

1 SB39
2 172630-1
3 By Senator Bussman
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 02-FEB-16
6 PFD: 01/15/2016

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8 SYNOPSIS: Under existing law, termination dates are
9 established for enumerated state agencies. The
10 agencies are periodically reviewed by the Alabama
11 Sunset Committee. After the review process is
12 completed, the committee prepares its
13 recommendations for the agencies to the Legislature
14 in the form of sunset bills which either continue,
15 terminate, or continue with modification each
16 agency reviewed.

17 This bill would provide for the continuance
18 of the Board of Examiners of Assisted Living
19 Administrators until October 1, 2020, with the
20 following change: To delete the requirement that
21 the physician member of the board be actively
22 engaged in the practice of geriatric medicine.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to the Alabama Sunset Law; to continue the
2 existence and functioning of the Board of Examiners of
3 Assisted Living Administrators until October 1, 2020, with
4 certain modifications; to amend Section 34-2A-3, Code of
5 Alabama 1975, so as to delete the requirement that the
6 physician member of the board be actively engaged in the
7 practice of geriatric medicine.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Pursuant to the Alabama Sunset Law, the
10 sunset committee recommends the continuance of the Board of
11 Examiners of Assisted Living Administrators until October 1,
12 2020, with the additional recommendation for statutory change
13 as set out in Section 3.

14 Section 2. The existence and functioning of the
15 Board of Examiners of Assisted Living Administrators, created
16 and functioning pursuant to Sections 34-2A-1 to 34-2A-16,
17 inclusive, Code of Alabama 1975, is continued until October 1,
18 2020, and those code sections are expressly preserved.

19 Section 3. Section 34-2A-3 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§34-2A-3.

22 "(a) There is created a Board of Examiners of
23 Assisted Living Administrators composed of nine members, seven
24 members as set out in this subsection, and two additional
25 consumer members as set out in subsection (b). The membership
26 of the board shall be inclusive and reflect the racial,
27 gender, geographic, urban/rural, and economic diversity of the

1 state. The seven original members shall be composed as
2 follows: Five members shall be assisted living administrators
3 duly licensed and registered under this chapter; one member
4 shall be a physician licensed under the laws of the state ~~who~~
5 ~~is actively concerned in a practice with the care of~~
6 ~~chronically ill and infirm, aged patients;~~ and one shall be a
7 licensed nursing home administrator who in the same or
8 contiguous facility manages assisted living beds. Appointments
9 to the board for those positions to be held by assisted living
10 administrators shall be made by the Governor from a list of
11 three nominees for each position to be submitted to the
12 Governor by the Assisted Living Association of Alabama, Inc.
13 The appointment of the nursing home administrator shall be
14 made from a list of three nominees submitted to the Governor
15 by the Alabama Nursing Home Association, Inc. The appointment
16 to the board of the member for the position to be held by a
17 physician shall be made from a list of three nominees
18 submitted to the Governor by the Medical Association of the
19 State of Alabama.

20 "(b) Within 30 days of March 1, 2002, the Governor
21 shall appoint two consumer members of the board. The consumer
22 members shall vote in all matters. At least one consumer
23 member shall be 65 years of age or older and no consumer
24 member, or a spouse or immediate family member of a consumer
25 member, shall be a licensee of the board or be employed in the
26 assisted living profession.

1 "(c) When the terms of all members of the board
2 expire in April 2005, the Governor shall appoint five members
3 to two-year terms and four members to three-year terms as
4 follows: Three assisted living administrators, the licensed
5 nursing home administrator, and one consumer member shall be
6 appointed to two-year terms; two assisted living
7 administrators, the licensed physician, and one consumer
8 member shall be appointed to three-year terms. Thereafter, all
9 members shall serve three-year terms of office.

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

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

17 "(f) The Governor may remove any board member for
18 misconduct, incapacity, incompetence, or neglect of duty after
19 the board member so charged has been served with a written
20 statement of charges and has been given an opportunity to be
21 heard. Absence from any three consecutive meetings of the
22 board within a calendar year, without cause acceptable to the
23 Governor and the board, shall be deemed cause for removal.

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

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

11 "(i) The board shall hold four or more meetings a
12 year. A majority of the members of the board shall constitute
13 a quorum at any meeting except as provided in Section
14 34-2A-13. A majority vote of the members present shall be
15 sufficient to transact the business of the board except as
16 provided in Section 34-2A-13. Meetings may be called by the
17 chair or by a majority of the members of the board. Members
18 shall be given seven days' written notice of all meetings.

19 "(j) The board shall annually elect from its members
20 a chair and a vice-chair, at the first meeting of the board
21 held after October 1 of each year, and each shall serve until
22 the first meeting held after October 1 of the following year.
23 In the event of the death, resignation, or removal of the
24 chair from the board, the vice-chair shall succeed as chair
25 for the remainder of the unexpired term. In the event of the
26 death, resignation, removal, or succession to the office of
27 chair or a vice-chair, a successor shall be elected by the

1 board to fill the remainder of the unexpired term as
2 vice-chair. The chair, or in the absence of the chair, the
3 vice-chair, shall preside at all meetings of the board. The
4 chair of the board may appoint an executive director to the
5 board, with the consent of the members of the board, who shall
6 serve at the pleasure of the board. The board shall fix the
7 salary of the executive director. The executive director shall
8 be the executive officer to the board but may not be a member
9 of the board. The executive director shall have those powers
10 and shall perform those duties as are prescribed by law and
11 the rules and regulations of the board. A clerk and sufficient
12 deputy clerks to adequately assist the board and executive
13 director in the keeping of the records and in the performance
14 of their duties may be appointed by the board subject to the
15 Merit System.

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

22 Section 4. The Legislature concurs in the
23 recommendations of the Sunset Committee as provided in
24 Sections 1, 2, and 3.

25 Section 5. This act shall become effective
26 immediately upon its passage and approval by the Governor, or
27 its otherwise becoming law.

