

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing  
Rule No. 610-X-8-.09  
Rule Title Decisions of the Board  
         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 *Genevieve*

Date June 20, 2011

DATE FILED  
(STAMP)

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11/96

**ALABAMA BOARD OF NURSING**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:**

Alabama Board of Nursing

**RULE NO. & TITLE:**

Rule 610-X-8-.09, Decisions of the Board

**INTENDED ACTION:** The Alabama Board of Nursing proposes to amend the decisions by the Board to include the lapse of a licensee's license by Order of the Board.


**SUBSTANCE OF PROPOSED ACTION:** The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-8-.09, Decisions of the Board by adding an option for the Board to lapse a license by Order. 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."

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or oral comments will be received by the Board of Nursing until 4:30 P.M. on Thursday, August 4, 2011. Verbal or written comments should 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 Thursday, August 4, 2011.

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



Executive Officer

# ALABAMA BOARD OF NURSING

## RULE 610-X-8-.09

### DECISIONS OF THE BOARD

#### Rule 610-X-8-.09 Decisions of the Board.

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition, the Board may take one or more of the following actions:

(a) Dismiss the administrative complaint in its entirety or any alleged violation in the complaint.

(b) Find the respondent not guilty of any or all of the violations alleged in the administrative complaint.

(c) Find the respondent guilty of any or all of the violations alleged in the administrative complaint. If the Board finds the respondent guilty of one or more of the violations alleged in the administrative complaint, the Board may take one or more of the following disciplinary actions against the respondent:

(i) Reprimand the respondent's license.

(ii) Probate the respondent's license.

(iii) Require the respondent to participate in an educational program.

(iv) Suspend the respondent's license.

(v) Revoke the Respondent's license.

(vi) Lapse the Respondent's license by Order of the Board.

(vii) Deny approval of the applicant to take the licensing examination or deny approval of the applicant for licensure by endorsement.

(viii) Deny renewal or reinstatement of a license.

(ix) Impose other sanctions or restrictions.

(x) Levy a fine not to exceed \$1,000.00 per violation.

(xi) Withdraw approval of a nursing education program.

- (xii) Deny approval of a nursing education program.
  - (xiii) Continue approval of a nursing education program for a specified period.
  - (xiiiv) Direct a nursing program administrator to notify students in writing of the Board's decision.
- (2) The decisions of the Board shall be in writing in the form of an Order, a copy of which shall be mailed or delivered to the respondent or the respondent's attorney.
  - (3) The decisions of the Board shall be subject to public dissemination, including but not limited to the required reporting of disciplinary actions to all federal databanks.
  - (4) Judicial review of decisions of the Board may be sought in the Circuit Court of Montgomery County, Montgomery, Alabama. Appeals are to be perfected in accordance with the Alabama Administrative Procedures Act.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Alabama, 1975, §§ 34-21-25, 34-21-2 (j)(4)(5).

**History:** Effective September 29, 1982. **Repealed and Replaced:** Filed January 29, 2002. Effective March 5, 2002. **Repealed and Replaced:** Filed May 21, 2010. Effective June 25, 2010. Proposed amended rule filed June 20, 2011.