SB200

C46YJQW-1

By Senator Kitchens

RFD: Healthcare

First Read: 05-Mar-24

SYNOPSIS:

Under existing law, the Board of Nursing is responsible for the licensing and regulation of the nursing profession in this state.

This bill would revise the membership of the board to include a certified registered nurse anesthetist who is approved to engage in advanced practice nursing.

This bill would also make nonsubstantive, technical revisions to update existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to the Board of Nursing; to amend Section 34-21-2, Code of Alabama 1975, to revise the membership of the board to include a certified registered nurse anesthetist who is approved to engage in advanced practice nursing; and to make nonsubstantive, technical revisions to update existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-21-2 of the Code of Alabama 1975,

is amended to read as follows:

"§34-21-2

(a) There is created the Board of Nursing, which shall be composed of 13 members to be appointed and have the duties and powers enumerated in this section. The Governor shall coordinate his or her appointments to assure that the membership of the board ~~shall be~~ is inclusive and ~~reflect~~ reflects the racial, gender, geographic, ~~urban/rural~~ urban, rural, and economic diversity of the state. ~~In order to insure continuity of administration, the nine board members provided for by Section 3 of Act 427, Regular Session 1975, shall continue to serve to the completion of the term for which they are serving. The Governor, within 60 days of January 1, 1984, shall appoint a tenth member who shall be a licensed practical nurse for a term of four years from a list of nominees furnished him or her by the Alabama Federation of Licensed Practical Nurses, Incorporated, or its successor organization.~~ As the terms of all board members expire, their successors shall be appointed for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. No member shall be appointed to more than two consecutive terms of four years each. ~~Eight~~ Six members of the board shall be licensed professional nurses, ~~and~~ one member of the board shall be a licensed professional nurse who is approved to engage in advanced practice nursing in this state, one member of the board shall be a certified registered nurse anesthetist who is approved to engage in advanced practice nursing in this state, four members of the

board shall be licensed practical nurses, and one member of the board shall be a consumer.

(b)(1) The Governor shall appoint the seven members of the board who are licensed professional nurses, including the one licensed professional nurse who is approved to engage in advanced practice nursing in this state, from a list of nominees who are selected by the Board of Nursing Nomination Committee and furnished to the Governor by the Alabama State Nurses Association, or its successor organization, and the list, when furnished, shall contain at least twice the number of nominees as there are appointments to be made or vacancies to be filled. The Alabama State Nurses Association, or its successor organization, on or before December 1 of each year, or at such other ~~times~~ time as necessary, shall furnish the Governor with a list of licensed professional nurses qualified for appointment to the board. In the nominating and appointing process, due care shall be taken to ensure the maintenance of qualified representation from the fields of nursing education, nursing administration, clinical nursing, and advanced practice nursing.

(2) The Governor shall appoint the one member of the board who is a certified registered nurse anesthetist who is approved to engage in advanced practice nursing in this state from a list of at least two nominees furnished to the Governor by the Board of Directors of the Alabama Association of Nurse Anesthetists, or its successor organization. The list of qualified certified registered nurse anesthetists shall be furnished to the Governor on or before December 1 of each year

in which the term of office of the member or a nominee of the Board of Directors of the Alabama Association of Nurse Anesthetists, or its successor organization, shall expire, or at such other time as necessary, for an initial appointment to the board beginning January 1, 2026.

~~(2)~~(3) The Governor shall appoint two of the four members of the board who are ~~to be~~ licensed practical nurses from a list of nominees furnished him or her by the Board of Directors of the Licensed Practical Nurses Association of Alabama, or its successor organization, and the list, when furnished, shall contain at least twice the number of nominees for the vacancies to be filled. The Board of Directors of the Licensed Practical Nurses Association of Alabama, or its successor organization, on or before December 1 of each year in which the term of office of a board member or a nominee of the Board of Directors of the Licensed Practical Nurses Association of Alabama shall expire, or at such other time as necessary, shall furnish the Governor with the list of licensed practical nurses qualified for appointment to the board.

~~(3)~~(4) The Governor shall appoint two of the four members ~~on~~ of the board who are ~~to be~~ licensed practical nurses from a list of nominees furnished him or her by the Board of Directors of the Alabama Federation of Licensed Practical Nurses, Incorporated, or its successor organization, and the list, when furnished, shall contain at least twice the number of nominees for the vacancies to be filled. The Board of Directors of the Alabama Federation of Licensed Practical

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

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

(d) Each ~~person~~ individual appointed to the board as a licensed professional nurse shall be a citizen of the United States, a resident of ~~the State of Alabama~~ this state, and have all of ~~these~~ the following additional qualifications:

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

(2) Be a currently licensed professional nurse in ~~Alabama~~ this state.

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

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

(e) Each ~~person~~ individual appointed to the board as a licensed practical nurse shall be a citizen of the United States, a resident of the State of Alabama, and have all of

~~these~~ the following additional qualifications:

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

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

(3) Be a currently licensed practical nurse in ~~Alabama~~ this state.

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

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

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

~~(g) There shall be two advanced practice nurse positions to be filled effective January 1, 1998, in the same manner as all other professional nurse positions. One advanced practice nurse position shall be served for an initial five-year term and successors shall serve four-year terms. The~~

~~remaining member appointed to an advance practice nurse position shall serve an initial four-year term and successors shall serve four-year terms.~~

~~(h)~~(g) All members of the board shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

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

~~(j)~~(i) The board may do any of the following:

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

(2) Prescribe standards and approve curricula for nursing educational programs preparing~~ persons~~ individuals for ~~licensure~~ licensing under this chapter.

(3) Provide for surveys and evaluations of~~ such~~ programs at~~ such~~ times as~~ it~~ the board may deem necessary.

(4) Approve~~ such~~ nursing educational programs~~ as meet~~ that satisfy the requirements of this chapter and the board. Nothing in this chapter shall be construed to diminish the power of the State Board of Education or any other

constitutionally or legislatively established state ~~agencies~~ agency to govern the schools under their respective jurisdictions.

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

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

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

(8) Adopt and~~, from time to time,~~ revise rules providing standards including, but not limited to, scope of practice for certified medication assistants and the issuance of certified medication assistant permits by the board to eligible applicants. For purposes of this chapter, a certified medication assistant is an ~~unlicensed assistive personnel~~ individual who has successfully completed a board-approved curriculum for assistance with medications, or a comparable

program in another state, ~~and~~ who holds a valid certification as a medication assistant, and who has been issued a permit pursuant to this chapter. Practice by a certified medication assistant is limited to employment in health care or educational facilities that are licensed, certified, or operated by this state.

(9) Conduct investigations, hearings, and proceedings concerning alleged violations of this ~~section~~ chapter or of the rules of the board.

(10) ~~Have the power to issue~~ Issue subpoenas, compel the attendance of witnesses, and administer oaths to ~~persons~~ individuals giving testimony at hearings.

(11) Cause the prosecution of ~~all persons~~ any individual violating this chapter and incur ~~such~~ necessary expenses therefor.

(12) Keep a public record of all of its proceedings.

(13) Keep a register of all licensees.

(14) Make an annual report to the Governor.

(15) Appoint and employ a qualified ~~person~~ individual, not subject to the state Merit System~~, who shall not be~~ nor a member of the board, to serve as the executive officer and administrator and commissioner of the Enhanced Nurse Licensure Compact for Alabama.

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

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

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

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

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

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

(22) Determine and collect reasonable fees.

(23) Adopt standards for registered and practical nursing practice and for continued competency of licensees.

(24) Join organizations that develop and regulate the national nursing ~~licensure~~ licensing examinations and promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety, and welfare.

~~(k)~~ (j) The executive officer employed by the board

shall be a citizen of the United States, ~~a person~~ an individual of the highest integrity, and possess ~~these~~ all of the following additional qualifications:

(1) Be a licensed professional nurse in Alabama or eligible for ~~licensure, be~~ licensing.

(2) Be a graduate of a professional nursing program approved by the state in which the program was completed~~,~~ ~~hold~~.

(3) Hold a master's degree~~, and have~~.

(4) Have had a varied experience in nursing, including at least five years' experience in an administrative or teaching capacity.

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

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

~~(n)~~ (m) Nothing in this chapter shall limit the rights of affected parties to appeal decisions of the board with

regard to rules adopted pursuant to this chapter.

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

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

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

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

Section 2. This act shall become effective on October 1, 2024.