

1 HB268
2 219330-4
3 By Representatives Kitchens and McCutcheon
4 RFD: Boards, Agencies and Commissions
5 First Read: 03-FEB-22

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ENROLLED, An Act,

Relating to the Board of Nursing; to amend Section 34-21-81, Code of Alabama 1975, to further provide for the definition of advanced practice nursing by a Certified Registered Nurse Anesthetist; and to specify that a Certified Registered Nurse Anesthetist also practices in coordination with a licensed physician, podiatrist, or dentist.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-21-81, Code of Alabama 1975, is amended to read as follows:

"§34-21-81.

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

~~"(3)~~ (1) ADVANCED PRACTICE NURSE. A registered nurse ~~that~~ who has gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurses for advanced practice roles and has been certified by the Board of Nursing to engage in the practice of advanced practice nursing. There shall be four categories of advanced practice nurses: Certified registered nurse practitioners (CRNP), certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), and clinical nurse specialists (CNS). Certified registered nurse practitioners and certified nurse midwives are subject to

1 collaborative practice agreements with an Alabama physician.
2 Certified registered nurse anesthetists and clinical nurse
3 specialists are not subject to collaborative practice
4 agreements with an Alabama physician and are not subject to
5 the requirements of Sections 34-21-82, 34-21-83, and 34-21-85
6 to 34-21-92, inclusive, and are prohibited from engaging in
7 any of the acts or functions of a certified registered nurse
8 practitioner (CRNP) or a certified nurse midwife (CNM) as
9 established by this article and regulations adopted under this
10 article.

11 ~~"(4)(2)~~ ADVANCED PRACTICE NURSING. The delivery of
12 health care services by registered nurses who have gained
13 additional knowledge and skills through successful completion
14 of an organized program of nursing education that prepares
15 nurses for advanced practice roles as certified registered
16 nurse practitioners, certified nurse midwives, certified nurse
17 anesthetists, and clinical nurse specialists:

18 ~~"(1)(3)~~ BOARD OF MEDICAL EXAMINERS. The State Board
19 of Medical Examiners established pursuant to Section 34-24-53.

20 ~~"(2)(4)~~ BOARD OF NURSING. The Board of Nursing
21 established under Section 34-21-2.

22 "a. Practice as a certified registered nurse
23 practitioner (CRNP) means the performance of nursing skills by
24 a registered nurse who has demonstrated by certification that
25 he or she has advanced knowledge and skills in the delivery of

1 nursing services within a health care system that provides for
2 consultation, collaborative management, or referral as
3 indicated by the health status of the client.

4 "b. Practice as a certified nurse midwife (CNM)
5 means the performance of nursing skills by a registered nurse
6 who has demonstrated by certification that he or she has
7 advanced knowledge and skills relative to the management of
8 women's health care focusing on pregnancy, childbirth, the
9 postpartum period, care of the newborn, family planning, and
10 gynecological needs of women, within a health care system that
11 provides for consultation, collaborative management, or
12 referral as indicated by the health status of the client.

13 "c. Practice as a certified registered nurse
14 anesthetist (CRNA) means the performance of or the assistance
15 in any act involving the determination, preparation,
16 administration, procedural ordering, or monitoring of any drug
17 used to render an individual insensible to pain for surgical
18 and other therapeutic or diagnostic procedures. The nurse
19 anesthetist is qualified in accordance with Section 27-46-3
20 and is licensed by the Board of Nursing and functions under
21 the direction of or in coordination with a physician licensed
22 to practice medicine, a podiatrist, or a dentist, who is
23 immediately available. Nothing in this paragraph shall be
24 construed to restrict the authority of a health care facility

1 to adopt policies relating to the provision of anesthesia and
2 analgesia services.

3 "d. Practice of clinical nurse specialist (CNS)
4 nursing means the performance of nursing skills by a
5 registered nurse who, through study and supervised practice at
6 the graduate level and as evidenced by certification, has
7 advanced knowledge and practice skills in a specialized area
8 of practice, except that a clinical nurse specialist may not
9 do any of the following:

10 "1. Perform delegated medical acts or engage in
11 collaborative practice as described in this article.

12 "2. Perform any of the functions of a certified
13 registered nurse practitioner or a certified nurse midwife as
14 described in this article and the regulations adopted under
15 this article, whether or not performed within a collaborative
16 practice relationship.

17 "3. Prescribe drugs of any type. A clinical nurse
18 specialist may perform nursing services permitted under this
19 subdivision as an independent contractor.

20 "(5) COLLABORATION. A formal relationship between
21 one or more certified registered nurse practitioners and
22 certified nurse midwives and a physician or physicians under
23 which these nurses may engage in advanced practice nursing as
24 evidenced by written protocols approved in accordance with the
25 requirements of this article or exempted in accordance with

1 requirements of this article. The term collaboration does not
2 require direct, on-site supervision of the activities of a
3 certified registered nurse practitioner or a certified nurse
4 midwife by the collaborating physician. The term does require
5 such professional oversight and direction as may be required
6 by the rules and regulations of the State Board of Medical
7 Examiners and the Board of Nursing.

8 "(6) COORDINATION WITH. When an anesthesiologist is
9 not physically present, the working relationship between a
10 physician, a podiatrist, or a dentist and a certified
11 registered nurse anesthetist licensed to practice in this
12 state. Each contributes his or her respective expertise in the
13 provision of patient care, which includes the discussion of
14 patient treatment, diagnosis, and consultation.

15 "(7) JOINT COMMITTEE OF THE STATE BOARD OF MEDICAL
16 EXAMINERS AND THE BOARD OF NURSING FOR ADVANCED PRACTICE
17 NURSES. The Joint Committee of the State Board of Medical
18 Examiners and the Board of Nursing for Advanced Practice
19 Nurses shall mean and shall be a committee composed of all of
20 the following:

21 "a. Two physicians licensed to practice medicine in
22 the State of Alabama.

23 "b. One registered nurse licensed to practice
24 professional nursing in the State of Alabama.

1 "c. One licensed physician engaged in a
2 collaborative practice with a certified registered nurse
3 practitioner or a certified nurse midwife in the State of
4 Alabama.

5 "d. One certified registered nurse practitioner
6 engaged in advanced practice with a physician in the State of
7 Alabama.

8 "e. One certified nurse midwife engaged in advanced
9 practice with a physician in the State of Alabama.

10 " (8) LEGEND DRUG. Any drug, medicine, chemical, or
11 poison bearing on the label the words, "Caution, Federal Law
12 prohibits dispensing without prescription" or similar words
13 indicating that such drug, medicine, chemical, or poison may
14 be sold or dispensed only upon the prescription of a licensed
15 practitioner, except that the term legend drug shall not
16 include any drug, substance, or compound which is listed in
17 Schedules I through V of the Alabama Uniform Controlled
18 Substances Act.

19 "~~(6)~~ (9) PHYSICIAN or COLLABORATING PHYSICIAN. A
20 doctor of medicine or a doctor of osteopathy licensed to
21 practice medicine in Alabama who agrees in writing to practice
22 in collaboration with one or more certified registered nurse
23 practitioners or certified nurse midwives in accordance with
24 the rules and regulations adopted by the State Board of
25 Medical Examiners and the Board of Nursing.

1 "~~(9)~~ (10) PRESCRIBE or PRESCRIBING. The act of
2 issuing a written prescription for a legend drug.

3 "~~(10)~~ (11) PRESCRIPTION. An order for a legend drug
4 which is written and signed by a practitioner authorized by
5 law to prescribe and administer such drugs and which is
6 intended to be filled, compounded, or dispensed by a
7 pharmacist.

8 "(12) PROCEDURAL ORDERING. The ordering of the
9 anesthesia plan, including the ordering of medications and
10 tests before, during, or after analgesia or anesthesia in
11 accordance with the anesthesia plan.

12 "~~(11)~~ (13) PROTOCOL. A document approved in
13 accordance with Section 34-21-87 establishing the permissible
14 functions and activities to be performed by certified
15 registered nurse practitioners and certified nurse midwives
16 and signed by collaborating physicians and any nurse
17 practitioners or nurse midwives practicing with those
18 physicians."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 01-MAR-22, as amended.

Jeff Woodard
Clerk

Senate	17-MAR-22	Amended and Passed
House	31-MAR-22	Passed, as amended by Conference Com- mittee Report
Senate	05-APR-22	Passed, as amended by Conference Com- mittee Report