

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

1 SB179

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend Section 34-21-2, Code of Alabama 1975, as
12 amended by Act 2019-102, 2019 Regular Session, relating to the
13 duties of the Board of Nursing; to authorize the board, by
14 rule, to establish standards for student nurse apprenticeships
15 and to issue student nurse apprentice permits to eligible
16 students; and to authorize the board, by rule, to establish
17 standards for certified medication assistants and to issue
18 certified medication assistant permits to eligible applicants.
19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§34-21-2.

24 "(a) There is created the Board of Nursing, which
25 shall be composed of 13 members to be appointed and have the
26 duties and powers enumerated in this section. The membership
27 of the board shall be inclusive and reflect the racial,

1 gender, geographic, urban/rural, and economic diversity of the
2 state. In order to insure continuity of administration, the
3 nine board members provided for by Section 3 of Act 427,
4 Regular Session 1975, shall continue to serve to the
5 completion of the term for which they are serving. The
6 Governor, within 60 days of January 1, 1984, shall appoint a
7 tenth member who shall be a licensed practical nurse for a
8 term of four years from a list of nominees furnished him or
9 her by the Alabama Federation of Licensed Practical Nurses,
10 Incorporated, or its successor organization. As the terms of
11 all board members expire, their successors shall be appointed
12 for terms of four years each. Vacancies in unexpired terms
13 shall be filled in the same manner as original appointments
14 are made. No member shall be appointed to more than two
15 consecutive terms of four years each. Eight members of the
16 board shall be licensed professional nurses, and four members
17 of the board shall be licensed practical nurses.

18 " (b) (1) The Governor shall appoint the members of
19 the board who are licensed professional nurses from a list of
20 nominees who are selected by the Board of Nursing Nomination
21 Committee and furnished to the Governor by the Alabama State
22 Nurses Association, or its successor organization, and such
23 list, when furnished, shall contain at least twice the number
24 of nominees as there are appointments to be made or vacancies
25 to be filled. The Alabama State Nurses Association, or its
26 successor organization, on or before December 1 of each year,
27 or at such other times as necessary, shall furnish the

1 Governor with a list of licensed professional nurses qualified
2 for appointment to the board. In the nominating and appointing
3 process, due care shall be taken to ensure the maintenance of
4 qualified representation from the fields of nursing education,
5 nursing administration, clinical nursing, and advanced
6 practice nursing.

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

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

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

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

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

15 "(1) Be a graduate of a state-approved educational
16 program for the preparation of practitioners of professional
17 nursing.

18 "(2) Be a currently licensed professional nurse in
19 Alabama.

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

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

25 "(e) Each person appointed to the board as a
26 licensed practical 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) Hold a diploma from an accredited high school
4 or its equivalent.

5 "(2) Be a graduate of a state-approved vocational
6 educational program for the preparation of practitioners of
7 licensed practical nursing.

8 "(3) Be a currently licensed practical nurse in
9 Alabama.

10 "(4) Have a minimum of five years' successful
11 nursing experience.

12 "(5) Be actively engaged in licensed practical
13 nursing in this state immediately preceding and during
14 appointment.

15 "(f) There shall be one member of the board who is a
16 consumer and who is not a member of any of the health care
17 professions. The consumer member shall be appointed by the
18 Governor effective January 1, 1998, and shall serve for a term
19 of four years. His or her successor shall be appointed in a
20 like manner at the expiration of each term or upon a vacancy
21 for the remainder of an unexpired term of office. The consumer
22 member of the board shall have, presently or formerly, no
23 direct financial interest in any health care facility,
24 profession, agency, or insurer, or be or have been a health
25 care worker.

26 "(g) There shall be two advanced practice nurse
27 positions to be filled effective January 1, 1998, in the same

1 manner as all other professional nurse positions. One advanced
2 practice nurse position shall be served for an initial
3 five-year term and successors shall serve four-year terms. The
4 remaining member appointed to an advance practice nurse
5 position shall serve an initial four-year term and successors
6 shall serve four-year terms.

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

10 "(i) The board shall have the following powers and
11 perform the following duties: It shall meet at least once a
12 year and shall, at its organizational meeting and at its
13 annual meetings thereafter, elect from its members a
14 president, a ~~vice-president~~ vice president, and a secretary.
15 It may hold such other and additional meetings during any year
16 as it deems necessary for the transaction of business. A
17 majority of the board, including one officer, shall constitute
18 a quorum at any meeting.

19 "(j) The board may:

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

23 "(2) Prescribe standards and approve curricula for
24 nursing educational programs preparing persons for licensure
25 under this chapter.

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

1 "(4) Approve such nursing educational programs as
2 meet the requirements of this chapter and the board. Nothing
3 in this chapter shall be construed to diminish the power of
4 the State Board of Education or other constitutionally or
5 legislatively established state agencies to govern the schools
6 under their respective jurisdictions.

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

11 "(6) Examine, license, and renew the licenses of
12 duly qualified applicants and require employers to submit
13 listings of personnel covered by this chapter to the board
14 upon request including, but not limited to, personnel
15 practicing nursing in Alabama under a multistate license, a
16 single state license, or a multistate licensure privilege. The
17 board may issue qualified applicants either a single state
18 license or a multistate license.

19 "(7) Adopt and, from time to time, revise rules
20 providing standards including, but not limited to, scope of
21 practice, for student nurse apprenticeships and the issuance
22 of student nurse apprentice permits by the board to eligible
23 students.

24 "(8) Adopt and, from time to time, revise rules
25 providing standards including, but not limited to, scope of
26 practice, for certified medication assistants and the issuance
27 of certified medication assistant permits by the board to

1 eligible applicants. For purposes of this chapter, a certified
2 medication assistant is an unlicensed assistive personnel who
3 has successfully completed a board-approved curriculum for
4 assistance with medications, or a comparable program in
5 another state, and who holds a valid certification as a
6 medication assistant. Practice by a certified medication
7 assistant is limited to employment in health care or
8 educational facilities that are licensed, certified, or
9 operated by this state.

10 ~~"(7)"~~ (9) Conduct investigations, hearings, and
11 proceedings concerning alleged violations of this section or
12 of the rules of the board.

13 ~~"(8)"~~ (10) Have the power to issue subpoenas, compel
14 the attendance of witnesses, and administer oaths to persons
15 giving testimony at hearings.

16 ~~"(9)"~~ (11) Cause the prosecution of all persons
17 violating this chapter and incur such necessary expenses
18 therefor.

19 ~~"(10)"~~ (12) Keep a public record of all of its
20 proceedings.

21 ~~"(11)"~~ (13) Keep a register of all licensees.

22 ~~"(12)"~~ (14) Make an annual report to the Governor.

23 ~~"(13)"~~ (15) Appoint and employ a qualified person, not
24 subject to the state Merit System, who shall not be a member
25 of the board, to serve as executive officer and administrator
26 and commissioner of the Enhanced Nurse Licensure Compact for
27 Alabama.

1 "~~(14)~~ (16) Define the duties and fix the compensation
2 of the executive officer and administrator and commissioner of
3 the Enhanced Nurse Licensure Compact for Alabama, with the
4 approval of the Governor and the State Personnel Board as
5 provided in Section 36-6-6.

6 "~~(15)~~ (17) Employ such other persons as may be
7 necessary to carry on the work of the board and provide for
8 appropriate bonding of employees. Regular employees of the
9 board shall be employed subject to the state Merit System in
10 effect on January 1, 1966, or at the time of employment.

11 "~~(16)~~ (18) Employ consultants, specialists, counsel,
12 or other specially qualified persons under contract or on a
13 part-time basis to assist it in administering this chapter and
14 without regard to the state Merit System in effect on or after
15 January 1, 1966, and pay for the services of such persons.

16 "~~(17)~~ (19) Accept gifts and grants upon terms and
17 conditions imposed by it through official resolutions.

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

22 "~~(19)~~ (21) Expend funds of the board in exercising
23 its powers and duties and in administering this chapter.

24 "~~(20)~~ (22) Determine and collect reasonable fees.

25 "~~(21)~~ (23) Adopt standards for registered and
26 practical nursing practice and for continued competency of
27 licensees.

1 "~~(22)~~ (24) Join organizations that develop and
2 regulate the national nursing licensure examinations and
3 promote the improvement of the legal standards of the practice
4 of nursing for the protection of the public health, safety,
5 and welfare.

6 "(k) The executive officer employed by the board
7 shall be a citizen of the United States, a person of the
8 highest integrity, and possess these additional
9 qualifications: Be a licensed professional nurse in Alabama or
10 eligible for licensure, be a graduate of a professional
11 nursing program approved by the state in which the program was
12 completed, hold a master's degree, and have had a varied
13 experience in nursing, including at least five years'
14 experience in an administrative or teaching capacity.

15 "(l) The executive officer shall be bonded for the
16 faithful performance of the duties of the office in the sum of
17 not less than five thousand dollars (\$5,000), and the premium
18 of the bond shall be paid out of the funds of the board.

19 "(m) Each member of the board shall receive the same
20 per diem and travel allowance as is paid by law to state
21 employees for each day's attendance at the board meetings
22 incurred in the discharge of his or her duties as a board
23 member in addition to any daily compensation or allowance, if
24 any, as may be provided by the board, in such amount as may be
25 determined by the board. Any member of the board engaged in
26 duties under the direction of the board shall receive the per

1 diem and travel expenses and daily compensation or allowance
2 authorized by the board.

3 "(n) Nothing in this chapter shall limit the rights
4 of affected parties to appeal decisions of the board with
5 regard to rules ~~and regulations promulgated~~ adopted pursuant
6 to this chapter.

7 "(o) Participation by the state in the compact
8 provided in Article 7 shall be subject to review and
9 evaluation by the Sunset Committee pursuant to Chapter 20 of
10 Title 41, with the first review occurring in 2024. The Sunset
11 Committee shall determine whether continued participation in
12 the compact is in the best interests of the board or the
13 licensees of the board. The Sunset Committee shall also review
14 and evaluate participation in the compact within one year
15 after the occurrence of any of the following:

16 "(1) The annual assessment charged the board for
17 participation in the compact exceeds one-half of one percent
18 of the gross revenue of the board for the fiscal year
19 immediately preceding the levying of the annual assessment.

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

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

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

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2
3 Senate

4 Read for the first time and referred to the Senate
5 committee on Healthcare..... 03-FEB-21
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7 Read for the second time and placed on the calen-
8 dar 1 amendment..... 24-FEB-21
9
10 Read for the third time and passed as amended 02-MAR-21

11 Yeas 27
12 Nays 0

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15 Patrick Harris,
16 Secretary.
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