

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing  
Rule No. 610-X-3-.06  
Rule Title Deficiencies  
         New     X     Amend          Repeal          Adopt by Reference

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 and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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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.

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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 Reference Service.

Signature of certifying officer *W. K. Hill, Jr.*

Date 1-26-12

DATE FILED  
(STAMP)

APA-2  
11/96

**ALABAMA BOARD OF NURSING**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Board of Nursing

**RULE NO. & TITLE:** Rule 610-X-3-.06, Deficiencies

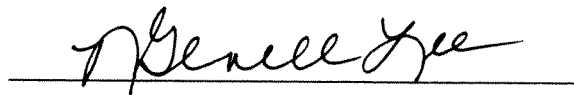
**INTENDED ACTION:** The Alabama Board of Nursing proposes to amend the regulations related to deficiencies on national licensure examination scores.

**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-3-.06, Deficiencies. A copy of the proposed amended rule may be found on the Board's web site, [www.abn.alabama.gov](http://www.abn.alabama.gov), under "laws" and then "proposed rule changes." The proposed changes clarify requirements for the time period a nursing education program has to correct deficiencies related to the national licensure exam scores.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or oral comments will be received by the Board of Nursing until 4:30 P.M. on Tuesday, March 6, 2012. Verbal or written comments be directed to N. Genell Lee, Executive Officer, at P.O. Box 303900, Montgomery, AL 36130-3900 or via electronic mail at [Genell.Lee@abn.alabama.gov](mailto:Genell.Lee@abn.alabama.gov) or via telephone at 334-293-5210.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
The record closes at 4:30 P.M. on Tuesday, March 6, 2012.

**CONTACT PERSON AT AGENCY:** N. Genell Lee, Executive Officer.



Executive Officer

## ALABAMA BOARD OF NURSING

### RULE 610-X-3-.06

#### DEFICIENCIES

##### 610-X-3-.06 Deficiencies

(1) The Board shall conduct surveys and evaluations as often as necessary to determine compliance with all standards set forth in Chapter 610-X-3.

(2) The Board shall, upon determining that a program is not in compliance with standards set forth in Chapter 610-X-3, provide to the governing institution administrator and nursing program administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct deficiencies.

(3) A nursing education program that receives a Notice of Deficiency from the Board shall establish a written plan within the specified time and provide reports to the Board as requested to document progress in removing deficiency (ies).

(4) The Board shall conduct a hearing for any program that fails to correct identified deficiencies within the time specified by the Board. The Board may:

(a) Withdraw approval from the nursing education program resulting in graduates being ineligible to take the licensing examination.

(b) Continue approval of the nursing education program for a specified time period.

(c) Direct the nursing program administrator to notify students in writing of the Board's decision.

(5) Approved nursing education programs that fail to meet the national licensure examination pass rate shall have the following time frame to correct the deficiency

(a) Registered nursing education programs shall have two years from receipt of the fiscal year pass rates results. The Board's fiscal year runs from October 1 of one year to September 30 of the following year.

(b) Practical nursing education programs shall have one year from receipt of the fiscal year pass rates results. The Board's fiscal year runs from October 1 of one year to September 30 of the following year.

(c) Provisionally approved nursing education programs shall have one year from receipt of the fiscal year pass rates results. The Board's fiscal year runs from October 1 of one year to September 30 of the following year.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Ala. 1975, §34-21-5

**History:** September 27, 1982. Amended May 6, 1985. Amended May 23, 1997. **Repealed and Replaced:** Filed July 22, 2002. Effective August 26, 2002. **Amended:** Filed September 25, 2006. Effective October 31, 2006. **Amended:** Filed September 21, 2007. Effective October 26, 2007. **Amended:** Filed May 16, 2008. Effective June 20, 2008. **Amended:** Filed November 19, 2010. Effective December 24, 2010. Proposed amended rule filed January 20, 2012.