

1 SB148
2 115255-2
3 By Senators Dixon, Barron, Little (T), and Figures
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

SB148

ENROLLED, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Assisted Living Administrators with certain modifications; to amend Section 34-2A-3, Code of Alabama 1975, so as to allow the consumer members of the board to vote on all matters before the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Examiners of Assisted Living Administrators, with the additional recommendations for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Board of Examiners of Assisted Living Administrators, created and functioning pursuant to Sections 34-2A-1 to 34-2A-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-2A-3 of the Code of Alabama 1975, is amended to read as follows:

"§34-2A-3.

1 "(a) There is created a Board of Examiners of
2 Assisted Living Administrators composed of nine members, seven
3 members as set out in this subsection, and two additional
4 consumer members as set out in subsection (b). The membership
5 of the board shall be inclusive and reflect the racial,
6 gender, geographic, urban/rural, and economic diversity of the
7 state. The seven original members shall be composed as
8 follows: Five members shall be assisted living administrators
9 duly licensed and registered under this chapter; one member
10 shall be a physician licensed under the laws of the state who
11 is actively concerned in a practice with the care of
12 chronically ill and infirm, aged patients; and one shall be a
13 licensed nursing home administrator who in the same or
14 contiguous facility manages assisted living beds. Appointments
15 to the board for those positions to be held by assisted living
16 administrators shall be made by the Governor from a list of
17 three nominees for each position to be submitted to the
18 Governor by the Assisted Living Association of Alabama, Inc.
19 The appointment of the nursing home administrator shall be
20 made from a list of three nominees submitted to the Governor
21 by the Alabama Nursing Home Association, Inc. The appointment
22 to the board of the member for the position to be held by a
23 physician shall be made from a list of three nominees
24 submitted to the Governor by the Medical Association of the
25 State of Alabama.

1 "(b) Within 30 days of March 1, 2002, the Governor
2 shall appoint two consumer members of the board. The consumer
3 members shall vote in all matters . At least one consumer
4 member shall be 65 years of age or older and no consumer
5 member, or a spouse or immediate family member of a consumer
6 member, shall be a licensee of the board or be employed in the
7 assisted living profession.

8 "(c) When the terms of all members of the board
9 expire in April 2005, the Governor shall appoint five members
10 to two-year terms and four members to three-year terms as
11 follows: Three assisted living administrators, the licensed
12 nursing home administrator, and one consumer member shall be
13 appointed to two-year terms; two assisted living
14 administrators, the licensed physician, and one consumer
15 member shall be appointed to three-year terms. Thereafter, all
16 members shall serve three-year terms of office.

17 "(d) All members of the board shall be citizens of
18 the United States and shall be residents of the state.

19 "(e) Except as otherwise provided in this section,
20 each member shall serve three-year staggered terms and no
21 board member shall serve more than two consecutive full
22 three-year terms. All members shall continue to serve until
23 the Governor appoints a successor.

24 "(f) The Governor may remove any board member for
25 misconduct, incapacity, incompetence, or neglect of duty after

1 the board member so charged has been served with a written
2 statement of charges and has been given an opportunity to be
3 heard. Absence from any three consecutive meetings of the
4 board within a calendar year, without cause acceptable to the
5 Governor and the board, shall be deemed cause for removal.

6 "(g) Any vacancy created by the death, resignation,
7 or removal of any board member shall be filled by the Governor
8 for the unexpired term in the same manner as required by this
9 chapter to make appointments.

10 "(h) Each member of the board shall receive a per
11 diem fee of not less than fifty dollars (\$50) nor more than
12 one hundred dollars (\$100) to be determined by the board for
13 the time spent in the performance of official duties. Each
14 member shall be reimbursed for all necessary and proper travel
15 and incidental expenses incurred in implementing this chapter
16 as is provided to state employees by the laws of the state and
17 regulations of the State Personnel Director. In setting the
18 per diem fee, the board shall give due consideration to funds
19 which are available for that purpose.

20 "(i) The board shall hold four or more meetings a
21 year. A majority of the members of the board shall constitute
22 a quorum at any meeting except as provided in Section
23 34-2A-13. A majority vote of the members present shall be
24 sufficient to transact the business of the board except as
25 provided in Section 34-2A-13. Meetings may be called by the

1 chair or by a majority of the members of the board. Members
2 shall be given seven days' written notice of all meetings.

3 "(j) The board shall annually elect from its members
4 a chair and a vice-chair, at the first meeting of the board
5 held after October 1 of each year, and each shall serve until
6 the first meeting held after October 1 of the following year.
7 In the event of the death, resignation, or removal of the
8 chair from the board, the vice-chair shall succeed as chair
9 for the remainder of the unexpired term. In the event of the
10 death, resignation, removal, or succession to the office of
11 chair of a vice-chair, a successor shall be elected by the
12 board to fill the remainder of the unexpired term as
13 vice-chair. The chair, or in the absence of the chair, the
14 vice-chair, shall preside at all meetings of the board. The
15 chair of the board may appoint an executive director to the
16 board, with the consent of the members of the board, who shall
17 serve at the pleasure of the board. The board shall fix the
18 salary of the executive director. The executive director shall
19 be the executive officer to the board but may not be a member
20 of the board. The executive director shall have those powers
21 and shall perform those duties as are prescribed by law and
22 the rules and regulations of the board. A clerk and sufficient
23 deputy clerks to adequately assist the board and executive
24 director in the keeping of the records and in the performance

1 of their duties may be appointed by the board subject to the
2 Merit System.

3 "(k) The board is subject to the Alabama Sunset Law
4 of 1981, and is classified as an enumerated agency pursuant to
5 Section 41-20-3. The board shall automatically terminate on
6 October 1, 2004, and every four years thereafter, unless a
7 bill is passed that the board be continued, modified, or
8 reestablished."

9 Section 4. The Legislature concurs in the
10 recommendations of the Sunset Committee as provided in
11 Sections 1, 2, and 3.

12 Section 5. This act shall become effective
13 immediately upon its passage and approval by the Governor, or
14 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB148
Senate 11-FEB-10
I hereby certify that the within Act originated in and passed
the Senate.

McDowell Lee
Secretary

House of Representatives
Passed: 23-FEB-10

By: Senator Dixon