

1 SB179
2 208640-1
3 By Senators Coleman-Madison, Singleton, Smitherman and Figures
4 RFD: Healthcare
5 First Read: 03-FEB-21

SYNOPSIS: Under existing law, the Board of Nursing is responsible for the regulation of the practice of nursing in the state.

This bill would authorize the board, by rule, to establish standards for student nurse apprenticeships and to issue student nurse apprentice permits to eligible students.

This bill would also authorize the board, by rule, to establish standards for certified medication assistants and to issue certified medication assistant permits to eligible applicants.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-21-2, Code of Alabama 1975, as amended by Act 2019-102, 2019 Regular Session, relating to the duties of the Board of Nursing; to authorize the board, by

1 rule, to establish standards for student nurse apprenticeships
2 and to issue student nurse apprentice permits to eligible
3 students; and to authorize the board, by rule, to establish
4 standards for certified medication assistants and to issue
5 certified medication assistant permits to eligible applicants.
6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 34-21-2 of the Code of Alabama
8 1975, as amended by Act 2019-102, 2019 Regular Session, is
9 amended to read as follows:

10 "§34-21-2.

11 "(a) There is created the Board of Nursing, which
12 shall be composed of 13 members to be appointed and have the
13 duties and powers enumerated in this section. The membership
14 of the board shall be inclusive and reflect the racial,
15 gender, geographic, urban/rural, and economic diversity of the
16 state. In order to insure continuity of administration, the
17 nine board members provided for by Section 3 of Act 427,
18 Regular Session 1975, shall continue to serve to the
19 completion of the term for which they are serving. The
20 Governor, within 60 days of January 1, 1984, shall appoint a
21 tenth member who shall be a licensed practical nurse for a
22 term of four years from a list of nominees furnished him or
23 her by the Alabama Federation of Licensed Practical Nurses,
24 Incorporated, or its successor organization. As the terms of
25 all board members expire, their successors shall be appointed
26 for terms of four years each. Vacancies in unexpired terms
27 shall be filled in the same manner as original appointments

1 are made. No member shall be appointed to more than two
2 consecutive terms of four years each. Eight members of the
3 board shall be licensed professional nurses, and four members
4 of the board shall be licensed practical nurses.

5 "(b) (1) The Governor shall appoint the members of
6 the board who are licensed professional nurses from a list of
7 nominees who are selected by the Board of Nursing Nomination
8 Committee and furnished to the Governor by the Alabama State
9 Nurses Association, or its successor organization, and such
10 list, when furnished, shall contain at least twice the number
11 of nominees as there are appointments to be made or vacancies
12 to be filled. The Alabama State Nurses Association, or its
13 successor organization, on or before December 1 of each year,
14 or at such other times as necessary, shall furnish the
15 Governor with a list of licensed professional nurses qualified
16 for appointment to the board. In the nominating and appointing
17 process, due care shall be taken to ensure the maintenance of
18 qualified representation from the fields of nursing education,
19 nursing administration, clinical nursing, and advanced
20 practice nursing.

21 "(2) The Governor shall appoint two of the members
22 of the board who are to be licensed practical nurses from a
23 list of nominees furnished him or her by the Board of
24 Directors of the Licensed Practical Nurses Association of
25 Alabama, or its successor organization, and such list, when
26 furnished, shall contain at least twice the number of nominees
27 for the vacancies to be filled. The Board of Directors of the

1 Licensed Practical Nurses Association of Alabama, or its
2 successor organization, on or before December 1 of each year
3 in which the term of office of a board member or a nominee of
4 the Board of Directors shall expire, or at such other time as
5 necessary, shall furnish the Governor with such list of
6 licensed practical nurses qualified for appointment to the
7 board.

8 "(3) The Governor shall appoint two members on the
9 board who are to be licensed practical nurses from a list of
10 nominees furnished him or her by the Board of Directors of the
11 Alabama Federation of Licensed Practical Nurses, Incorporated,
12 or its successor organization, and such list, when furnished,
13 shall contain at least twice the number of nominees for the
14 vacancies to be filled. The Board of Directors of the Alabama
15 Federation of Licensed Practical Nurses, Incorporated, or its
16 successor organization, on or before December 1 of each year
17 in which the term of office of the board member filled by the
18 nominee of such board of directors shall expire, or at such
19 other times as necessary, shall furnish the Governor with a
20 list of licensed practical nurses qualified for appointment to
21 the board.

22 "(c) The Governor may remove any member from the
23 board for neglect of duty of the board, incompetency, or
24 unprofessional or dishonorable conduct.

25 "(d) Each person appointed to the board as a
26 licensed professional nurse shall be a citizen of the United

1 States, a resident of the State of Alabama, and have all of
2 these additional qualifications:

3 "(1) Be a graduate of a state-approved educational
4 program for the preparation of practitioners of professional
5 nursing.

6 "(2) Be a currently licensed professional nurse in
7 Alabama.

8 "(3) Have a minimum of five years' successful
9 nursing experience in an administrative, teaching, clinical
10 capacity, or advanced practice.

11 "(4) Be actively engaged in professional nursing in
12 this state immediately preceding and during appointment.

13 "(e) Each person appointed to the board as a
14 licensed practical nurse shall be a citizen of the United
15 States, a resident of the State of Alabama, and have all of
16 these additional qualifications:

17 "(1) Hold a diploma from an accredited high school
18 or its equivalent.

19 "(2) Be a graduate of a state-approved vocational
20 educational program for the preparation of practitioners of
21 licensed practical nursing.

22 "(3) Be a currently licensed practical nurse in
23 Alabama.

24 "(4) Have a minimum of five years' successful
25 nursing experience.

1 "(5) Be actively engaged in licensed practical
2 nursing in this state immediately preceding and during
3 appointment.

4 "(f) There shall be one member of the board who is a
5 consumer and who is not a member of any of the health care
6 professions. The consumer member shall be appointed by the
7 Governor effective January 1, 1998, and shall serve for a term
8 of four years. His or her successor shall be appointed in a
9 like manner at the expiration of each term or upon a vacancy
10 for the remainder of an unexpired term of office. The consumer
11 member of the board shall have, presently or formerly, no
12 direct financial interest in any health care facility,
13 profession, agency, or insurer, or be, or have been, a health
14 care worker.

15 "(g) There shall be two advanced practice nurse
16 positions to be filled effective January 1, 1998, in the same
17 manner as all other professional nurse positions. One advanced
18 practice nurse position shall be served for an initial
19 five-year term and successors shall serve four-year terms. The
20 remaining member appointed to an advance practice nurse
21 position shall serve an initial four-year term and successors
22 shall serve four-year terms.

23 "(h) All members of the board shall enjoy immunity
24 from individual civil liability while acting within the scope
25 of their duties as board members.

26 "(i) The board shall have the following powers and
27 perform the following duties: It shall meet at least once a

1 year and shall, at its organizational meeting and at its
2 annual meetings thereafter, elect from its members a
3 president, a ~~vice-president~~ vice president, and a secretary.
4 It may hold such other and additional meetings during any year
5 as it deems necessary for the transaction of business. A
6 majority of the board, including one officer, shall constitute
7 a quorum at any meeting.

8 "(j) The board may:

9 "(1) Adopt and, from time to time, revise such
10 rules, not inconsistent with law, as may be necessary to carry
11 out this chapter.

12 "(2) Prescribe standards and approve curricula for
13 nursing educational programs preparing persons for licensure
14 under this chapter.

15 "(3) Provide for surveys and evaluations of such
16 programs at such times as it may deem necessary.

17 "(4) Approve such nursing educational programs as
18 meet the requirements of this chapter and the board. Nothing
19 in this chapter shall be construed to diminish the power of
20 the State Board of Education or other constitutionally or
21 legislatively established state agencies to govern the schools
22 under their respective jurisdictions.

23 "(5) Deny or withdraw approval from educational
24 programs for failure to meet prescribed standards. Withdrawal
25 of approval shall be effected only after a hearing in
26 accordance with board rules.

1 "(6) Examine, license, and renew the licenses of
2 duly qualified applicants and require employers to submit
3 listings of personnel covered by this chapter to the board
4 upon request including, but not limited to, personnel
5 practicing nursing in Alabama under a multistate license, a
6 single state license, or a multistate licensure privilege. The
7 board may issue qualified applicants either a single state
8 license or a multistate license.

9 "(7) Adopt and, from time to time, revise rules
10 providing standards including, but not limited to, scope of
11 practice, for student nurse apprenticeships and the issuance
12 of student nurse apprentice permits by the board to eligible
13 students.

14 "(8) Adopt and, from time to time, revise rules
15 providing standards including, but not limited to, scope of
16 practice, for certified medication assistants and the issuance
17 of certified medication assistant permits by the board to
18 eligible applicants.

19 "~~(7)~~(9) Conduct investigations, hearings, and
20 proceedings concerning alleged violations of this section or
21 of the rules of the board.

22 "~~(8)~~(10) Have the power to issue subpoenas, compel
23 the attendance of witnesses, and administer oaths to persons
24 giving testimony at hearings.

25 "~~(9)~~(11) Cause the prosecution of all persons
26 violating this chapter and incur such necessary expenses
27 therefor.

1 "~~(10)~~ (12) Keep a public record of all of its
2 proceedings.

3 "~~(11)~~ (13) Keep a register of all licensees.

4 "~~(12)~~ (14) Make an annual report to the Governor.

5 "~~(13)~~ (15) Appoint and employ a qualified person, not
6 subject to the state Merit System, who shall not be a member
7 of the board, to serve as executive officer and administrator
8 and commissioner of the Enhanced Nurse Licensure Compact for
9 Alabama.

10 "~~(14)~~ (16) Define the duties and fix the compensation
11 of the executive officer and administrator and commissioner of
12 the Enhanced Nurse Licensure Compact for Alabama, with the
13 approval of the Governor and the State Personnel Board as
14 provided in Section 36-6-6.

15 "~~(15)~~ (17) Employ such other persons as may be
16 necessary to carry on the work of the board and provide for
17 appropriate bonding of employees. Regular employees of the
18 board shall be employed subject to the state Merit System in
19 effect on January 1, 1966, or at the time of employment.

20 "~~(16)~~ (18) Employ consultants, specialists, counsel,
21 or other specially qualified persons under contract or on a
22 part-time basis to assist it in administering this chapter and
23 without regard to the state Merit System in effect on or after
24 January 1, 1966, and pay for the services of such persons.

25 "~~(17)~~ (19) Accept gifts and grants upon terms and
26 conditions imposed by it through official resolutions.

1 "~~(18)~~ (20) Perform such other duties, not
2 inconsistent with law, as required by this chapter to foster
3 and improve nursing and the regulation thereof and the public
4 health of this state.

5 "~~(19)~~ (21) Expend funds of the board in exercising
6 its powers and duties and in administering this chapter.

7 "~~(20)~~ (22) Determine and collect reasonable fees.

8 "~~(21)~~ (23) Adopt standards for registered and
9 practical nursing practice and for continued competency of
10 licensees.

11 "~~(22)~~ (24) Join organizations that develop and
12 regulate the national nursing licensure examinations and
13 promote the improvement of the legal standards of the practice
14 of nursing for the protection of the public health, safety,
15 and welfare.

16 "(k) The executive officer employed by the board
17 shall be a citizen of the United States, a person of the
18 highest integrity, and possess these additional
19 qualifications: Be a licensed professional nurse in Alabama or
20 eligible for licensure, be a graduate of a professional
21 nursing program approved by the state in which the program was
22 completed, hold a master's degree, and have had a varied
23 experience in nursing, including at least five years'
24 experience in an administrative or teaching capacity.

25 "(l) The executive officer shall be bonded for the
26 faithful performance of the duties of the office in the sum of

1 not less than five thousand dollars (\$5,000), and the premium
2 of the bond shall be paid out of the funds of the board.

3 "(m) Each member of the board shall receive the same
4 per diem and travel allowance as is paid by law to state
5 employees for each day's attendance at the board meetings
6 incurred in the discharge of his or her duties as a board
7 member in addition to any daily compensation or allowance, if
8 any, as may be provided by the board, in such amount as may be
9 determined by the board. Any member of the board engaged in
10 duties under the direction of the board shall receive the per
11 diem and travel expenses and daily compensation or allowance
12 authorized by the board.

13 "(n) Nothing in this chapter shall limit the rights
14 of affected parties to appeal decisions of the board with
15 regard to rules ~~and regulations promulgated~~ adopted pursuant
16 to this chapter.

17 "(o) Participation by the state in the compact
18 provided in Article 7 shall be subject to review and
19 evaluation by the Sunset Committee pursuant to Chapter 20 of
20 Title 41, with the first review occurring in 2024. The Sunset
21 Committee shall determine whether continued participation in
22 the compact is in the best interests of the board or the
23 licensees of the board. The Sunset Committee shall also review
24 and evaluate participation in the compact within one year
25 after the occurrence of any of the following:

26 "(1) The annual assessment charged the board for
27 participation in the compact exceeds one-half of one percent

1 of the gross revenue of the board for the fiscal year
2 immediately preceding the levying of the annual assessment.

3 "(2) The state, the board, or members or employees
4 of the state or board are named defendants in a suit brought
5 in any court of law or equity by the Interstate Commission of
6 Nurse Licensure Compact Administrators pursuant to Article 7.

7 "(3) The passage of a resolution by either house of
8 the Legislature requesting review pursuant to subsection (d)
9 of Section 41-20-3."

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