

RULES OF THE
ALABAMA BOARD OF MEDICAL EXAMINERS

CHAPTER 540-X-18
QUALIFIED ALABAMA CONTROLLED
SUBSTANCES REGISTRATION CERTIFICATE (QACSC)
FOR CERTIFIED REGISTERED NURSE PRACTITIONERS (CRNP)
AND CERTIFIED NURSE MIDWIVES (CNM)

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Certificate (QACSC)

540-X-18-.01 Definitions.

The following definitions shall apply to the rules in this chapter:

(1) Administer - The direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient by any of the following:

(a) A collaborating physician, or, in his or her presence, his or her authorized agent;

(b) A certified registered nurse practitioner (CRNP) or certified nurse midwife (CNM);

(c) The patient at the direction and in the presence of the collaborating physician, certified registered nurse practitioner (CRNP) or certified nurse midwife (CNM).

(2) Board - The Board of Medical Examiners of the State of Alabama.

(3) Certified Nurse Midwife (CNM) - An advanced practice nurse who is subject to a collaborative practice agreement with a collaborating physician pursuant to Title 34, Chapter 21, Article 5, and who has advanced knowledge and skills relative to the management of women's health care focusing on pregnancy, childbirth, the postpartum 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 patient.

(4) Certified Registered Nurse Practitioner (CRNP) - An advanced practice nurse

who is subject to a collaborative practice agreement with a collaborating physician pursuant to Title 34, Chapter 21, Article 5, and who has demonstrated by certification that he or she has 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 patient.

(5) 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 in accordance with Title 34, Chapter 21, Article 5 and the rules and regulations adopted by the Alabama Board of Medical Examiners and the Alabama Board of Nursing.

(6) Dispense - To deliver a controlled substance to an ultimate user by or pursuant to the lawful order of a physician or CRNP or CNM, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(7) Excessive Dispensing - A registrant may be considered to have excessively dispensed a controlled substance if the Board finds that either the controlled substance was dispensed for no legitimate medical purpose, or that the amount of the controlled substance dispensed is not reasonably related to the proper medical management of the patient's illness or condition. Drug addiction shall not be considered an illness or condition which would justify the continued dispensing of a controlled substance, except in gradually decreasing dosages administered to the patient for the purpose of curing the addiction.

(8) Prescribe or Prescribing - The act of issuing a prescription for a controlled substance.

(9) Prescription - Any order for a controlled substance written or signed or transmitted by word of mouth, telephone, telegraph, closed circuit television or other means of communication by a legally competent collaborating physician, certified registered nurse practitioner, or certified nurse midwife authorized by law to prescribe and administer the drug which is intended to be filled, compounded, or dispensed by a pharmacist.

(10) QACSC - Qualified Alabama Controlled Substances Registration Certificate.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.02 General Requirements.

(1) The Board is the certifying board which may issue, renew, deny, restrict, limit, suspend, or revoke a QACSC for a CRNP or CNM.

(2) Beginning October 1, 2013, QACSCs may be issued by the Board to CRNPs and CNMs.

(3) A CRNP or CNM who prescribes, administers, authorizes for administration or dispenses any controlled substance within Alabama or who proposes to engage in the prescribing, administering, authorizing for administration or dispensing of any controlled substance within Alabama shall obtain, annually, a QACSC for each collaborative practice agreement approved by the Alabama Board of Nursing and the Alabama Board of Medical Examiners.

(4) A CRNP or CNM who prescribes, administers, authorizes for administration or dispenses, or who proposes to engage in the prescribing, administering, authorizing for administration or dispensing of any controlled substance within Alabama shall obtain the appropriate registration or registrations issued by the United States Drug Enforcement

Administration.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223.

History: Approved for publication:

540-X-18-.03 Requirements for the Issuance of a Qualified Alabama Controlled Substances Registration Certificate (QACSC).

To qualify for a QACSC, an individual must meet the following requirements:

(1) Be a CRNP or CNM who is practicing in accordance with Title 34, Chapter 21, Article 5, and all Alabama Board of Nursing and Alabama Board of Medical Examiners rules governing collaboration between a qualified physician and a qualified CRNP or CNM and who is in a collaborative practice with a physician who holds a valid, current and unrestricted ACSC;

(2) Submit proof of successful completion of twelve (12) hours of AMA PRA Category 1 credits™ or the equivalent continuing medical education (CME), which shall include the following:

(a) "Prescribing Controlled Drugs; Critical Issues and Common Pitfalls," a continuing medical education course jointly sponsored by the Board and the Medical Association of the State of Alabama (8 AMA PRA Category 1™ credits).

(b) Four (4) AMA PRA Category 1™ credits or equivalent through a Board approved course or courses that include advanced pharmacology and prescribing trends relating to controlled substances.

(3) Complete the required twelve (12) credits within one (1) year preceding the filing of an application for a QACSC.

(4) Provide accurate and complete documentation of a minimum of twelve (12)

months of active clinical practice pursuant to one or more collaborative practice agreements approved by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Temporary approval practice and provisional approval practice shall not be considered or used to meet this requirement.

- (5) Submit an application on forms provided by the Board.
- (6) Pay the required application fee required by the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.04 Issuance of a Qualified Alabama Controlled Substances Registration

Certificate (QACSC).

(1) The Board may issue a QACSC to a CRNP or CNM when all of the requirements for issuance have been met.

(2) Every QACSC issued shall have a unique QACSC number which identifies the particular applicant as a CRNP or CNM with a valid QACSC.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.05 Renewal of a Qualified Alabama Controlled Substances Registration

Certificate (QACSC).

(1) Renewal of a QACSC shall be annually on or before January 1st of each year. An application for annual renewal of a QACSC shall be received by the Board on or before December 31st and shall be accompanied by the required QACSC renewal fee.

(2) As a requirement for renewing a QACSC, a CRNP or CNM shall obtain four
(4) AMA PRA Category 1 credits™ or equivalent regarding the prescribing of controlled

substances every two years.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223.

History: Approved for publication:

540-X-18-.06 Fees - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) An applicant for a QACSC shall submit to the Board an application fee in the amount of One Hundred and Ten Dollars (\$110.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217.

(2) An applicant for annual renewal of a QACSC shall submit to the Board a QACSC renewal fee in the amount of Sixty Dollars (\$60.00), which includes the fee payable to the Alabama Department of Public Health Prescription Drug Monitoring Data Bank required by Ala. Code § 20-2-217.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.07 Utilization of Qualified Alabama Controlled Substances Registration Certificate (QACSC) - Limitations.

(1) The authority of a CRNP or CNM to prescribe, administer, authorize for administration or dispense pursuant to a QACSC is limited to those controlled substances enumerated in Schedules III, IV and V.

(2) A CRNP or CNM shall not prescribe, administer, authorize for administration, or dispense any controlled substance enumerated in Schedule I or Schedule II.

(3) A CRNP or CNM shall prescribe, administer, authorize for administration or

dispense controlled substances in accordance with the requirements of Ala. Code §§ 20-2-250 through 20-2-259; any other applicable sections of the Alabama Uniform Controlled Substances Act (Ala. Code § 20-2-1, *et. seq.*); Board rules; protocols, formularies, and medical regimens established by the Board for regulation of a QACSC; and any requirements or limitations established in an approved formulary by the collaborating physician.

(4) A CRNP or CNM shall not utilize his or her QACSC for the purchasing, obtaining, maintaining or ordering of any stock supply or inventory of any controlled substance in any form.

(5) A CRNP or CNM who has been issued a valid and current QACSC may accept from pharmaceutical representatives prepackaged samples or starter packs in their original packages or containers for controlled substances enumerated in Schedules III, IV or V, subject to any restriction or limitations on the CRNP's or CNM's approved formulary and subject to any protocols or medical regimens established by the Board.

(6) A CRNP or CNM shall not prescribe, administer, authorize for administration or dispense any controlled substance to his or her own self, spouse, child or parent.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223.

History: Approved for publication:

540-X-18-.08 Grounds for Denial, Restriction, Limitation, Suspension or Revocation
- Qualified Alabama Controlled Substances Registration Certificate (QACSC).

The Board may deny a CRNP's or CNM's application for a QACSC, deny a CRNP's or CNM's application for renewal of a QACSC, or initiate action against the QACSC of a CRNP or CNM based on the following grounds:

(1) Fraud or deceit in applying for, procuring, or attempting to procure a QACSC in the state of Alabama.

(2) Conviction of a crime under any state or federal law relating to any controlled substance.

(3) Conviction of a crime or offense which affects the ability of the CRNP or CNM to practice with due regard for the health or safety of his or her patients.

(4) Prescribing a drug or utilizing a QACSC in such a manner as to endanger the health of any person or patient of the CRNP, CNM or collaborating physician.

(5) Suspension or revocation of a registration number issued to the CRNP or CNM by the United States Drug Enforcement Administration.

(6) Excessive dispensing or prescribing of a controlled substance to any person or patient of the CRNP, CNM or collaborating physician.

(7) Unfitness or incompetence due to the use of or dependence on alcohol, chemicals, or any mood altering drug to such an extent as to render the CRNP or CNM unsafe or unreliable to prescribe drugs or to hold a QACSC.

(8) Any violation of a requirement set forth in Ala. Code §§ 20-2-250 through 20-2-259; a rule of the Board; a protocol or medical regimen adopted by the Board; or a limitation established by the collaborating physician in an approved formulary.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223.

History: Approved for publication:

540-X-18-.09 Due Process Proceedings -- Denial of and Actions Against Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(1) Before denying an application for a QACSC, denying an application for

renewal of a QACSC or taking action against a QACSC of a CRNP or CNM, the Board shall serve upon the CRNP or CNM an order to show cause why registration should not be denied or why the QACSC should not be restricted, limited, suspended or revoked.

(2) Any hearing concerning the order to show cause shall be before the Board.

(3) The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Board at a time and place not less than thirty (30) days after the date of service of the order, but in the case of denial of renewal of registration, the show cause order shall be served not later than thirty (30) days before the expiration of the registration.

(4) Proceedings to deny renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(5) The Board may restrict, suspend or revoke a QACSC whenever a CRNP or CNM shall be found guilty on the basis of substantial evidence of any of the acts or offenses enumerated in Rule 540-X-18-.08.

(6) The Board may limit revocation or suspension of a QACSC to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(7) The Board shall promptly notify the Drug Enforcement Administration of the United States Department of Justice of all orders restricting, limiting, suspending or revoking a QACSC.

(8) Any hearing before the Board shall be considered a contested case under the Alabama Administrative Procedure Act, Ala. Code § 41-22-1, et. seq., and shall be conducted in accordance with the requirements of that Act.

(9) In a hearing on the request for reinstatement of a QACSC, the Board has the

authority to reinstate or deny reinstatement of a QACSC. In a hearing on a request for reinstatement of a QACSC, the applicant shall have the burden of establishing to the reasonable satisfaction of the Board that the applicant is entitled to the specific relief requested.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.10 Conduct of Hearings - Qualified Alabama Controlled Substances

Registration Certificate (QACSC).

Except when Ala. Code §§ 20-2-250 through 20-2-259 and Rule 540-X-18-.09 are in conflict and shall take precedence, hearings related to a QACSC are to be governed and conducted in accordance with Board Rules 540-X-6-.03 (Hearing Officer); 540-X-6-.04; and 540-X-6-.05.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.11 Appeals - Qualified Alabama Controlled Substances Registration

Certificate (QACSC).

(1) A CRNP or CNM may obtain judicial review when adversely affected by any of the following:

- (a) An order of the Board denying an application for a QACSC;
- (b) An order of the Board denying an application for renewal of a QACSC;
- (c) An order of the Board suspending, revoking or restricting a QACSC;
- (d) An order of the Board denying reinstatement of a QACSC.

(2) Judicial review of an order of the Board may be obtained by filing a written

petition for review with the Circuit Court of Montgomery County in accordance with Ala. Code § 41-22-20.

(3) The following procedures shall take precedence over Ala. Code § 41-22-20(c) relating to the issuance of a stay of any order of the Board suspending, revoking or restricting a QACSC. The suspension, revocation or restriction of a QACSC shall be given immediate effect and no stay or supersedeas shall be granted pending judicial review of a decision by the Board to suspend, revoke or restrict a QACSC unless a reviewing court, upon proof by the party seeking judicial review, finds in writing that the action of the Board was taken without statutory authority, was arbitrary or capricious or constituted a gross abuse of discretion.

(4) From the judgment of the Circuit Court, either the Board or the affected party who invoked judicial review may obtain a review of any final judgment of the Circuit Court pursuant to Ala. Code § 41-22-21. No security shall be required of the Board.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.12 Access to Records - Qualified Alabama Controlled Substances Registration Certificate (QACSC).

The Board, its agents, attorneys, investigators, or inspectors shall be permitted access to inspect and copy any records of a CRNP or CNM, including patient records, which relate to a request for a QACSC; a renewal of a QACSC; possible violations of any of the provisions of the Alabama Uniform Controlled Substances Act; possible violations of Ala. Code §§ 20-2-250 through 20-2-259; or possible violations of any Board rule governing a QACSC.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.13 Covering Physician - Qualified Alabama Controlled Substances

Registration Certificate (QACSC).

(1) A covering physician who applies to collaborate with or does collaborate with a CRNP or CNM possessing a QACSC, shall hold a valid, current and unrestricted Alabama Controlled Substances Registration Certificate (ACSC).

(2) The covering physician shall state in writing to the Board the following:

(a) That he or she is familiar with the Board rules concerning the QACSC;

(b) That he or she is familiar with any protocols or medical regimens adopted by the Board concerning the QACSC;

(c) That he or she is familiar with any limitation on the prescribing of controlled substances agreed to in the approved formulary by the CRNP or CNM and the collaborating physician; and

(d) That, having full knowledge of the authority of the CRNP or CNM to prescribe controlled substances, the covering physician agrees to provide medical oversight for the CRNP or CNM accordingly.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

540-X-18-.14 Controlled Substances Prescription Database Access.

All CRNPs or CNMs possessing a QACSC who are permitted access to the information in the controlled substances database shall abide by the requirements and limitations stated in Ala. Code §§ 20-2-210 through 20-2-220, where applicable.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-250, *et. seq.*, Act 2013-223

History: Approved for publication:

-APPLICATION-
QUALIFIED
CONTROLLED SUBSTANCES REGISTRATION CERTIFICATE
FOR CERTIFIED NURSE PRACTITIONER
AND CERTIFIED NURSE MIDWIFE

Return Completed Application To:
ALABAMA STATE BOARD OF MEDICAL EXAMINERS
P.O. Box 946 • Montgomery, Alabama 36101
(334) 242-4116

Adding Name,
Lic.
Info
Addy

WARNING: SECTION 20-2-254, CODE OF ALABAMA 1975
(AS AMENDED) STATES THAT A REGISTRATION MAY BE
SUSPENDED OR REVOKED BY THE BOARD UPON A
FINDING THAT THE REGISTRANT HAS FURNISHED FALSE
OR FRAUDULENT MATERIAL INFORMATION IN AN

The applicant must answer the following questions. If the answer is "yes" for questions A, B, C, D or E, attach a complete explanation detailing all facts and circumstances for each "yes" answer.

- A. Has your privilege for dispensing or prescribing controlled substances ever been suspended, restricted, revoked or disciplined in any manner in any state? () Yes () No
- B. Have you ever been convicted of any state or federal crime relating to any controlled substance? () Yes () No
- C. Has your Federal DEA registration ever been suspended, restricted or revoked? () Yes () No
- D. Have your staff privileges at any hospital ever been surrendered, suspended, restricted, revoked or disciplined in any manner for any reason related to the prescribing or dispensing of controlled substances? () Yes () No
- E. Do you currently have any mental or physical condition or impairment (including, but not limited to, substance abuse, alcohol abuse), ~~or mental, emotional, or nervous disorder or condition~~ which in any way currently affects, or if untreated could affect, your ability to practice in a competent and professional manner?* () Yes () No

F. Print DEA number and expiration date _____

NOTICE: To lawfully administer, dispense or prescribe controlled substances in the State of Alabama, federal and state statutes require a DEA certificate of registration and a Qualified Alabama Controlled Substances registration Certificate. For further information concerning federal requirements contact DEA, Metairie, LA, 800-882-9539.

Note (Qu.
"E"):
recommend
not including
the
underlined
words

G. Have you completed one year of clinical practice? (Note: practice during temporary or provisional approval is excluded)

NOTE: If yes, complete attached affidavit () Yes () No

H. Have you completed a board approved pharmacology of controlled substances course or courses?

NOTE: If yes, attach documentation of completion () Yes () No

* The term "currently" does not mean on the day of, or even in the weeks or months preceding the completion of this application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one's functioning as a CRNP or CNM within the last two years.

FEE FOR THIS CERTIFICATE IS \$110.00. ENCLOSE YOUR CHECK WITH APPLICATION

I swear (affirm) that the information set forth in this application for a Qualified Alabama Controlled Substances registration Certificate is true and correct to the best of my knowledge, information and belief.

Date _____ Signature of Applicant _____

Date _____ Signature of Collaborating Physician _____



ALABAMA BOARD OF MEDICAL EXAMINERS

Proof of Clinical Employment
§20-2-252(3)

AFFIDAVIT

I, _____ License # _____ hereby certify
that I have received a minimum of 12 months of active, clinical practice pursuant to one or more
collaborative practice agreements approved by the Alabama Board of Nursing and the Alabama Board
of Medical Examiners, excluding temporary approval practice and provisional approval practice, from
the following employer(s):

Employer _____

Street Address _____

City _____ State _____ Zip _____

Phone # _____

Collaborating Physician _____

Employed From: _____ To: _____

Employer _____

Street Address _____

City _____ State _____ Zip _____

Phone # _____

Collaborating Physician _____

Employed From: _____ To: _____

Employer _____

Street Address _____

City _____ State _____ Zip _____

Phone # _____

Collaborating Physician _____

Employed From: _____ To: _____

CRNP/CNM _____

Sworn to and subscribed to before me on this _____ day of _____, 20____.

Notary Public
My Commission Expires: _____

-RENEWAL- <<RENEWALYEAR>>

QUALIFIED**CONTROLLED SUBSTANCES REGISTRATION CERTIFICATE**

FOR CERTIFIED REGISTERED NURSE PRACTITIONER AND CERTIFIED NURSE MIDWIFE

Return Completed Application To:

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

P.O. Box 946 • Montgomery, Alabama 36101

(334) 242-4116

WARNING: SECTION 20-2-254. CODE OF ALABAMA 1975 (AS AMENDED) STATES THAT A REGISTRATION MAY BE SUSPENDED OR REVOKED BY THE BOARD UPON A FINDING THAT THE REGISTRANT HAS FURNISHED FALSE OR FRAUDULENT MATERIAL INFORMATION IN AN APPLICATION.

The applicant must answer the following questions. If the answer is "yes" for questions A, B, C, D or E, attach a complete explanation detailing all facts and circumstances for each "yes" answer.

A. Has your privilege for dispensing or prescribing controlled substances ever been suspended, restricted, revoked or disciplined in any manner in any state? () Yes () No

B. Have you ever been convicted of any state or federal crime relating to any controlled substance? () Yes () No

C. Has your Federal DEA registration ever been suspended, restricted or revoked? () Yes () No

D. Have your staff privileges at any hospitals ever been surrendered, suspended, restricted, revoked or disciplined in any manner for any reason related to the prescribing or dispensing of controlled substances? () Yes () No

E. Do you currently have any mental or physical condition or impairment (including, but not limited to, substance abuse, alcohol abuse), or mental, emotional, or nervous disorder or condition which in any way currently affects, or if untreated could affect, your ability to practice in a competent and professional manner?* () Yes () No

F. Print DEA number and expiration date _____

NOTICE: To lawfully administer, dispense or prescribe controlled substances in the State of Alabama, federal and state statutes require a DEA certificate of registration and a Qualified Alabama Controlled Substances registration Certificate. For further information concerning federal requirements contact DEA, Metairie, LA, 800-882-9539.

Note (Qu. "E"): recommend not including the underlined

G. I certify that I have met the requirement to obtain four (4) AMA PRA Category 1 Credits™ or equivalent regarding the prescribing of controlled substances within the past two years ... () Yes () No

* The term "currently" does not mean on the day of, or even in the weeks or months preceding the completion of this application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one's functioning as a CRNP or CNM within the last two years.

FEE FOR THIS CERTIFICATE IS \$60.00. ENCLOSE YOUR CHECK WITH APPLICATION

QACSC NO. <<QACSCNUM>> Schedules Authorized Previous Year: <<SCHEDULES>>

I swear (affirm) that the information set forth in this application for Qualified Alabama Controlled Substances registration Certificate is true and correct to the best of my knowledge, information and belief.

Date _____ Signature of Applicant _____

<<FIRST NAME>> <<LAST NAME>>

<<ADDRESS 1>>

<<ADDRESS 2>>

<<ADDRESS 3>>

<<CITY>>, <<STATE>> <<ZIP>>

RENEW ONLINE AT:

<http://www.alrenewals.org>

(We accept American Express, Visa, or MasterCard)

Registration ID: <<REGISTRATIONID>>

ACT 2013 - 223

1 SB229
2 147315-7
3 By Senators Reed, Marsh and Waggoner
4 RFD: Health
5 First Read: 19-FEB-13



1 SB229

2
3
4 ENROLLED, An Act,

5 To add a new Article 11, consisting of Sections
6 20-2-250, 20-2-251, 20-2-252, 20-2-253, 20-2-254, 20-2-255,
7 20-2-256, 20-2-257, 20-2-258, and 20-2-259, to Chapter 2 of
8 Title 20 of the Code of Alabama 1975, to allow for the
9 prescribing of certain schedules of controlled substances by
10 certified registered nurse practitioners (CRNP) and certified
11 nurse midwives (CNM) with collaborative practice agreements;
12 to provide for the establishment of qualifications required
13 for certified registered nurse practitioners and certified
14 nurse midwives to obtain a Qualified Alabama Controlled
15 Substances Registration Certificate (QACSC); to provide for
16 prescriptive, administering, and dispensing authority of CRNPs
17 and CNMs in possession of a QACSC; to provide for the
18 establishment of the Board of Medical Examiners (board) as the
19 certifying board for the registration and approval of a CRNP
20 and CNM to obtain or renew a QACSC; to establish an advisory
21 committee to comment on proposed rules; to authorize the board
22 to adopt rules concerning the application procedures, fees,
23 issuance, restriction, limitation, suspension, or revocation
24 of a QACSC and for the conduct of hearings regarding the same;
25 to provide for grounds for the denial, restriction,

1 limitation, suspension, or revocation of a QACSC; to provide
2 for an appeals process for a CRNP or CNM adversely affected by
3 an order of the board denying an application for or
4 restricting, limiting or suspending or revoking a QACSC; to
5 provide for the board to charge and collect fees, congruent
6 with other mid-level providers in Alabama, to defray expenses
7 incurred in the registration of CRNPs and CNMs, and the
8 issuance, restriction, limitation, suspension or revocation of
9 a QACSC to provide immunity to any member of the board, its
10 agents, employees, consultants, or attorneys regarding
11 investigations or proceedings to restrict, limit, suspend, or
12 revoke a QACSC; to add a new Article 12 to Chapter 2 of Title
13 20, Code of Alabama 1975, consisting of Section 20-2-260, to
14 allow a person who holds a Qualified Alabama Controlled
15 Substances Registration Certificate (QACSC) to be issued a
16 Limited Purpose Schedule II Permit to be used in limited
17 specific circumstances; and to amend Sections 20-2-214 and
18 20-2-217 of the Code of Alabama 1975, relating to the
19 Controlled Substances Prescription Database.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. A new Article 11 consisting of Sections
22 20-2-250, 20-2-251, 20-2-252, 20-2-253, 20-2-254, 20-2-255,
23 20-2-256, 20-2-257, 20-2-258, and 20-2-259, is added to
24 Chapter 2, Title 20 of the Code of Alabama 1975, to read as
25 follows:

ARTICLE 11

Prescribing of Certain Schedules of Controlled Substances by Certified Registered Nurse Practitioners and Certified Nurse Midwives.

§20-2-250.

As used in this article, the following words shall have the following meanings:

(1) ADMINISTER. The direct application of a controlled substance whether by injection, inhalation, ingestion, or any other means, to the body of a patient by any of the following:

a. A collaborating physician or, in his or her presence, his or her authorized agent.

b. A certified registered nurse practitioner or certified nurse midwife.

c. The patient at the direction and in the presence of the collaborating physician, certified registered nurse practitioner, or certified nurse midwife.

(2) BOARD. The Board of Medical Examiners of the State of Alabama.

(3) CERTIFIED NURSE MIDWIFE or CNM. An advanced practice nurse who is subject to a collaborative practice agreement with a collaborating physician pursuant to Title 34, Chapter 21, Article 5, and who has advanced knowledge and skills relative to the management of women's health care

1 focusing on pregnancy, childbirth, the postpartum period, care
2 of the newborn, family planning, and gynecological needs of
3 women, within a health care system that provides for
4 consultation, collaborative management, or referral as
5 indicated by the health status of the patient.

6 (4) CERTIFIED REGISTERED NURSE PRACTITIONER or CRNP.

7 An advanced practice nurse who is subject to a collaborative
8 practice agreement with a collaborating physician pursuant to
9 Title 34, Chapter 21, Article 5, and who has advanced
10 knowledge and skills in the delivery of nursing services
11 within a health care system that provides for consultation,
12 collaborative management, or referral as indicated by the
13 health status of the patient.

14 (5) COLLABORATING PHYSICIAN. A doctor of medicine or
15 doctor of osteopathy licensed to practice medicine in Alabama
16 who agrees in writing to practice in collaboration with one or
17 more certified registered nurse practitioners or certified
18 nurse midwives in accordance with Title 34, Chapter 21,
19 Article 5, and the rules and regulations adopted by the Board
20 of Medical Examiners and the Board of Nursing.

21 (6) PRESCRIBE or PRESCRIBING. The act of issuing a
22 prescription for a controlled substance.

23 (7) PRESCRIPTION. Any order for a controlled
24 substance written or signed or transmitted by word of mouth,
25 telephone, telegraph, closed circuit television, or other

1 means of communication by a legally competent collaborating
2 physician, certified registered nurse practitioner, or
3 certified nurse midwife authorized by law to prescribe and
4 administer the drug which is intended to be filled,
5 compounded, or dispensed by a pharmacist.

6 (8) QACSC. A Qualified Alabama Controlled Substances
7 Registration Certificate.

8 §20-2-251.

9 (a) The Board of Medical Examiners is hereby
10 designated as the certifying board for the registration and
11 approval of a certified registered nurse practitioner (CRNP)
12 or a certified nurse midwife (CNM) in obtaining or renewing a
13 Qualified Alabama Controlled Substances Registration
14 Certificate (QACSC). The board may adopt regulations
15 concerning the application procedures, fees, and grounds for
16 the restriction, limitation, suspension, or revocation of a
17 QACSC, excluding the charge of expenses for conducting an
18 investigation or expenses of a hearing, and to provide for
19 hearings in connection with the same. The board shall
20 establish a unique QACSC number that identifies the particular
21 applicant as a certified registered nurse practitioner or
22 certified nurse midwife with a valid QACSC. However, nothing
23 in this act shall permit the board to encroach on the powers,
24 duties, and authority of the Board of Nursing in carrying out
25 is legally authorized functions. The Board of Nursing shall

1 remain the sole licensing and disciplinary authority for CRNPs
2 and CNMs.

3 (b) An advisory committee shall be created to
4 comment on proposed rules.

5 (c) The board and its agents, attorneys, or
6 investigators shall be permitted access to the records of any
7 CRNP or CNM, including patient records, which would relate to
8 a request for a QACSC, a renewal of a QACSC, or a possible
9 violation of any provision of the Alabama Uniform Controlled
10 Substances Act, this article, or applicable regulations of the
11 board.

12 (d) (1) The board may establish protocols,
13 formularies, or medical regimens which relate to, govern, or
14 regulate a QACSC, and any such protocol, formulary, or medical
15 regimen shall not be considered a rule under the Alabama
16 Administrative Procedure Act.

17 (2) The formulary of controlled substances that may
18 be prescribed by CRNPs and CNMs shall be approved by the
19 certifying board upon the recommendation of the joint practice
20 committee established by Article 5, commencing with Section
21 34-21-80, Chapter 21, Title 34, but the formulary shall not be
22 considered a rule under the Alabama Administrative Procedure
23 Act.

24 §20-2-252.

The Board of Medical Examiners may grant a Qualified Alabama Controlled Substances Registration Certificate (QACSC) to a certified registered nurse practitioner (CRNP) or certified nurse midwife (CNM) who:

(1) Is practicing in accordance with this article, Title 34, Chapter 21, Article 5, and all rules and regulations pertaining to collaboration between a qualified physician and a qualified CRNP or a CNM.

(2) Submits proof of successful completion of a course or courses approved by the board which includes advanced pharmacology and prescribing trends relating to controlled substances and which is consistent with the same requirements for other mid-level providers.

(3) Provides accurate and complete documentation of 12 or more months of active, clinical practice with one or more collaborative practices agreement which is governed by Title 34, Chapter 21, Article 5 and which has received final approval from the Board of Medical Examiners and the Alabama Board of Nursing. Temporary approval practice and provisional approval practice shall not be used or considered to meet the requirement of 12 or more months of active, clinical practice.

§20-2-253.

(a) Upon receipt of a Qualified Alabama Controlled Substances Registration Certificate (QACSC) and a valid registration number issued by the United States Drug

1 Enforcement Administration, a certified registered nurse
2 practitioner (CRNP) or certified nurse midwife (CNM) may
3 prescribe, administer, authorize for administration, or
4 dispense only those controlled substances listed in Schedules
5 III, IV, and V of Article 2, Chapter 2, of this title in
6 accordance with rules adopted by the Board of Medical
7 Examiners and any protocols, formularies, and medical regimens
8 established by the board for regulation of a QACSC.

9 (b) A CRNP or a CNM shall not utilize his or her
10 QACSC for the purchasing, obtaining, maintaining, or ordering
11 of any stock supply or inventory of any controlled substance
12 in any form.

13 (c) A CRNP or a CNM authorized to prescribe,
14 administer, or dispense controlled substances in accordance
15 with this article may not prescribe, administer, or dispense
16 any controlled substance to himself, herself, or his or her
17 spouse, child, or parent.

18 §20-2-254.

19 The Board of Medical Examiners may deny an
20 application of a certified registered nurse practitioner
21 (CRNP) or a certified nurse midwife (CNM) requesting a
22 Qualified Alabama Controlled Substances Registration
23 Certificate (QACSC), deny a request for a renewal of a QACSC,
24 or initiate action against the QACSC of a CRNP or a CNM
25 possessing a QACSC based on the following grounds:

1 (1) Fraud or deceit in applying for, procuring, or
2 attempting to procure a QACSC in the State of Alabama.

3 (2) Conviction of a crime under any state or federal
4 law relating to any controlled substance.

5 (3) Conviction of a crime or offense which affects
6 the ability of the CRNP or CNM to practice with due regard for
7 the health or safety of his or her patients.

8 (4) Prescribing a drug or utilizing a QACSC in such
9 a manner as to endanger the health of any person or patient of
10 the CRNP, CNM, or collaborating physician.

11 (5) Suspension or revocation of the registration
12 number issued to the CRNP or CNM by the United States Drug
13 Enforcement Administration.

14 (6) Excessive dispensing or prescribing of any drug
15 to any person or patient of the CRNP, CNM, or collaborating
16 physician.

17 (7) Unfitness or incompetence due to the use of or
18 dependence on alcohol, chemicals, or any mood-altering drug to
19 such an extent as to render the CRNP or CNM unsafe or
20 unreliable to prescribe drugs or to hold a QACSC.

21 (8) Any violation of a requirement set forth in this
22 article or a rule adopted pursuant to this article.

23 §20-2-255.

24 (a) Any hearing regarding the issuance, restriction,
25 limitation, suspension or revocation of a Qualified Alabama

1 Controlled Substances Registration Certificate (QACSC) held by
2 a certified registered nurse practitioner or a certified nurse
3 midwife for any violations of this article shall be before the
4 Board of Medical Examiners.

5 (b) The board shall have the authority to restrict,
6 suspend, or revoke a QACSC, whenever a CRNP or a CNM is found
7 guilty on the basis of substantial evidence of any of the acts
8 or offenses enumerated in Section 20-2-254. The board shall
9 also have the authority to reinstate or to deny reinstatement
10 of a QACSC.

11 (c) The board may limit revocation or suspension of
12 a QACSC to the particular controlled substance with respect to
13 which grounds for revocation or suspension exist.

14 (d) The board shall promptly notify the Drug
15 Enforcement Administration of the United States Department of
16 Justice and the Alabama Board of Nursing of all orders
17 suspending or revoking a QACSC of a CRNP or a CNM.

18 (e) Any hearing conducted before the board in
19 accordance with this section shall be considered a contested
20 case under the Alabama Administrative Procedure Act, and shall
21 be conducted in accordance with the requirements of this
22 article.

23 §20-2-256.

24 (a) A certified registered nurse practitioner (CRNP)
25 or certified nurse midwife (CNM) adversely affected by an

1 order of the Board of Medical Examiners denying an application
2 for a Qualified Alabama Controlled Substances Registration
3 Certificate (QACSC) or the renewal of a QACSC may obtain
4 judicial review thereof by filing a written petition for
5 review with the Circuit Court of Montgomery County in
6 accordance with Section 41-22-20.

7 (b) A CRNP or a CNM adversely affected by an order
8 of the board suspending, revoking, or restricting a QACSC,
9 whether or not such suspension, revocation, or restriction is
10 limited; or denying reinstatement of a QACSC, may obtain
11 judicial review thereof by filing a written petition for
12 review with the Circuit Court of Montgomery County in
13 accordance with Section 41-22-20.

14 (c) The following procedures shall take precedence
15 over subsection (c) of Section 41-22-20 relating to the
16 issuance of a stay of any order of the board suspending,
17 revoking, or restricting a QACSC. The suspension, revocation,
18 or restriction of a QACSC shall be given immediate effect and
19 no stay or supersedeas shall be granted pending judicial
20 review of a decision by the board to suspend, revoke, or
21 restrict a QACSC unless a reviewing court, upon proof by the
22 party seeking judicial review, finds in writing that the
23 action of the board was taken without statutory authority, was
24 arbitrary or capricious, or constituted a gross abuse of
25 discretion.

1 (d) From the judgment of the circuit court, either
2 the board or any affected party who invoked judicial review
3 may obtain a review of any final judgment of the circuit court
4 under Section 41-22-21. No security shall be required of the
5 board.

6 §20-2-257.

7 The Board of Medical Examiners may charge and
8 collect fees to defray expenses incurred in the registration
9 and issuance of a Qualified Alabama Controlled Substances
10 Registration Certificate (QACSC) and the administration of
11 this article shall be the same as other mid-level providers.
12 The types and amounts of fees shall be established in rules
13 adopted by the board. The fees shall be retained by the board
14 and may be expended for the general operation of the board.

15 §20-2-258.

16 Any member of the Board of Medical Examiners, any
17 agent, employee, consultant, or attorney of the board, any
18 person making any report or rendering any opinion or supplying
19 any evidence or information or offering any testimony to the
20 board in connection with any investigation or hearing
21 conducted by the board as authorized in this article, shall be
22 immune from any lawsuit or legal proceeding for any conduct in
23 the course of his or her official duties with respect to such
24 investigations or hearings.

25 §20-2-259.

1 The Board of Medical Examiners may adopt rules
2 necessary to carry out the intent, purposes, and provisions of
3 this article.

4 Section 2. A new Article 12, consisting of Section
5 20-2-260, is added to Chapter 2, Title 20 of the Code of
6 Alabama 1975, to read as follows:

7 Article 12. Limited Purpose Schedule II Permit.
8 §20-2-260.

9 (a) The Board of Medical Examiners may at any future
10 date it chooses create a Limited Purpose Schedule II Permit
11 (LPSP), and assess fees associated with the permit, that,
12 along with any other necessary registration, may permit
13 assistants to physicians, certified registered nurse
14 practitioners, or certified nurse midwives to lawfully
15 prescribe, administer, authorize for administration, or
16 dispense only those controlled substances listed in Schedule
17 II substances of Article 2 of Chapter 2 of this title in
18 accordance, as specified and limited by the permit, with rules
19 adopted by the board and any protocols, formularies, and
20 medical regimens established by the board for regulation of a
21 LPSP. Any protocols, formularies, and medical regimens shall
22 not be considered administrative rules under the Alabama
23 Administrative Procedure Act.

24 (b) An assistant to physician, certified registered
25 nurse practitioner, or certified nurse midwife shall not

utilize his or her LPSP for the purchasing, obtaining, maintaining, or ordering of any stock supply or inventory of any controlled substance in any form.

(c) An assistant to physician, certified registered nurse practitioner, or certified nurse midwife authorized to prescribe, administer, or dispense controlled substances in accordance with this article shall not prescribe, administer, or dispense any controlled substance to his or her own self, spouse, child, or parent.

(d) The board may not permit assistants to physicians, certified registered nurse practitioners, or certified nurse midwives to lawfully prescribe, administer, authorize for administration, or dispense all controlled substances listed in Schedule II of Article 2 of Chapter 2 of this title. It is the intent of this article, if and when the board chooses to use this authority at some future date, that the LPSP may be used only at the board's discretion and as limited by the board to specific circumstances and specific drugs.

Section 3. Section 20-2-214 and 20-2-217 of the Code of Alabama of 1975, are amended to read as follows:

"§20-2-214.

"The following persons or entities shall be permitted access to the information in the controlled

1 substances database, subject to the limitations indicated
2 below:

3 "(1) Authorized representatives of the certifying
4 boards, provided, however, that access shall be limited to
5 inquiries concerning the licensees of the certifying board,
6 however, authorized representatives from the Board of Medical
7 Examiners may access the database to inquire about certified
8 registered nurse practitioners (CRNPs), or certified nurse
9 midwives (CNMs) that hold a Qualified Alabama Controlled
10 Substances Registration Certificate (QACSC).

11 "(2) A licensed practitioner approved by the
12 department who has authority to prescribe, dispense, or
13 administer controlled substances, provided, however, that such
14 access shall be limited to information concerning an assistant
15 to physician with a Qualified Alabama Controlled Substances
16 Registration Certificate over whom the practitioner exercises
17 physician supervision, a CRNP and a CNM with a QACSC over whom
18 the practitioner exercises professional oversight and
19 direction pursuant to an approved collaborative practice
20 agreement, and a current or prospective patient of the
21 practitioner. Practitioners shall have no requirement or
22 obligation to access or check the information in the
23 controlled substances database prior to prescribing,
24 dispensing, or administering medications or as part of their
25 professional practice.

1 "(3) A licensed assistant to physician approved by
2 the department who is authorized to prescribe, administer, or
3 dispense pursuant to a ~~Qualified Alabama Controlled Substances~~
4 ~~Registration Certificate~~ QACSC; provided, however, that such
5 access shall be limited to information concerning a current or
6 prospective patient of the assistant to physician.

7 "(4) A licensed certified registered nurse
8 practitioner or a licensed certified nurse midwife approved by
9 the department who is authorized to prescribe, administer, or
10 dispense pursuant to a QACSC; provided, however, that such
11 access shall be limited to information concerning a current or
12 prospective patient of the CRNP or CNM.

13 ~~"(4)~~ (5) A licensed pharmacist approved by the
14 department, provided, however, that such access is limited to
15 information related to the patient or prescribing practitioner
16 designated on a controlled substance prescription that a
17 pharmacist has been asked to fill. Pharmacists shall have no
18 requirement or obligation to access or check the information
19 in the controlled substances database prior to dispensing or
20 administering medications or as part of their professional
21 practices.

22 ~~"(5)~~ (6) State and local law enforcement authorities
23 as authorized under Section 20-2-91, and federal law
24 enforcement authorities authorized to access prescription
25 information upon application to the department accompanied by

1 an affidavit stating probable cause for the use of the
2 requested information.

3 "~~(6)~~(7) Employees of the department and consultants
4 engaged by the department for operational and review purposes.

5 "~~(7)~~(8) The prescription drug monitoring program of
6 any of the other states or territories of the United States,
7 if recognized by the Alliance for Prescription Drug Monitoring
8 Programs under procedures developed by the United States
9 Department of Justice or the Integrated Justice Information
10 Systems Institute or successor entity subject to or consistent
11 with limitations for access prescribed by this chapter for the
12 Alabama Prescription Drug Monitoring Program.

13 "\$20-2-217.

14 "There is hereby assessed a surcharge in the amount
15 of ten dollars (\$10) per year on the controlled substance
16 registration certificate of each licensed medical, dental,
17 podiatric, optometric, and veterinary medicine practitioner
18 authorized to prescribe or dispense controlled substances and
19 on the Qualified Alabama Controlled Substances Registration
20 Certificate (QACSC) of each licensed assistant to physician,
21 certified registered nurse practitioner, or certified nurse
22 midwife. This surcharge shall be effective for every
23 practitioner certificate and every Qualified Alabama
24 Controlled Substances Registration Certificate (QACSC) issued
25 or renewed ~~on or after August 1, 2004~~, shall be in addition to

1 any other fees collected by the certifying boards, and shall
 2 be collected by each of the certifying boards and remitted to
 3 the department at such times and in such manner as designated
 4 in the regulations of the department. The proceeds of the
 5 surcharge assessed herein shall be used exclusively for the
 6 development, implementation, operation, and maintenance of the
 7 controlled substances prescription database."

8 Section 4. This act shall become effective on the
 9 first day of the fifth month following its passage and
 10 approval by the Governor, or its otherwise becoming law.

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Kay Ivey
President and Presiding Officer of the Senate

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[Signature]
Speaker of the House of Representatives

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SB229

8

Senate 16-APR-13

9

I hereby certify that the within Act originated in and passed
the Senate, as amended.

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Patrick Harris
Secretary

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16

17

House of Representatives
Passed: 07-MAY-13

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21

By: Senator Reed

APPROVED

May 10, 2013

TIME

4:50 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2013-223
Bill Num....: S-229

Recv'd 05/15/13 10:21amSLF

SPONSOR

1 Reed
CO-SPONSORS

2 March 19

3 Waggoner 20

4 21

5 22

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 229.

yeas 28 nays 0 abstain 0

PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE:

4-16

RD 1 RFD

Health

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee or Health was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) _____ w/sub _____ This 24 day of April 2013.

Jim Chairperson

DATE:

4-24

RF

RD:

DATE:

RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill SB 229.

YEAS 94 NAYS 0

JEFF WOODARD
Clerk

FURTHER HOUSE ACTION (OVER)