

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 420
Department or Agency: Alabama State Board of Health Division of Licensure and Certification
Rule No.: 420-5-7-.01
Rule Title: General Provisions
Intended Action: Amend

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? No

To what degree?: N/A

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

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

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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.

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 Services Agency.

Signature of certifying officer

Sancha Howard
Sancha Howard

Date

Thursday, September 19, 2024

REC'D & FILED

SEP 19, 2024

LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF HEALTH  
DIVISION OF LICENSURE AND CERTIFICATION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NO. & TITLE: 420-5-7-.01 General Provisions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment will allow for the Department to define the meaning of procedural ordering and the provision of anesthesia services.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be held on October 24, 2024, at 9:00 a.m. at the RSA Tower, Suite 982, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, November 4, 2024

CONTACT PERSON AT AGENCY:

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*Sancha Howard*

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Sancha Howard

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

**420-5-7-.01            General Provisions.**

(1) Legal Authority for Adoption of Rules. The following rules for hospitals are adopted by the Alabama State Board of Health pursuant to §22-21-20, et seq., Code of Ala. 1975.

(2) Definitions

(a) "Authorized Bed Capacity" means the number of beds a hospital has available for inpatient care. A hospital may by application designate its authorized bed capacity, not to exceed its licensed bed capacity. The term, "Authorized Bed Capacity," shall exclude beds intended for ancillary usage such as labor beds, recovery room beds and stretchers, and bassinets for newborn infants. The authorized bed capacity is also the maximum daily census that a hospital may have admitted in an in-patient capacity. A hospital shall at all times have in place the actual beds and all necessary ancillary equipment for individual patient care equal to the number of its authorized bed capacity. A hospital's authorized bed capacity may be the same as its licensed bed capacity, or it may be some smaller number, but its authorized bed capacity may never exceed its licensed bed capacity.

(b) "Board" or "State Board of Health" means the State Committee of Public~~Board or State Board of Health means the Alabama State Board of~~ Health.

(c) "Certified Registered Nurse Anesthetist—(CRNA) (CRNA) " means a registered nurse who meets the requirements and is approved by the Alabama Board of Nursing to practice as a CRNA.

(d) "Clinical Psychologist" means a person who holds a doctoral degree in psychology and who is currently licensed in Alabama at the independent practice level of psychology to furnish diagnostic, assessment, preventive, and therapeutic services directly to individuals.

(e) "Department" means the Alabama Department of Public Health.

(f) "Governing Authority" means owner(s), hospital association, county hospital board, board of directors, board of governors, board of trustees, or any other comparable designation of a body duly organized and constituted for the purpose of owning, acquiring, constructing, equipping, operating, and maintaining a hospital, and exercising control over the affairs of said hospital.

(g) "Hospital" means a health institution planned, organized, and maintained for offering to the public, facilities and beds for use in the diagnosis and treatment of patients requiring in-patient medical care, out-patient medical care, or other care performed by or under the

supervision of physicians due to illness, disease, injury, deformity, abnormality, or pregnancy.

(h) "License" means the legal authority to operate a hospital as defined above, to admit patients, and to offer and provide care as permitted under these rules. A license may only be granted by the Board through the actions of its authorized agents.

(i) "License Certificate" means a document issued by the Department showing that the entity named on the document is licensed as a hospital. A license certificate shall contain the signature of the State Health Officer and other seals and markings designed to demonstrate its authenticity. The license certificate shall be posted in a conspicuous place on the hospital premises.

(j) "Licensed Bed Capacity" means the number of beds for which the facility has a certificate of need, and has been issued a certificate of licensure by the Department. The term "Licensed Bed Capacity" shall exclude beds intended for ancillary usage such as labor beds, recovery room beds and stretchers, and bassinets for newborn infants.

(k) "Licensed Practical Nurse" means a person who holds an active license issued by the Alabama Board of Nursing.

(l) "Physician" means a person currently licensed to practice medicine and/or surgery in Alabama under the provisions contained in current state statutes.

(m) "Principal" means an individual associated with a governing authority or a license applicant in any of the following capacities:

1. Administrator, or equivalent~~†~~.
2. Chief Executive Officer, or equivalent~~†~~.
3. Owner of a controlling interest in the governing authority, or, if the governing authority is a subsidiary of another business entity, owner of a controlling interest in the parent business entity~~†~~.
4. If no person has a controlling interest in the governing authority or in a parent corporation of the governing authority, then an owner of ~~ten~~10 percent or more of the governing authority or of any business entity of which the governing authority is a subsidiary.

(n) "Procedural Ordering" means the ordering of the anesthesia plan, including the ordering of medications and tests before, during, or after analgesia in accordance with the anesthesia plan.

(o) "Registered Nurse" means a person who holds an active license issued by the Alabama Board of Nursing.

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**Statutory Authority:** Code of Ala. 1975, §§22-21-20, et seq.

**History:** Filed September 1, 1982. **Amended:** Filed March 20, 1992. **Amended:** Filed May 20, 1994, effective June 24, 1994.  
**Repealed and New Rule:** Filed November 18, 1994; effective December 23, 1994. **Amended:** Filed January 19, 1996; effective February 23, 1996. **Amended:** Filed December 16, 1999; effective January 20, 2000. **Repealed and New Rule:** Filed August 24, 2012; effective September 28, 2012. **Amended:** Published ; effective .