APA-4
Revised 1/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency amended rule is a correct copy as promulgated and adopted on the 13th day of November, 2020.

AGENCY NAME: Alabama Board of Nursing

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

EFFECTIVE DATE OF RULE: November 13, 2020

EXPIRATION DATE (If less than 120 days):

NATURE OF EMERGENCY: The COVID-19 crisis necessitates a clarification regarding gratuitous administration of medications.

STATUTORY AUTHORITY: **Code of Alabama, 1975,** § 34-21-2(c)(1)

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS __X__ YES ____ NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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

FILING DATE
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REC'D & FILED
NOV 13 2020
LEGISLATIVE SVC AGENCY

610-X-4-.16 ER 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 nursing 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. 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 nursing in Alabama for ninety (90) days is required. An application for an emergency temporary permit is required to be submitted to the Board electronically.

(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 in the manner prescribed by the Board. The Disaster Temporary Permit shall be valid for not more than ninety (90) days.

(4) Any individual licensed to practice nursing in another state is required to have an Alabama license if educational or consultative services extend beyond 30 calendar days in one year.

(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.

(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 of 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 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.

(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, 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 180 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. The active or reserve service member's official military orders, the transitioning service member's DD Form 214 or NGB Form 22, or the deceased service member's DD Form 214 or NGB Form 22 and death certificate.

(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, 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 180 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. The active or reserve service member's official military orders, the transitioning service member's DD Form 214 or NGB Form 22, or the deceased service member's DD Form 214 or NGB Form 22 and death certificate.

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. **Amended:** Filed July 20, 2018; effective September 3, 2018. **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:** Filed January 31, 2020; effective March 16, 2020. **Emergency Rule:** Filed November 13, 2020.