

1 SB366  
2 159317-5  
3 By Senators Figures, Smith, Dunn, and Coleman  
4 RFD: Health and Human Services  
5 First Read: 09-APR-15

1 SB366

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4 ENROLLED, An Act,

5 To amend Sections 34-2A-2, 34-2A-8, 34-2A-11,  
6 34-2A-12, and 34-2A-13, Code of Alabama 1975, relating to  
7 assisted living administrators; to establish a replacement  
8 license fee for a stolen, lost, or misplaced licensing card;  
9 to require each person who applies for licensure as an  
10 assisted living administrator to pay an annual administrative  
11 fee as determined by the board; to require each applicant for  
12 licensure as an assisted living administrator to pay an annual  
13 administrative fee; to require each person holding an expired  
14 license, in addition to other requirements, to pay a  
15 reapplication fee established by the board; and to allow the  
16 board to discipline a person practicing or offering to  
17 practice assisted living administration if the person has  
18 entered a plea of nolo contendere, nolo contendere, no  
19 contender, no contest, or guilty in any case involving a lewd  
20 or lascivious act against a child or an adult, inappropriate  
21 sexual conduct with a child or an adult, or any other crime in  
22 which the punishment could have included a sentence of  
23 imprisonment exceeding one year.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 34-2A-2, 34-2A-8, 34-2A-11,  
2           34-2A-12, and 34-2A-13, Code of Alabama 1975, are amended to  
3           read as follows:

4           "§34-2A-2.

5           "(a) All administrators of assisted living  
6           facilities or specialty care assisted living facilities as  
7           recorded in the records of the State Department of Public  
8           Health shall be issued a provisional license, as defined  
9           herein, upon the effective date of this act. On and after  
10          September 1, 2003, no assisted living facility in the state  
11          may operate unless it is under the supervision of an  
12          administrator who holds a currently valid assisted living  
13          administrator's license, or new initial provisional license,  
14          issued by the board. No person shall practice or offer to  
15          practice assisted living administration in this state or use  
16          any title, sign, card, or device to indicate that he or she is  
17          an assisted living administrator unless the person shall have  
18          been duly licensed as an assisted living administrator or as a  
19          provisional assisted living administrator in this state. In  
20          the event an assisted living administrator dies, unexpectedly  
21          resigns, becomes incapacitated, or has his or her license  
22          revoked, the person or persons then responsible for the  
23          management of the assisted living facility shall immediately  
24          notify the board and the State Board of Health. The board may  
25          issue an emergency permit to a person performing the functions

1 of administrator in the assisted living facility for a  
2 reasonable period of time from the date of death, unexpected  
3 resignation, incapacitation, or revocation of the license of  
4 the assisted living administrator, but not to exceed 120 days.  
5 Although the State Board of Health, in its discretion, may  
6 permit the assisted living facility to continue to operate  
7 under the supervision of a person issued an emergency permit,  
8 nothing in this section shall be construed as prohibiting the  
9 State Board of Health from denying or revoking the license of  
10 the assisted living facility where the State Board of Health  
11 has determined that the person with the emergency permit does  
12 not demonstrate an ability or willingness to comply with State  
13 Board of Health rules governing assisted living facilities or  
14 where the State Board of Health has determined that the  
15 facility is not otherwise in compliance with those rules.

16 "(b) Nothing in this section shall be construed to  
17 prohibit a licensed assisted living administrator from  
18 supervising more than one assisted living facility if specific  
19 permission is granted by the State Department of Public  
20 Health.

21 "§34-2A-8.

22 "(a) The board shall admit to examination for  
23 licensure as an assisted living administrator any candidate  
24 who submits evidence of good moral character and suitability  
25 as prescribed by the board and who submits evidence to the

1 board that he or she is at least 19 years of age, a citizen of  
2 the United States or, if not a citizen of the United States, a  
3 person who is legally present in the United States with  
4 appropriate documentation from the federal government, that he  
5 or she is a high school graduate or has completed an  
6 educational program equivalent thereto, and that he or she has  
7 completed any additional educational requirements prescribed  
8 by the board. The board may exempt the educational  
9 requirements for practicing administrators on March 1, 2002,  
10 based on acceptable experience and tenure in the applicant's  
11 current position. Each candidate shall also be required, prior  
12 to admission to the examination, to pay an examination fee  
13 established by the board pursuant to its rule-making  
14 authority.

15 "(b) The board may establish an application fee for  
16 the internship or administrator in training (AIT) program, if  
17 such a program is established, and a fee for preceptor,  
18 certification, and recertification of any administrator in  
19 training (AIT) program pursuant to its rule-making authority.

20 "(c) The board may establish a replacement license  
21 fee for any licensing card previously issued by the board that  
22 has been stolen, lost, or misplaced.

23 "§34-2A-11.

24 "(a) The board may, subject to this chapter and the  
25 rules and regulations of the board prescribing the

1 qualifications for an assisted living administrator license,  
2 issue a license to an assisted living administrator who has  
3 been issued a license by the proper authorities of any other  
4 state or issued a certificate of qualification by any national  
5 organization, upon complying with the provisions of licensure,  
6 payment of a fee established by the board pursuant to its  
7 rule-making authority, and upon submission of evidence  
8 satisfactory to the board of all of the following:

9 "(1) That the other state or national organization  
10 maintained a system and standards of qualification and  
11 examinations for an assisted living administrator license or  
12 certificate which were substantially equivalent to those  
13 required in this state at the time the other license or  
14 certificate was issued by the other state or national  
15 organization.

16 "(2) That the other state gives similar recognition  
17 and endorsement to assisted living administrator licenses of  
18 this state. The board may charge a fee for completion of a  
19 reciprocity questionnaire, pursuant to its rule-making  
20 authority.

21 "(b) Any person who has a license in good standing  
22 in this state, and continuously maintains such license as a  
23 licensed nursing home administrator, shall be exempt from the  
24 licensure requirement herein if the person at the time of

1 application has responsibility for administration of an  
2 assisted living facility subject to the following conditions:

3 "(1) If the person wishes to also be issued a  
4 license as an assisted living administrator, the person shall  
5 pay an annual administrative fee as determined by the board  
6 and document initially and annually thereafter the good  
7 standing of the nursing home administrator license.

8 "(2) If any person requests an exemption from the  
9 licensure requirements provided herein during the initial  
10 18-month licensing period described in subsection (a) of  
11 Section 34-2A-2, the initial license issued shall be a  
12 provisional license until the end of the 18-month period at  
13 which time, and thereafter, an active license shall be issued.

14 "(3) Any assisted living administrator license  
15 issued according to subdivision (1) or subdivision (2) of this  
16 subsection shall become void if the requisite nursing home  
17 administrator license becomes void. Further, the license shall  
18 become inactive, as described in subsection (e) of Section  
19 34-2A-12, if the licensee no longer has responsibility for an  
20 assisted living facility. After 12 months in inactive status,  
21 the license shall expire and become void.

22 "(c) Any person who is an administrator/chief  
23 executive officer of an acute care hospital in this state  
24 shall be exempt from the licensure requirement herein if the  
25 person at the time of application has responsibility for

1 administration of an assisted living facility subject to the  
2 following conditions:

3 "(1) If the person wishes to also be issued a  
4 license as an assisted living administrator, the person shall  
5 pay an annual administrative fee as determined by the board  
6 and document initially and annually thereafter their continued  
7 employment as an administrator/chief executive officer of an  
8 acute care hospital.

9 "(2) If any person requests an exemption from the  
10 licensure requirements provided herein during the initial  
11 18-month licensing period described in subsection (a) of  
12 Section 34-2A-2, the initial license issued shall be a  
13 provisional license until the end of the 18-month period at  
14 which time, and thereafter, an active license shall be issued.

15 "(3) Any assisted living administrator license  
16 issued according to subdivision (1) or subdivision (2) of this  
17 subsection shall become void if the person no longer is the  
18 administrator/chief executive officer of a hospital. Further,  
19 the license shall become inactive, as described in subsection  
20 (e) of Section 34-2A-12 if the licensee no longer has  
21 responsibility for an assisted living facility. After 12  
22 months in inactive status, the license shall expire and become  
23 void.

24 "(4) For the purpose of this subsection, the term  
25 "acute care hospital" shall be defined as a health institution

1 planned, organized, and maintained for offering to the public  
2 generally facilities and beds for use in the diagnosis and/or  
3 treatment of illness, disease, injury, deformity, abnormality,  
4 or pregnancy, when the institution offers such care of service  
5 for not less than 24 consecutive hours in any week to two or  
6 more individuals not related by blood or marriage to the owner  
7 and/or chief executive officer/administrator and, in addition,  
8 the hospital may provide for the education of patients,  
9 medical and health personnel, as well as conduct research  
10 programs to promote progress and efficiency in clinical and  
11 administrative medicine.

12 "§34-2A-12.

13 "(a) Every individual who holds a valid current  
14 license as an assisted living administrator issued by the  
15 board under this chapter shall immediately upon issuance have  
16 the right and privilege of acting and serving as an assisted  
17 living administrator and of using the abbreviation "A.L.A."  
18 after his or her name. Thereafter, the individual shall  
19 annually be required to make application to the board for a  
20 renewal of license and to report any facts requested by the  
21 board on forms provided for that purpose.

22 "(b) Upon making application for a renewal of a  
23 license, the individual shall pay an annual license fee  
24 established as determined by the board pursuant to the  
25 rule-making authority and, at the same time, shall submit

1 evidence satisfactory to the board that during the year  
2 immediately preceding application for renewal he or she has  
3 complied with the requirements of the board concerning the  
4 continuation of education of assisted living administrators.

5 "(c) Upon receipt of the application for renewal of  
6 a license, the renewal fee, and the evidence with respect to  
7 continuing education, the board shall issue a license renewal  
8 to the assisted living administrator.

9 "(d) (1) Failure to secure an annual renewal of a  
10 license based on a failure to meet the continuing education  
11 requirements, shall result in the expiration of the license.  
12 An expired license may not be reactivated. All persons holding  
13 an expired license shall be required to submit a new  
14 application and follow all procedures for new licensure ~~of a~~  
15 ~~new applicant~~ and pay a reapplication fee established by the  
16 board.

17 "(2) A licensee who complies with the continuing  
18 education requirements, but who does not renew within 90 days  
19 following its due date, shall be deemed delinquent and may  
20 renew within the 90-day period by paying a late renewal fee  
21 established by the board pursuant to its rule-making  
22 authority. A license that is not renewed within the 90-day  
23 period shall be deemed expired and is subject to reapplication  
24 as provided in subdivision (1).

1           "(e) A licensee who holds a current license and who  
2 is not practicing as an assisted living administrator may  
3 place that license into an inactive status upon written  
4 application to the board. Any licensee whose license has been  
5 placed on inactive status may not engage in the practice of  
6 assisted living administration.

7           "(f) A licensee whose license is on inactive status  
8 who wishes to reactivate that license may do so by making  
9 application to the board. The applicant shall attach proof of  
10 having completed twice the annual hours' requirement of  
11 approved continuing education credits within one year of  
12 making application for license reactivation and shall pay a  
13 reactivation fee established by the board pursuant to its  
14 rule-making authority. A licensee may not have his or her  
15 license in inactive status for more than five years. After  
16 five years in inactive status, the license automatically  
17 expires.

18           "(g) The board shall maintain a file of all  
19 applications for licensure that includes the following  
20 information on each applicant: Residence, name, age, the name  
21 and address of his or her employer or business connection, the  
22 date of application, educational experience qualifications,  
23 action taken by the board, serial numbers of licenses issued  
24 to the applicant, and the date on which the board acted on or  
25 reviewed the application.

1           "(h) The board shall maintain a list of current  
2 licensees of the board and shall furnish the list on demand to  
3 any person who pays a fee established by the board pursuant to  
4 its rule-making authority. The State Department of Public  
5 Health and other state agencies with a direct need shall be  
6 provided copies at no cost.

7           "(i) The board shall adopt a program for continuing  
8 education for its licensees by September 1, 2002. After that  
9 date, successful completion of the continuing education  
10 program by board licensees shall be required in order to  
11 obtain a renewal license.

12           "(j) Continuing education shall not result in a  
13 passing or failing grade.

14           "§34-2A-13.

15           "(a) The board may discipline its licensees by the  
16 adoption and collection of administrative fines, not to exceed  
17 ~~one~~ five thousand dollars ~~(\$1,000)~~ (\$5,000) per violation, and  
18 may institute any legal proceedings necessary to effect  
19 compliance with this chapter.

20           "(b) The license of any person practicing or  
21 offering to practice assisted living administration may be  
22 revoked or suspended by the board, or the person may be  
23 reprimanded, censured, or otherwise disciplined in accordance  
24 with the provisions of this section upon decision and after

1 due hearing in any of, but not limited to, the following  
2 cases:

3 "(1) Upon proof that the person has willfully or  
4 repeatedly violated any of the provisions of this chapter or  
5 the rules enacted in accordance with this chapter.

6 "(2) Conduct or practices deemed to be detrimental  
7 to the lives, health, safety, or welfare of the residents or  
8 patients of any assisted living facility or health care  
9 facility in this state or any other jurisdiction.

10 "(3) Conviction in this state or any other  
11 jurisdiction of a felony or any crime involving the physical,  
12 sexual, mental, or verbal abuse of an individual.

13 "(4) Conviction in this state or any other  
14 jurisdiction of any crime involving fraud.

15 "(5) Pleas of nolo contendere, nolo contender, no  
16 contender, no contest, or guilty in any case involving a lewd  
17 or lascivious act against a child or an adult, inappropriate  
18 sexual conduct with a child or an adult, or any other crime in  
19 which the punishment could include a sentence of imprisonment  
20 exceeding one year.

21 "(c) The board shall have the jurisdiction to hear  
22 all charges brought under this section against any person  
23 having been issued a license as an assisted living  
24 administrator or having been issued a license as a provisional  
25 assisted living administrator and, upon a hearing, shall

1 determine the charges upon their merits. If the board  
2 determines that disciplinary measures should be taken, the  
3 board may revoke his or her license, suspend him or her from  
4 practice, or reprimand, censure, or otherwise discipline the  
5 person.

6 "(d) All proceedings under this section shall be  
7 conducted by the board, according to its administrative rules,  
8 and the Alabama Administrative Procedure Act.

9 "(e) Any party aggrieved by a final decision or  
10 order of the board suspending, revoking, or refusing to issue  
11 a license is entitled to a review of the decision or order by  
12 taking an appeal to the circuit court of the county in which  
13 the assisted living administrator or applicant resides. In  
14 such cases, the appeal shall be taken by filing notice thereof  
15 with the circuit court within 30 days of the date of notice by  
16 the board of its decision. Appeals from any order or judgment  
17 rendered thereon by the circuit court to the Supreme Court of  
18 Alabama shall be available as in other cases.

19 "(f) The board shall report to the Department of  
20 Public Health all final disciplinary actions taken under this  
21 section."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB366

Senate 05-MAY-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 28-MAY-15

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By: Senator Figures