilege to Practice Application which demonstrates that the servicemember or spouse of the servicemember meets all eligibility requirements of 50 U.S.C. § 4025a to receive an SCRA Privilege to Practice.

(b) Multistate licenses issued pursuant to the Nurse Licensure Compact are not "covered licenses" for purposes of this rule. Servicemembers or spouses of servicemembers who possess a multistate nursing license are covered by the requirements of the Interstate Nurse Licensure Compact.

(c) The SCRA Privilege to Practice in Alabama is valid only so long as the servicemember or spouse of a servicemember continues to meet the eligibility criteria for such privilege to practice. The SCRA Privilege to Practice in Alabama will be deactivated (no longer valid) when any of the following circumstances occur:

1. The servicemember no longer has military orders for military service in Alabama.

2. The spouse of a servicemember is no longer married to the servicemember.

3. The holder of the SCRA Privilege to Practice in Alabama is no longer in good standing in all states in which the holder holds or has held a license.

4. The license of the holder of the SCRA Privilege to Practice in Alabama is revoked or disciplined by any state.

5. The license of the holder of the SCRA Privilege to Practice in Alabama is under investigation for unprofessional conduct in any State relating to it.

6. The license of the holder of the SCRA Privilege to Practice in Alabama is voluntarily surrendered while under investigation for unprofessional conduct in any State.

(d) The Board shall process the SCRA Privilege to Practice Application within thirty days of receipt.

(e) The following types of Alabama Board of Nursing licenses, permits, and certificates may be eligible for a SCRA Privilege to Practice in Alabama.

1. Registered Nurse License (single state).

2. Licensed Practical Nurse License (single state).

3. Advanced Practice Nursing certificate of qualification.

4. Medication Assistant - Certified permit.

5. Nursing Support Technician permit.

6. Nurse apprentice permit.

(f) A servicemember or spouse of a servicemember practicing in Alabama pursuant to a SCRA Privilege to Practice in Alabama must comply with the scope and standards of practice of the license, permit, or certificate for which the SCRA Privilege to Practice is held.

1. Advanced practice nurses practicing pursuant to a SCRA Privilege to Practice as a Certified Registered Nurse Practitioner (CRNP) or Certified Nurse Midwife (CNM) are required to comply with all collaborative practice requirements and must obtain approval from the Alabama Board of Medical Examiners for any controlled substances prescriptive authority.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-6.

History: **New Rule:** 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 January 22, 2018; effective March 8, 2018.

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Amended: Filed September 27, 2018; effective November 11, 2018.

Amended: Filed January 22, 2019; effective March 8, 2019.

Amended: Filed March 18, 2019; effective May 2, 2019. **Amended:** Published September 30, 2019; effective November 14, 2019.

Amended: Published January 31, 2020; effective March 16, 2020.

Amended: Published September 30, 2020; effective November 14, 2020. **Amended:** Published February 26, 2021; effective April 12, 2021. **Amended:** Published July 29, 2022; effective September 12, 2022. **Amended:** Published _____ ; effective _____ .