

1 HB44  
2 196073-2  
3 By Representative Weaver  
4 RFD: Health  
5 First Read: 05-MAR-19  
6 PFD: 02/14/2019

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the Board of Nursing is  
9 responsible for the regulation of the practice of  
10 nursing in the state.

11 This bill would allow the Board of Nursing  
12 to enter into the Enhanced Nurse Licensure Compact  
13 as a means of providing uniformity in licensing  
14 requirements and interstate practice throughout  
15 party states.

16 This bill would also amend existing law to  
17 make technical corrections relating to the  
18 multistate licensure of nurses.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

23  
24 Relating to the Board of Nursing; to amend Sections  
25 34-21-1, 34-21-2, 34-21-21, 34-21-22, and 34-21-25, Code of  
26 Alabama 1975, and to add Section 34-21-20.01 and Article 7,  
27 commencing with Section 34-21-120, to the Code of Alabama

1 1975, to allow the board to enter into the Enhanced Nurse  
2 Licensure Compact as a means of providing uniformity in  
3 licensing requirements and interstate practice throughout  
4 party states; and to make technical changes relating to the  
5 multistate licensure of nurses.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 34-21-1, 34-21-2, 34-21-21,  
8 34-21-22, and 34-21-25 of the Code of Alabama 1975, are  
9 amended to read as follows:

10 "§34-21-1.

11 "For purposes of this chapter, the following terms  
12 shall have the respective meanings ascribed by this section:

13 "(1) BOARD. The Board of Nursing created hereunder.

14 "(2) ADVISORY COUNCILS. Advisory councils provided  
15 for under the terms of this chapter.

16 "(3) COMPACT. The Enhanced Nurse Licensure Compact  
17 provided in Article 7.

18 "(4) COORDINATED LICENSE INFORMATION SYSTEM. A  
19 licensing integrated database and process for collecting,  
20 storing, and sharing nurse licensure and enforcement  
21 information that includes all licensed registered nurses and  
22 licensed practical/vocational nurses. The system includes all  
23 disciplinary history of each nurse, as administered by a  
24 nonprofit organization and controlled by licensing boards.

25 "~~(3)~~ (5) PRACTICE OF PROFESSIONAL AND PRACTICAL  
26 NURSING. Nursing is a profession the practice of which is  
27 defined as:

1            "a. Practice of Professional Nursing. The  
2 performance, for compensation, of any act in the care and  
3 counselling of persons or in the promotion and maintenance of  
4 health and prevention of illness and injury based upon the  
5 nursing process which includes systematic data gathering,  
6 assessment, appropriate nursing judgment and evaluation of  
7 human responses to actual or potential health problems through  
8 such services as case finding, health teaching, health  
9 counselling; and provision of care supportive to or  
10 restorative of life and well-being, and executing medical  
11 regimens including administering medications and treatments  
12 prescribed by a licensed or otherwise legally authorized  
13 physician or dentist. A nursing regimen shall be consistent  
14 with and shall not vary any existing medical regimen.  
15 Additional acts requiring appropriate education and training  
16 designed to maintain access to a level of health care for the  
17 consumer may be performed under emergency or other conditions  
18 which are recognized by the nursing and medical professions as  
19 proper to be performed by a registered nurse.

20            "b. Practice of Practical Nursing. The performance,  
21 for compensation, of acts designed to promote and maintain  
22 health, prevent illness and injury and provide care utilizing  
23 standardized procedures and the nursing process, including  
24 administering medications and treatments, under the direction  
25 of a licensed professional nurse or a licensed or otherwise  
26 legally authorized physician or dentist. Such practice  
27 requires basic knowledge of the biological, physical, and

1 behavioral sciences and of nursing skills but does not require  
2 the substantial specialized skill, independent judgment, and  
3 knowledge required in the practice of professional nursing.  
4 Additional acts requiring appropriate education and training  
5 may be performed under emergency or other conditions which are  
6 recognized by the nursing and medical professions as proper to  
7 be performed by a licensed practical nurse.

8 "(4)(6) LICENSED PROFESSIONAL NURSE. A person who is  
9 currently licensed to practice professional nursing.

10 "(5)(7) LICENSED PRACTICAL NURSE. A person who is  
11 currently licensed to practice practical nursing. For the  
12 purposes of the Enhanced Nurse Licensure Compact, practical  
13 nursing includes practice as a licensed practical nurse,  
14 licensed vocational nurse, or other similarly qualified  
15 licensed nurse in any state participating in the compact.

16 "(8) MULTISTATE LICENSE. A license to practice as a  
17 registered nurse or licensed practical nurse issued by a home  
18 state licensing board that allows a licensed nurse to practice  
19 in any state authorized to grant multistate licensure  
20 privileges under the Enhanced Nurse Licensure Compact.

21 "(9) MULTISTATE LICENSURE PRIVILEGE. A legal  
22 authorization associated with a multistate license that allows  
23 the practice of nursing as a registered nurse or licensed  
24 practical nurse in any state participating in the Enhanced  
25 Nurse Licensure Compact.

26 "(10) SINGLE STATE LICENSE. A nurse license issued  
27 by a state participating in the Enhanced Nurse Licensure

1 Compact that authorizes practice only within the issuing state  
2 and does not include a multistate licensure privilege to  
3 practice in any other state.

4 "§34-21-2.

5 "(a) There is created the Board of Nursing, which  
6 shall be composed of 13 members to be appointed and have the  
7 duties and powers enumerated in this section. The membership  
8 of the board shall be inclusive and reflect the racial,  
9 gender, geographic, urban/rural, and economic diversity of the  
10 state. In order to insure continuity of administration, the  
11 nine board members provided for by Section 3 of Act 427,  
12 Regular Session 1975, shall continue to serve to the  
13 completion of the term for which they are serving. The  
14 Governor, within 60 days of January 1, 1984, shall appoint a  
15 tenth member who shall be a licensed practical nurse for a  
16 term of four years from a list of nominees furnished him or  
17 her by the Alabama Federation of Licensed Practical Nurses,  
18 Incorporated, or its successor organization. As the terms of  
19 all board members expire, their successors shall be appointed  
20 for terms of four years each. Vacancies in unexpired terms  
21 shall be filled in the same manner as original appointments  
22 are made. No member shall be appointed to more than two  
23 consecutive terms of four years each. Eight members of the  
24 board shall be licensed professional nurses, and four members  
25 of the board shall be licensed practical nurses.

26 "(b) (1) The Governor shall appoint the members of  
27 the board who are licensed professional nurses from a list of

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

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

1 licensed practical nurses qualified for appointment to the  
2 board.

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

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

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

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



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

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

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

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

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

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

17           "(3) Be a currently licensed practical nurse in  
18 Alabama.

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

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

24           "(f) There shall be one member of the board who is a  
25 consumer and who is not a member of any of the health care  
26 professions. The consumer member shall be appointed by the  
27 Governor effective January 1, 1998, and shall serve for a term

1 of four years. His or her successor shall be appointed in a  
2 like manner at the expiration of each term or upon a vacancy  
3 for the remainder of an unexpired term of office. The consumer  
4 member of the board shall have, presently or formerly, no  
5 direct financial interest in any health care facility,  
6 profession, agency, or insurer, or be or have been a health  
7 care worker.

8 "(g) There shall be two advanced practice nurse  
9 positions to be filled effective January 1, 1998, in the same  
10 manner as all other professional nurse positions. One advanced  
11 practice nurse position shall be served for an initial  
12 five-year term and successors shall serve four-year terms. The  
13 remaining member appointed to an advance practice nurse  
14 position shall serve an initial four-year term and successors  
15 shall serve four-year terms.

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

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

1           "(j) The board may:

2           "(1) Adopt and, from time to time, revise such rules  
3 and regulations, not inconsistent with law, as may be  
4 necessary to carry out this chapter.

5           "(2) Prescribe standards and approve curricula for  
6 nursing educational programs preparing persons for licensure  
7 under this chapter.

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

10           "(4) Approve such nursing educational programs as  
11 meet the requirements of this chapter and the board. Nothing  
12 in this chapter shall be construed to diminish the power of  
13 the State Board of Education or other constitutionally or  
14 legislatively established state agencies to govern the schools  
15 under their respective jurisdictions.

16           "(5) Deny or withdraw approval from educational  
17 programs for failure to meet prescribed standards. Withdrawal  
18 of approval shall be effected only after a hearing in  
19 accordance with board rules and regulations.

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

1           "(7) Conduct investigations, hearings, and  
2 proceedings concerning alleged violations of this section or  
3 of the rules and regulations of the board.

4           "(8) Have the power to issue subpoenas, compel the  
5 attendance of witnesses, and administer oaths to persons  
6 giving testimony at hearings.

7           "(9) Cause the prosecution of all persons violating  
8 this chapter and incur such necessary expenses therefor.

9           "(10) Keep a public record of all of its  
10 proceedings.

11           "(11) Keep a register of all licensees.

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

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

18           "(14) ~~Define~~ Any provision of law to the contrary  
19 notwithstanding, including Section 36-6-6, the board shall  
20 have sole authority to define the duties and fix the  
21 compensation ~~for~~ of the executive officer and administrator  
22 and commissioner of the Enhanced Nurse Licensure Compact for  
23 Alabama.

24           "(15) Employ such other persons as may be necessary  
25 to carry on the work of the board and provide for appropriate  
26 bonding of employees. Regular employees of the board shall be

1 employed subject to the state Merit System in effect on  
2 January 1, 1966, or at the time of employment.

3 "(16) Employ consultants, specialists, counsel, or  
4 other specially qualified persons under contract or on a  
5 part-time basis to assist it in administering this chapter and  
6 without regard to the state Merit System in effect on or after  
7 January 1, 1966, and pay for the services of such persons.

8 "(17) Accept gifts and grants upon terms and  
9 conditions imposed by it through official resolutions.

10 "(18) Perform such other duties, not inconsistent  
11 with law, as required by this chapter to foster and improve  
12 nursing and the regulation thereof and the public health of  
13 this state.

14 "(19) Expend funds of the board in exercising its  
15 powers and duties and in administering this chapter.

16 "(20) Determine and collect reasonable fees.

17 "(21) Adopt standards for registered and practical  
18 nursing practice and for continued competency of licensees.

19 "(22) Join organizations that develop and regulate  
20 the national nursing licensure examinations and promote the  
21 improvement of the legal standards of the practice of nursing  
22 for the protection of the public health, safety, and welfare.

23 "(k) The executive officer employed by the board  
24 shall be a citizen of the United States, a person of the  
25 highest integrity, and possess these additional  
26 qualifications: Be a licensed professional nurse in Alabama or  
27 eligible for licensure, be a graduate of a professional

1 nursing program approved by the state in which the program was  
2 completed, hold a master's degree, and have had a varied  
3 experience in nursing, including at least five years'  
4 experience in an administrative or teaching capacity.

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

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

19 "(n) Nothing in this chapter shall limit the rights  
20 of affected parties to appeal decisions of the board with  
21 regard to rules and regulations promulgated pursuant to this  
22 chapter.

23 "Participation by the state in the compact  
24 provided in Article 7 shall be subject to review and  
25 evaluation by the Sunset Committee pursuant to Chapter 20 of  
26 Title 41, with the first review occurring in 2024. The Sunset  
27 Committee shall determine whether continued participation in

1 the compact is in the best interests of the board or the  
2 licensees of the board. The Sunset Committee shall also review  
3 and evaluate participation in the compact within one year  
4 after the occurrence of any of the following:

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

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

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

16 "§34-21-21.

17 "(a) An applicant for a license to practice  
18 professional nursing as a registered nurse shall submit to the  
19 board written evidence of qualification, verified by oath,  
20 that such applicant is of good moral character, holds a  
21 diploma from an accredited high school or, in the opinion of  
22 the board, the equivalent thereof, has successfully completed  
23 an educational program in a school of nursing approved by the  
24 board, and is a citizen of the United States or, if not a  
25 citizen of the United States, a person who is legally present  
26 in the United States with appropriate documentation from the  
27 federal government.

1           "(b) A license to practice professional nursing as a  
2 registered nurse may be obtained in the following manners:

3           "(1) BY EXAMINATION. The applicant shall be required  
4 to pass an examination on such subjects as the board may  
5 determine; and, upon successfully passing such examination,  
6 the board shall issue such applicant a license.

7           "(2) BY ENDORSEMENT. The board may issue a license  
8 to practice professional nursing as a registered nurse to an  
9 applicant who has been duly licensed as a registered nurse  
10 under the laws of another state, territory, or foreign  
11 country, if, in the opinion of the board, such applicant meets  
12 the qualifications required of registered nurses in this state  
13 at the time of his or her graduation. There shall be no  
14 license to practice professional nursing granted by the  
15 previously known waiver method.

16           "(3) BY TEMPORARY PERMIT. The board may issue  
17 temporary permits to practice professional nursing to  
18 graduates of approved schools of nursing pending completion of  
19 licensing procedures; to qualified applicants pending  
20 licensure procedures under subdivision (2); and to those  
21 nurses licensed by other states who will practice in this  
22 state for a period of one year or less, subject to the  
23 discretion of the board.

24           "(c) Any person who holds a license to practice  
25 professional nursing as a registered nurse in this state shall  
26 have the right to use the title "registered nurse" and the  
27 abbreviation "R.N." No other person shall assume or use such



1 title or abbreviation or other words, letters, signs, or  
2 devices to indicate that the person using same is licensed to  
3 practice professional nursing as a registered nurse.

4 "(d) Any person holding a license or certificate of  
5 original registration to practice nursing as a registered  
6 nurse, issued by the Alabama Board of Nurses' Examiners and  
7 Registration and which was valid on December 31, 1965, shall  
8 be eligible for licensing to practice professional nursing as  
9 a registered nurse under the provisions of this chapter.

10 "(e) An applicant for a license to practice  
11 professional nursing in Alabama may apply for either a single  
12 state license or a multistate license.

13 "§34-21-22.

14 "(a) An applicant for a license to practice  
15 practical nursing as a licensed practical nurse shall submit  
16 to the board written evidence of qualification, verified by  
17 oath, that the applicant is of good moral character, is a high  
18 school graduate and holds a diploma from an accredited high  
19 school, or in the opinion of the board, the equivalent  
20 thereof, has successfully completed an educational program of  
21 at least one year's duration in a school of practical nursing,  
22 approved by the board, and is a citizen of the United States  
23 or, if not a citizen of the United States, a person who is  
24 legally present in the United States with appropriate  
25 documentation from the federal government.

26 "(b) A license to practice as a licensed practical  
27 nurse may be obtained in the following manners:

1           "(1) BY EXAMINATION. The applicant shall be required  
2 to pass an examination on such subjects as the board may  
3 determine; and, upon successfully passing such examination,  
4 the board shall issue such applicant a license.

5           "(2) BY ENDORSEMENT. The board may issue a license  
6 to practice practical nursing as a licensed practical nurse to  
7 an applicant who has been duly licensed as a licensed  
8 practical nurse (irrespective of the title or designation  
9 granted when such license was issued) under the laws of  
10 another state, territory, or foreign country, if, in the  
11 opinion of the board, such applicant meets the requirements  
12 for licensed practical nurses in this state at the time of his  
13 or her graduation. There shall be no license to practice  
14 practical nursing granted by the previously known waiver  
15 method.

16           "(3) BY TEMPORARY PERMIT. The board may issue a  
17 temporary permit to practice practical nursing as a licensed  
18 practical nurse to graduates of approved schools of practical  
19 nursing pending the completion of licensing procedures in  
20 Alabama and to qualified applicants pending licensing  
21 procedures under subdivision (2).

22           "(c) Any person who holds a license to practice  
23 practical nursing as a licensed practical nurse in this state  
24 shall have the right to use the title "licensed practical  
25 nurse" and the abbreviation "L.P.N." No other person shall  
26 assume or use such title or abbreviation or any other words,  
27 letters, signs, or devices to indicate that the person using

1 the same is licensed to practice practical nursing as a  
2 licensed practical nurse.

3 "(d) Any person holding a license or certificate of  
4 original registration to practice practical nursing as a  
5 licensed practical nurse, issued by the Alabama Board of  
6 Nurses' Examiners and Registration and issued by the board and  
7 which was valid on December 31, 1965, shall hereafter be  
8 eligible for licensing to practice practical nursing as a  
9 licensed practical nurse under the provisions of this chapter.

10 "(e) An applicant for a license to practice  
11 practical nursing in Alabama may apply for either a single  
12 state license or a multistate license.

13 "§34-21-25.

14 "(a) For disciplinary purposes, the board may adopt,  
15 levy, and collect administrative fines not to exceed one  
16 thousand dollars (\$1,000) per violation and may institute any  
17 legal proceedings necessary to effect compliance with this  
18 chapter against its licensees.

19 "(b) (1) The board may also deny, revoke, or suspend  
20 any license issued by it or otherwise discipline a licensee,  
21 or holder of a multistate privilege to practice in Alabama,  
22 upon proof of any of the following regarding the licensee:

23 "a. Is guilty of fraud or deceit in procuring or  
24 attempting to procure a license.

25 "b. Has been convicted of a felony.

1 "c. Is guilty of a crime involving moral turpitude  
2 or of gross immorality that would tend to bring reproach upon  
3 the nursing profession.

4 "d. Is unfit or incompetent due to the use of  
5 alcohol, or is addicted to the use of habit-forming drugs to  
6 such an extent as to render him or her unsafe or unreliable as  
7 a licensee.

8 "e. Is unable to practice nursing with reasonable  
9 skill and safety to patients by reason of illness,  
10 inebriation, excessive use of drugs, narcotics, alcohol,  
11 chemicals, or any other substance, or as a result of any  
12 mental or physical condition.

13 "f. Has been convicted of any violation of a federal  
14 or state law relating to controlled substances.

15 "g. Is guilty of unprofessional conduct of a  
16 character likely to deceive, defraud, or injure the public in  
17 matters pertaining to health.

18 "h. Has willfully or repeatedly violated this  
19 article, as defined by board rules and regulations.

20 "i. Has been sentenced to a period of continuous  
21 incarceration serving a penal sentence for the commission of a  
22 misdemeanor or felony. The disciplinary action shall remain in  
23 effect until the board acts upon the application of the  
24 licensee for reinstatement of the license.

25 "(2) The board may refrain from or delay taking  
26 disciplinary action under this subsection if a licensee can be

1 voluntarily treated or rehabilitated pursuant to subsection  
2 (j).

3 "(c) Whenever a written complaint is made to the  
4 board that a person has committed any of the acts or has come  
5 within any of the provisions enumerated in subsection (b), the  
6 board shall investigate the complaint and may bring an action  
7 in its own name to hear and determine the complaint. The  
8 hearing shall be held in Montgomery. The person whose  
9 qualification is under consideration shall have not less than  
10 20 days' written notice of the time and place of the initial  
11 hearing, and the notice shall be accompanied by a copy of the  
12 complaint. The notice may be served upon the accused person by  
13 any sheriff of the State of Alabama. If the accused person is  
14 out of the state, evades service, or cannot be served in  
15 person, then service may be made by mailing, by registered or  
16 certified mail, the notice and a copy of the complaint to the  
17 accused person at his or her last known post-office address in  
18 this state, and the return shall show that service has been  
19 made in this manner.

20 "(d) At the hearing, the complainant, the person  
21 whose qualification is under consideration, and any other  
22 person permitted by the board, may introduce all oral or  
23 written testimony, or both, as the board deems relevant to the  
24 issues involved, and may be heard in person or by counsel, or  
25 both. The board may permit the complaint to be amended, but no  
26 amendment shall be permitted which is not germane to the  
27 charge or charges sought to be amended or which materially

1 alters the nature of any offense charged. The board may  
2 determine all questions as to the sufficiency of the  
3 complaint, procedure, and admissibility and weight of  
4 evidence. If the person whose qualification is under  
5 consideration is absent, the hearing may proceed in his or her  
6 absence.

7 "(e) Any accused person, complainant, or other party  
8 and the board may subpoena witnesses or pertinent records for  
9 the hearing, and those subpoenas may be served by any sheriff  
10 of the State of Alabama. Witnesses may be sworn by the  
11 president of the board or by the person discharging the duties  
12 of the president. Witnesses testifying at a hearing shall upon  
13 discharge as a witness be paid by the party requesting the  
14 subpoena an amount not to exceed the per diem expense allowed  
15 to Alabama state employees for in-state travel and the actual  
16 cost of transportation to and from the place of the hearing,  
17 not to exceed the mileage rate allowed to Alabama state  
18 employees for in-state travel.

19 "(f) Evidence may also be taken by deposition, and  
20 the law and practice as to depositions in circuit courts shall  
21 be followed in all reasonable respects.

22 "(g) If the accused person is found guilty of the  
23 charges, the board may refuse to issue a license, may revoke  
24 or suspend a license, or may otherwise discipline a licensee.  
25 A revoked license may be considered for reinstatement after  
26 one year in accordance with board rules.

1           "(h) Any person whose license is ordered suspended  
2 or revoked may appeal to the circuit court or a court of like  
3 jurisdiction of Montgomery County, from any order of the board  
4 under this section, within 30 days from date of the decision  
5 of the board. The trial of appeals shall be conducted in like  
6 manner, as nearly as may be, as provided for in the Alabama  
7 Administrative Procedure Act.

8           "(i) Any organization, registered nurse, licensed  
9 practical nurse, or other person who in good faith reports  
10 information to the board alleging that any person licensed or  
11 applying for a license to practice nursing may be guilty of  
12 the acts, offenses, or conditions set out in Section 34-21-7  
13 or subsection (b), shall not be liable to any person for any  
14 statement or opinion made in that report.

15           "(j) Not later than October 1, 1994, the board shall  
16 establish a voluntary Disciplinary Alternative Program to  
17 promote early identification, intervention, treatment, and  
18 rehabilitation of any licensed nurse whose competence is found  
19 to be impaired or compromised because of the use or abuse of  
20 drugs, alcohol, controlled substances, chemicals, or other  
21 substances or as a result of a physical or mental condition  
22 rendering the person unable to meet the standards of the  
23 nursing profession. The intent of the program is to provide a  
24 voluntary alternative to traditional disciplinary actions.

25           "(l) When a registered nurse or licensed practical  
26 nurse voluntarily seeks treatment for use or abuse of drugs,  
27 controlled substances, alcohol, chemicals, or other

1 substances, or has a physical or mental condition that would  
2 render the individual unable to meet the standards of the  
3 nursing profession, the board may refrain from taking  
4 disciplinary action under subsection (b) if it determines that  
5 the licensee can be treated or rehabilitated effectively and  
6 that there is no danger to the public. Upon voluntarily  
7 seeking treatment, the licensee is subject to the requirements  
8 of the Disciplinary Alternative Program established by the  
9 board.

10 "(2) The board may establish, promulgate, develop,  
11 adopt, and revise rules and regulations, and may adjust the  
12 license renewal fee as necessary to implement this subsection.

13 "(3) The board may appoint an Advisory Council for  
14 the Disciplinary Alternative Program pursuant to Section  
15 34-21-3.

16 "(4) The board may contract with specially qualified  
17 persons or corporations, or both, to assist it in  
18 administering the Disciplinary Alternative Program.

19 "(5) The board shall establish by rule criteria for  
20 eligibility to participate in the Disciplinary Alternative  
21 Program and requirements for successful participation in and  
22 completion of the program.

23 "(6) ~~All~~ Subject to Section 34-21-125, all records  
24 of a licensee who successfully completes the Disciplinary  
25 Alternative Program shall be confidential, not subject to  
26 public disclosure, and not available for court subpoena or for  
27 discovery proceedings. The records of a licensee who fails to



1 comply with the program agreement or who leaves the state  
2 prior to the successful completion of the program are not  
3 confidential. Information regarding the participation of a  
4 licensee in the Disciplinary Alternative Program reported to  
5 the coordinated licensure information system pursuant to  
6 Section 34-21-125 shall be made available solely to other  
7 state boards of nursing and shall not be disclosed to the  
8 public by the coordinated licensure information system. Upon  
9 successful completion of the Disciplinary Alternative Program,  
10 all information regarding participation of the licensee in the  
11 Disciplinary Alternative Program shall be expunged from the  
12 coordinated licensure information system.

13 "(7) Nonpublic or confidential data submitted to the  
14 coordinated licensure information system by the board may not  
15 be distributed to any nonparty state, organization, person, or  
16 entity, or any foreign government or an agent, entity, or  
17 representative of a foreign government, without the express  
18 written approval of the board.

19 "(8) On request and payment of a certified  
20 verification fee, the board shall provide a registered nurse  
21 or licensed practical nurse licensed by this state with a copy  
22 of any information regarding the nurse maintained by the  
23 coordinated licensure information system under Article 7.

24 "(9) The board is not obligated to provide  
25 information that is not otherwise available to the board or  
26 information that is not available to the nurse under the laws  
27 of the state contributing the information to the coordinated

1 licensure information system or which has been designated as  
2 available only to other boards of nursing by the state  
3 contributing the information to the coordinated licensure  
4 information system.

5 ~~"(7)(10)~~ Nothing in this subsection shall limit the  
6 authority of the board to discipline an impaired individual  
7 subject to its jurisdiction.

8 "(k) The board may adopt rules imposing a  
9 nondisciplinary administrative penalty for designated  
10 violations of this chapter."

11 Section 2. Section 34-21-20.01 is added to the Code  
12 of Alabama 1975, to read as follows:

13 §34-21-20.01.

14 (a) Each applicant for a multistate license as a  
15 registered nurse or licensed practical nurse, and each  
16 applicant for initial licensure by endorsement as a registered  
17 nurse or licensed practical nurse, shall submit a full set of  
18 fingerprints to the board for the purpose of obtaining a state  
19 and national criminal history background check.

20 (b) Fingerprints obtained pursuant to subsection (a)  
21 may be exchanged by the board, the Alabama State Law  
22 Enforcement Agency or any successor entity thereof, or any  
23 channeler approved by the board, with the Federal Bureau of  
24 Investigation for the purpose of obtaining a state and  
25 national criminal history background check.

26 (c) The applicant or licensee shall be responsible  
27 for all costs associated with the submission of his or her

1 fingerprints and obtaining a state and national criminal  
2 history background check. The board may incorporate those  
3 costs into the cost of licensure or may charge the applicant  
4 or licensee a separate fee, which may be payable to the board,  
5 the Alabama State Law Enforcement Agency or any successor  
6 entity thereof, or the approved channeler, as appropriate.

7 (d) Information received by the board pursuant to a  
8 state and national criminal history background check shall be  
9 confidential and shall not be a public record, except that any  
10 information received by and relied upon by the board in  
11 denying the issuance of a license or revoking, suspending, or  
12 disciplining a license or licensee may be disclosed as  
13 necessary to support the denial or revocation, suspension, or  
14 other disciplinary action.

15 Section 3. Article 7, commencing with Section  
16 34-21-120, is added to Chapter 21 of Title 34, Code of Alabama  
17 1975, to read as follows:

18 ARTICLE 7. Enhanced Nurse Licensure Compact.

19 §34-21-120.

20 (a) The party states find and declare all of the  
21 following:

22 (1) The health and safety of the public are affected  
23 by the degree of compliance with and the effectiveness of  
24 enforcement activities related to state nurse licensure laws.

25 (2) Violations of nurse licensure and other laws  
26 regulating the practice of nursing may result in injury or  
27 harm to the public.

1           (3) The expanded mobility of nurses and the use of  
2 advanced communication technologies as part of a national  
3 health care delivery system requires greater coordination and  
4 cooperation among states in the areas of nurse licensure and  
5 regulation.

6           (4) New practice modalities and technology make  
7 compliance with individual state nurse licensure laws  
8 difficult and complex.

9           (5) Uniformity of nurse licensure requirements  
10 throughout the states promotes public safety and public health  
11 benefits.

12           (b) The general purpose of this compact is to  
13 achieve all of the following:

14           (1) Facilitate the responsibility of each state to  
15 protect public health and safety.

16           (2) Ensure and encourage the cooperation of party  
17 states in the areas of nurse licensure and regulation.

18           (3) Facilitate the exchange of information between  
19 party states in the areas of nurse regulation, investigation,  
20 and adverse actions.

21           (4) Promote compliance with the laws governing the  
22 practice of nursing in each jurisdiction.

23           (5) Invest all party states with the authority to  
24 hold a nurse accountable for satisfying all state practice  
25 laws in the state in which the patient is located at the time  
26 care is rendered through the mutual recognition of party state  
27 licenses.

1           (6) Decrease redundancies in the consideration and  
2 issuance of nurse licenses.

3           (7) Provide opportunities for interstate practice by  
4 nurses who meet uniform licensing requirements.

5           §34-21-121.

6           For the purposes of this article, the following  
7 terms shall have the following meanings:

8           (1) ADVERSE ACTION. Any administrative, civil,  
9 equitable, or criminal action permitted by the law of a state  
10 which is imposed by a licensing board or other authority  
11 against a nurse, including actions against the license or  
12 multistate licensure privilege of an individual, including  
13 revocation, suspension, probation, monitoring of a licensee,  
14 limitations on the practice of the licensee, the bringing of a  
15 cease and desist action against the licensee, or any other  
16 encumbrance on licensure affecting the authorization of a  
17 nurse to practice.

18           (2) ALTERNATIVE PROGRAM. A nondisciplinary  
19 monitoring program approved by a licensing board.

20           (3) COMMISSION. The Interstate Commission of Nurse  
21 Licensure Compact Administrators.

22           (4) COMPACT. The Enhanced Nurse Licensure Compact  
23 created by this article.

24           (5) COORDINATED LICENSURE INFORMATION SYSTEM. An  
25 integrated process for collecting, storing, and sharing  
26 information on nurse licensure and enforcement activities  
27 related to nurse licensure laws that is administered by a

1 nonprofit organization composed of and controlled by licensing  
2 boards.

3 (6) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

4 Includes any of the following:

5 a. Investigative information that a licensing board,  
6 after a preliminary inquiry that includes notification and an  
7 opportunity for the nurse to respond, if required by state  
8 law, has reason to believe is not groundless and, if proved  
9 true, would indicate more than a minor infraction.

10 b. Investigative information indicating that a nurse  
11 represents an immediate threat to public health and safety,  
12 regardless of whether the nurse has been notified and has had  
13 an opportunity to respond.

14 (7) ENCUMBRANCE. A revocation or suspension of, or  
15 any limitation on, the full and unrestricted practice of  
16 nursing imposed by a licensing board.

17 (8) HOME STATE. The party state which is the primary  
18 state of residence of a nurse.

19 (9) LICENSING BOARD. The regulatory body of a party  
20 state that is responsible for issuing nurse licenses.

21 (10) MULTISTATE LICENSE. A license to practice as a  
22 registered nurse or licensed practical nurse issued by a home  
23 state licensing board that allows a licensed nurse to practice  
24 in any state authorized to grant multistate licensure  
25 privileges under the compact.

26 (11) MULTISTATE LICENSURE PRIVILEGE. A legal  
27 authorization associated with a multistate license that allows

1 the practice of nursing as a registered nurse or licensed  
2 practical nurse in a remote state.

3 (12) NURSE. A registered nurse or licensed practical  
4 nurse as those terms are defined by the practice laws of the  
5 party state.

6 (13) PARTY STATE. Any state that has adopted this  
7 compact.

8 (14) REMOTE STATE. A party state, other than the  
9 home state.

10 (15) SINGLE STATE LICENSE. A nurse license issued by  
11 a state participating in the compact that authorizes practice  
12 only within the issuing state and does not include a  
13 multistate licensure privilege to practice in any other state.

14 (16) STATE. A state, territory, or possession of the  
15 United States and the District of Columbia.

16 (17) STATE PRACTICE LAWS. The laws, rules, and  
17 regulations of a party state that govern the practice of  
18 nursing, define the scope of nursing practice, and create the  
19 methods and grounds for imposing discipline. The term does not  
20 include requirements necessary to obtain and retain a license,  
21 except for qualifications or requirements of the home state.

22 §34-21-122.

23 (a) A multistate license to practice registered or  
24 licensed practical nursing issued by a home state to a  
25 resident in that state shall be recognized by each party state  
26 as authorizing a nurse to practice as a registered nurse or as

1 a licensed practical nurse, under a multistate licensure  
2 privilege, in each party state.

3 (b) A state shall implement procedures for  
4 considering the criminal history records of applicants for  
5 initial multistate licensure or licensure by endorsement. The  
6 procedures shall include the submission of fingerprints or  
7 other biometric-based information by applicants for the  
8 purpose of obtaining the criminal history record information  
9 of an applicant from the Federal Bureau of Investigation and  
10 the agency responsible for retaining the criminal records of  
11 that state.

12 (c) Each party state shall require an applicant to  
13 satisfy all of the following to obtain or retain a multistate  
14 license in his or her home state:

15 (1) Satisfies the qualifications for licensure or  
16 renewal of licensure of the home state, as well as all other  
17 applicable state laws.

18 (2) Satisfies either of the following:

19 a. Has graduated or is eligible to graduate from a  
20 licensing board-approved registered nurse or licensed  
21 practical nurse prelicensure education program.

22 b. Has graduated from a foreign registered nurse or  
23 licensed practical nurse prelicensure education program that  
24 (i) has been approved by the authorized accrediting body in  
25 the applicable country and (ii) has been verified by an  
26 independent credentials review agency to be comparable to a  
27 licensing board-approved prelicensure education program.



1           (3) Has, if a graduate of a foreign prelicensure  
2 education program not taught in English or if English is not  
3 the native language of the applicant, successfully passed an  
4 English proficiency examination that includes the components  
5 of reading, speaking, writing, and listening.

6           (4) Has successfully passed an NCLEX-RN or NCLEX-PN  
7 Examination, or recognized predecessor examination, as  
8 applicable.

9           (5) Is eligible for or holds an active, unencumbered  
10 license.

11           (6) Has submitted, in connection with an application  
12 for initial multistate licensure or licensure by endorsement,  
13 fingerprints, or other biometric data for the purpose of  
14 obtaining criminal history record information from the Federal  
15 Bureau of Investigation and the agency responsible for  
16 retaining the criminal records of that state.

17           (7) Has not been convicted or found guilty, or has  
18 entered into an agreed disposition, of a felony offense under  
19 applicable state or federal criminal law.

20           (8) Has not been convicted or found guilty, or has  
21 entered into an agreed disposition, of a misdemeanor offense  
22 related to the practice of nursing as determined on a  
23 case-by-case basis.

24           (9) Is not currently enrolled in an alternative  
25 program.

26           (10) Is subject to self-disclosure requirements  
27 regarding current participation in an alternative program.

1                   (11) Has a valid United States Social Security  
2 number.

3                   (d) A party state, in accordance with existing state  
4 due process law, may take adverse action against the  
5 multistate licensure privilege of a nurse including  
6 revocation, suspension, probation, or any other action that  
7 affects the authorization of the nurse to practice under a  
8 multistate licensure privilege, including a cease and desist  
9 action. If a party state takes adverse action, the state shall  
10 promptly notify the administrator of the coordinated licensure  
11 information system. The administrator of the coordinated  
12 licensure information system shall promptly notify the home  
13 state of any adverse action by a remote state.

14                   (e) A nurse practicing in a party state shall comply  
15 with the practice laws of the state in which the client is  
16 located at the time service is provided. The practice of  
17 nursing is not limited to patient care, and shall include all  
18 nursing practice as defined by the practice laws of the party  
19 state in which the client is located. The practice of nursing  
20 in a party state under a multistate licensure privilege shall  
21 subject a nurse to the jurisdiction of the licensing board,  
22 the courts, and the laws of the party state in which the  
23 client is located at the time service is provided.

24                   (f) Individuals not residing in a party state shall  
25 continue to be able to apply for a single state license in a  
26 party state as provided under the laws of the party state. A  
27 single state license granted to these individuals will not be

1 recognized as granting the privilege to practice nursing in  
2 any other party state. Nothing in this compact shall affect  
3 the requirements established by a party state for the issuance  
4 of a single state license.

5 (g) Any nurse holding a home state multistate  
6 license, on the effective date of this compact, may retain and  
7 renew the multistate license issued by his or her then-current  
8 home state, provided that:

9 (1) A nurse, who changes his or her primary state of  
10 residence after the effective date of this compact, shall  
11 satisfy all applicable Section 34-21-122 requirements to  
12 obtain a multistate license from a new home state.

13 (2) A nurse who fails to satisfy the multistate  
14 licensure requirements in Section 34-21-122 due to a  
15 disqualifying event occurring after the effective date of this  
16 compact shall be ineligible to retain or renew a multistate  
17 license, and the multistate license of that nurse shall be  
18 revoked or deactivated in accordance with applicable rules  
19 adopted by the Interstate Commission of Nurse Licensure  
20 Compact Administrators.

21 §34-21-123.

22 (a) Upon application for a multistate license, the  
23 licensing board in the issuing party state shall ascertain,  
24 through the coordinated licensure information system, all of  
25 the following:

26 (1) Whether the applicant has ever held, or is the  
27 holder of, a license issued by any other state.

1           (2) Whether there are any encumbrances on any  
2 license or multistate licensure privilege held by the  
3 applicant.

4           (3) Whether any adverse action has been taken  
5 against any license or multistate licensure privilege held by  
6 the applicant.

7           (4) Whether the applicant is currently participating  
8 in an alternative program.

9           (b) A nurse may hold a multistate license, issued by  
10 the home state, in only one party state at a time.

11           (c) If a nurse changes his or her primary state of  
12 residence by moving between two party states, the nurse shall  
13 apply for licensure in the new home state, and the multistate  
14 license issued by the prior home state shall be deactivated in  
15 accordance with applicable rules adopted by the commission.

16           (1) The nurse may apply for licensure in advance of  
17 a change in primary state of residence.

18           (2) A multistate license may not be issued by the  
19 new home state until the nurse provides satisfactory evidence  
20 of a change in primary state of residence to the new home  
21 state and satisfies all applicable requirements to obtain a  
22 multistate license from the new home state.

23           (d) If a nurse changes his or her primary state of  
24 residence by moving from a party state to a nonparty state,  
25 the multistate license issued by the prior home state shall  
26 convert to a single state license, valid only in the former  
27 home state.

1 §34-21-124.

2 (a) In addition to the other powers conferred by  
3 state law, a licensing board shall have the authority to do  
4 all of the following:

5 (1) Take adverse action against the multistate  
6 licensure privilege of a nurse to practice within that party  
7 state.

8 a. Only the home state shall have the power to take  
9 adverse action against the license of a nurse issued by the  
10 home state.

11 b. For purposes of taking adverse action, the home  
12 state licensing board shall give the same priority and effect  
13 to reported conduct received from a remote state as it would  
14 if such conduct had occurred within the home state. In so  
15 doing, the home state shall apply its own state laws to  
16 determine appropriate action.

17 (2) Issue cease and desist orders or impose an  
18 encumbrance on the authority of a nurse to practice within  
19 that party state.

20 (3) Complete any pending investigations of a nurse  
21 who changes his or her primary state of residence during the  
22 course of such investigations. The licensing board may also  
23 take any appropriate actions and shall promptly report the  
24 conclusions of any investigations to the administrator of the  
25 coordinated licensure information system. The administrator of  
26 the coordinated licensure information system shall promptly  
27 notify the new home state of any actions.

1                   (4) Issue subpoenas for both hearings and  
2 investigations that require the attendance and testimony of  
3 witnesses, as well as the production of evidence. Subpoenas  
4 issued by a licensing board in a party state for the  
5 attendance and testimony of witnesses or the production of  
6 evidence from another party state shall be enforced in the  
7 latter state by any court of competent jurisdiction, according  
8 to the practice and procedure of that court applicable to  
9 subpoenas issued in proceedings pending before it. The issuing  
10 authority shall pay any witness fees, travel expenses,  
11 mileage, and other fees required by the service statutes of  
12 the state in which the witnesses or evidence are located.

13                   (5) Obtain and submit, for each applicant for a  
14 multistate license, fingerprint or other biometric-based  
15 information to the Federal Bureau of Investigation for  
16 criminal background checks, receive the results of the Federal  
17 Bureau of Investigation record search on criminal background  
18 checks, and use the results in making licensure decisions.

19                   (6) If otherwise permitted by state law, recover  
20 from the affected nurse the costs of investigations and  
21 disposition of cases resulting from any adverse action taken  
22 against that nurse.

23                   (7) Take adverse action based on the factual  
24 findings of the remote state, provided that the licensing  
25 board follows its own procedures for taking the adverse  
26 action.

1           (b) If adverse action is taken by the home state  
2 against the multistate license of a nurse, the multistate  
3 licensure privilege to practice in all other party states  
4 shall be deactivated until all encumbrances have been removed  
5 from the multistate license. All home state disciplinary  
6 orders that impose adverse action against the multistate  
7 license of a nurse shall include a statement that the  
8 multistate licensure privilege of the nurse is deactivated in  
9 all party states during the pendency of the order.

10           (c) Nothing in this compact shall override the  
11 decision of a party state that participation in an alternative  
12 program may be used in lieu of adverse action. The home state  
13 licensing board shall deactivate the multistate licensure  
14 privilege under the multistate license of any nurse for the  
15 duration of his or her participation in an alternative  
16 program.

17           §34-21-125.

18           (a) All party states shall participate in a  
19 coordinated licensure information system of all licensed  
20 registered nurses and licensed practical nurses. This system  
21 shall include information on the licensure and disciplinary  
22 history of each nurse, as submitted by party states, to assist  
23 in the coordination of nurse licensure and enforcement  
24 efforts.

25           (b) The commission, in consultation with the  
26 administrator of the coordinated licensure information system,  
27 shall formulate necessary and proper procedures for the

1 identification, collection, and exchange of information under  
2 this compact.

3 (c) All licensing boards shall promptly report to  
4 the coordinated licensure information system any adverse  
5 action, any current significant investigative information,  
6 denials of applications with the reasons for the denials, and  
7 nurse current participation in alternative programs known to  
8 the licensing board, regardless of whether the participation  
9 is deemed nonpublic or confidential under state law.

10 (d) Current significant investigative information  
11 and participation in nonpublic or confidential alternative  
12 programs shall be transmitted through the coordinated  
13 licensure information system only to party state licensing  
14 boards.

15 (e) Notwithstanding any other provision of law, all  
16 party state licensing boards contributing information to the  
17 coordinated licensure information system may designate  
18 information that may not be shared with nonparty states or  
19 disclosed to other entities or individuals without the express  
20 permission of the contributing state.

21 (f) Any personally identifiable information obtained  
22 from the coordinated licensure information system by a party  
23 state licensing board may not be shared with nonparty states  
24 or disclosed to other entities or individuals except to the  
25 extent permitted by the laws of the party state contributing  
26 the information.



1 (g) Any information contributed to the coordinated  
2 licensure information system that is subsequently required to  
3 be expunged by the laws of the party state contributing that  
4 information shall also be expunged from the coordinated  
5 licensure information system.

6 (h) The compact administrator of each party state  
7 shall furnish a uniform data set to the compact administrator  
8 of all other party states, which shall include, at a minimum,  
9 all of the following:

10 (1) Identifying information.

11 (2) Licensure data.

12 (3) Information related to alternative program  
13 participation.

14 (4) Other information that may facilitate the  
15 administration of this compact, as determined by commission  
16 rules.

17 (i) The compact administrator of a party state shall  
18 provide all investigative documents and information requested  
19 by another party state.

20 §34-21-126.

21 (a) The party states hereby create and establish a  
22 joint public entity known as the Interstate Commission of  
23 Nurse Licensure Compact Administrators.

24 (1) The commission is an instrumentality of the  
25 party states.

26 (2) Venue is proper, and judicial proceedings by or  
27 against the commission shall be brought solely and

1 exclusively, in a court of competent jurisdiction where the  
2 principal office of the commission is located. The commission  
3 may waive venue and jurisdictional defenses to the extent the  
4 commission adopts or consents to participate in alternative  
5 dispute resolution proceedings.

6 (3) Nothing in this compact shall be construed to be  
7 a waiver of sovereign immunity.

8 (b) Membership, voting, and meetings.

9 (1) Each party state shall have and be limited to  
10 one administrator. The head of the state licensing board for  
11 each party state, or his or her designee, shall be the  
12 administrator of this compact for that state. An administrator  
13 may be removed or suspended from office as provided by the law  
14 of the state from which the administrator is appointed. Any  
15 vacancy occurring in the commission shall be filled in  
16 accordance with the laws of the party state in which the  
17 vacancy exists.

18 (2) Each administrator shall be entitled to one vote  
19 with regard to the promulgation of rules and creation of  
20 bylaws and shall otherwise have an opportunity to participate  
21 in the business and affairs of the commission. An  
22 administrator shall vote in person or by such other means as  
23 provided in the bylaws. The bylaws may provide for the  
24 participation of an administrator in meetings by telephone or  
25 other means of communication.

1           (3) The commission shall meet at least once during  
2 each calendar year. Additional meetings shall be held as set  
3 forth in the bylaws or rules of the commission.

4           (4) All meetings of the commission shall be open to  
5 the public, and public notice of meetings shall be given in  
6 the same manner as required under the rulemaking provisions in  
7 Section 34-21-127.

8           (5) The commission may convene in a closed,  
9 nonpublic meeting if the commission must discuss any of the  
10 following:

11           a. Noncompliance of a party state with its  
12 obligations under this compact.

13           b. The employment, compensation, discipline, or  
14 other personnel matters, practices, or procedures related to  
15 specific employees or other matters related to the internal  
16 personnel practices and procedures of the commission.

17           c. Current, threatened, or reasonably anticipated  
18 litigation.

19           d. Negotiation of contracts for the purchase or sale  
20 of goods, services, or real estate.

21           e. Accusing any person of a crime or formally  
22 censuring any person.

23           f. Disclosure of trade secrets or commercial or  
24 financial information that is privileged or confidential.

25           g. Disclosure of information of a personal nature  
26 where disclosure would constitute a clearly unwarranted  
27 invasion of personal privacy.

1           h. Disclosure of investigatory records compiled for  
2 law enforcement purposes.

3           i. Disclosure of information related to any reports  
4 prepared by or on behalf of the commission for the purpose of  
5 investigation of compliance with this compact.

6           j. Matters specifically exempted from disclosure by  
7 federal or state statute.

8           (6) If a meeting, or portion of a meeting, is closed  
9 pursuant to this subsection, the legal counsel of the  
10 commission, or his or her designee, shall certify that the  
11 meeting may be closed and shall reference each relevant  
12 exempting provision. The commission shall keep minutes that  
13 fully and clearly describe all matters discussed in a meeting  
14 and shall provide a full and accurate summary of actions  
15 taken, and the reasons therefor, including a description of  
16 the views expressed. All documents considered in connection  
17 with an action shall be identified in the minutes. All minutes  
18 and documents of a closed meeting shall remain under seal,  
19 subject to release by a majority vote of the administrators or  
20 order of a court of competent jurisdiction.

21           (c) The commission, by a majority vote of the  
22 administrators, shall prescribe bylaws or rules to govern its  
23 conduct as may be necessary or appropriate to carry out the  
24 purposes and exercise the powers of this compact including,  
25 but not limited to, all of the following:

26           (1) Establishing the fiscal year of the commission.

1                   (2) Providing reasonable standards and procedures  
2 for all of the following:

3                   a. For the establishment and meetings of other  
4 committees.

5                   b. Governing any general or specific delegation of  
6 any authority or function of the commission.

7                   (3) Providing reasonable procedures for calling and  
8 conducting meetings of the commission, ensuring reasonable  
9 advance notice of all meetings, and providing an opportunity  
10 for attendance of the meetings by interested parties, with  
11 enumerated exceptions designed to protect the interest of the  
12 public, the privacy of individuals, and proprietary  
13 information, including trade secrets. The commission may meet  
14 in closed session only after a majority of the administrators  
15 vote to close a meeting, in whole or in part. As soon as  
16 practicable, the commission shall make public a copy of the  
17 vote to close the meeting revealing the vote of each  
18 administrator, with no proxy votes allowed.

19                   (4) Establishing the titles, duties, and authority  
20 and reasonable procedures for the election of the officers of  
21 the commission.

22                   (5) Providing reasonable standards and procedures  
23 for the establishment of personnel policies and programs for  
24 the commission. Notwithstanding any civil service or other  
25 similar laws of any party state, the bylaws shall exclusively  
26 govern the personnel policies and programs of the commission.

1           (6) Providing a mechanism for winding up the  
2 operations of the commission and the equitable disposition of  
3 any surplus funds that may exist after the termination of this  
4 compact after the payment or reserving of all of its debts and  
5 obligations.

6           (d) The commission shall publish its bylaws and  
7 rules, and any amendments thereto, in a convenient form on the  
8 website of the commission.

9           (e) The commission shall maintain its financial  
10 records in accordance with the bylaws.

11           (f) The commission shall meet and take such actions  
12 as are consistent with this compact and the bylaws.

13           (g) The commission shall have all of the following  
14 powers:

15           (1) To promulgate uniform rules to facilitate and  
16 coordinate implementation and administration of this compact.  
17 The rules shall have the force and effect of law and shall be  
18 binding in all party states.

19           (2) To bring and prosecute legal proceedings or  
20 actions in the name of the commission, provided that the  
21 standing of any licensing board to sue or be sued under  
22 applicable law shall not be affected.

23           (3) To purchase and maintain insurance and bonds.

24           (4) To borrow, accept, or contract for services of  
25 personnel including, but not limited to, employees of a party  
26 state or nonprofit organizations.

1           (5) To cooperate with other organizations that  
2 administer state compacts related to the regulation of nursing  
3 including, but not limited to, sharing administrative or staff  
4 expenses, office space, or other resources.

5           (6) To hire employees, elect or appoint officers,  
6 fix compensation, define duties, grant such individuals  
7 appropriate authority to carry out the purposes of this  
8 compact, and to establish the personnel policies and programs  
9 relating to conflicts of interest, qualifications of  
10 personnel, and other related personnel matters of the  
11 commission.

12           (7) To accept any and all appropriate donations,  
13 grants and gifts of money, equipment, supplies, materials, and  
14 services, and to receive, utilize, and dispose of the same;  
15 provided that at all times the commission shall avoid any  
16 appearance of impropriety or conflict of interest.

17           (8) To lease, purchase, accept appropriate gifts or  
18 donations of, or otherwise to own, hold, improve, or use, any  
19 property, whether real, personal, or mixed; provided that at  
20 all times the commission shall avoid any appearance of  
21 impropriety.

22           (9) To sell, convey, mortgage, pledge, lease,  
23 exchange, abandon, or otherwise dispose of any property,  
24 whether real, personal, or mixed.

25           (10) To establish a budget and make expenditures.

26           (11) To borrow money; provided that the borrowing of  
27 money shall not be constituted as a debt of the State of

1 Alabama in violation of Section 213 of the Constitution of  
2 Alabama of 1901, as amended by Amendment 26, now appearing as  
3 Section 213 of the Official ReCompilation of the Constitution  
4 of Alabama of 1901, as amended.

5 (12) To appoint committees, including advisory  
6 committees comprised of administrators, state nursing  
7 regulators, state legislators or their representatives, and  
8 consumer representatives, and other interested persons.

9 (13) To provide and receive information from, and to  
10 cooperate with, law enforcement agencies.

11 (14) To adopt and use an official seal.

12 (15) To perform other functions as may be necessary  
13 or appropriate to achieve the purposes of this compact  
14 consistent with the state regulation of nurse licensure and  
15 practice.

16 (h) Financing of the commission

17 (1) The commission shall pay, or provide for the  
18 payment of, the reasonable expenses of its establishment,  
19 organization, and ongoing activities.

20 (2) The commission may also levy on and collect an  
21 annual assessment from each party state to cover the cost of  
22 its operations, activities, and staff in its annual budget as  
23 approved each year. The aggregate annual assessment amount, if  
24 any, shall be allocated based upon a formula to be determined  
25 by the commission, which shall promulgate a rule that is  
26 binding upon all party states.



1           (3) The commission may not incur obligations of any  
2 kind before securing the funds adequate to meet the same; nor  
3 shall the commission pledge the credit of any of the party  
4 states, except by, and with the authority of, the party state.

5           (4) The commission shall keep accurate accounts of  
6 all receipts and disbursements. The receipts and disbursements  
7 of the commission shall be subject to the audit and accounting  
8 procedures established under its bylaws. However, all receipts  
9 and disbursements of funds handled by the commission shall be  
10 audited yearly by a certified or licensed public accountant,  
11 and the report of the audit shall be included in and become  
12 part of the annual report of the commission.

13           (i) Qualified immunity, defense, and  
14 indemnification.

15           (1) The administrators, officers, executive  
16 director, employees, and representatives of the commission  
17 shall be immune from suit and liability, either personally or  
18 in their official capacity, for any claim for damage to or  
19 loss of property or personal injury or other civil liability  
20 caused by or arising out of any actual or alleged act, error,  
21 or omission that occurred, or that the person against whom the  
22 claim is made had a reasonable basis for believing occurred,  
23 within the scope of commission employment, duties, or  
24 responsibilities. Nothing in this subdivision shall be  
25 construed to protect any person from suit or liability for any  
26 damage, loss, injury, or liability caused by the intentional,  
27 willful, or wanton misconduct of that person.

1           (2) The commission shall defend any administrator,  
2 officer, executive director, employee, or representative of  
3 the commission in any civil action seeking to impose liability  
4 arising out of any actual or alleged act, error, or omission  
5 that occurred within the scope of commission employment,  
6 duties, or responsibilities, or that the person against whom  
7 the claim is made had a reasonable basis for believing  
8 occurred within the scope of commission employment, duties, or  
9 responsibilities; provided that nothing in this compact shall  
10 be construed to prohibit that person from retaining his or her  
11 own counsel; and provided further that the actual or alleged  
12 act, error, or omission did not result from his or her  
13 intentional, willful, or wanton misconduct.

14           (3) The commission shall indemnify and hold harmless  
15 any administrator, officer, executive director, employee, or  
16 representative of the commission for the amount of any  
17 settlement or judgment obtained against that person arising  
18 out of any actual or alleged act, error, or omission that  
19 occurred within the scope of commission employment, duties, or  
20 responsibilities, or that the person had a reasonable basis  
21 for believing occurred within the scope of commission  
22 employment, duties, or responsibilities, provided that the  
23 actual or alleged act, error, or omission did not result from  
24 the intentional, willful, or wanton misconduct of that person.

25           §34-21-127.

26           (a) The commission shall exercise its rulemaking  
27 powers pursuant to the criteria set forth in this compact and

1 the rules adopted under this compact. Rules and amendments  
2 shall become binding as of the date specified in each rule or  
3 amendment and shall have the same force and effect as this  
4 compact.

5 (b) Rules or amendments to the rules shall be  
6 adopted at a regular or special meeting of the commission.

7 (c) Before the adoption of a final rule by the  
8 commission, and at least 60 days in advance of the meeting at  
9 which the rule shall be considered and voted upon, the  
10 commission shall file a notice of proposed rulemaking on the  
11 website of the commission and on the website of each licensing  
12 board or the publication in which each party state would  
13 otherwise publish proposed rules.

14 (d) The notice of proposed rulemaking shall include  
15 all of the following:

16 (1) The proposed time, date, and location of the  
17 meeting in which the rule shall be considered and voted upon.

18 (2) The text of the proposed rule or amendment, and  
19 the reason for the proposed rule or amendment.

20 (3) A request for comments on the proposed rule from  
21 any interested person.

22 (4) The manner in which interested persons may  
23 submit notice to the commission of their intention to attend  
24 the public hearing and any written comments.

25 (e) Before adoption of a proposed rule, the  
26 commission shall allow persons to submit written data, facts,

1 opinions, and arguments, which shall be made available to the  
2 public.

3 (f) The commission shall grant an opportunity for a  
4 public hearing before it adopts a rule or amendment to a rule.

5 (g) The commission shall publish the place, time,  
6 and date of the scheduled public hearing.

7 (1) Hearings shall be conducted in a manner  
8 providing each person who wishes to comment a fair and  
9 reasonable opportunity to comment orally or in writing. All  
10 hearings shall be recorded, and a copy of the recording shall  
11 be made available upon request.

12 (2) Nothing in this section shall be construed as  
13 requiring a separate hearing on each rule. Proposed new rules  
14 or amendments to existing rules may be grouped together for  
15 the convenience of the commission at hearings required by this  
16 section.

17 (h) If no one appears at a public hearing, the  
18 commission may proceed with the adoption of a proposed rule.

19 (i) Following a scheduled hearing date, or by the  
20 close of business on the scheduled hearing date if a hearing  
21 was not conducted, the commission shall consider all written  
22 and oral comments received.

23 (j) The commission, by majority vote of all  
24 administrators, shall take final action on a proposed rule and  
25 shall determine the effective date of the rule, if any, based  
26 on the rulemaking record and the full text of the rule.

1           (k) Upon determination that an emergency exists, the  
2 commission may consider and adopt an emergency rule without  
3 prior notice, opportunity for comment, or hearing, provided  
4 that the usual rulemaking procedures provided in this compact  
5 and in this section shall be retroactively applied to the rule  
6 as soon as reasonably possible, in no event later than 90 days  
7 after the effective date of the rule. For the purposes of this  
8 subsection, an emergency rule is a rule that is adopted  
9 immediately to do any of the following:

10           (1) Satisfy an imminent threat to public health,  
11 safety, or welfare.

12           (2) Prevent a loss of commission or party state  
13 funds.

14           (3) Satisfy a deadline for the promulgation of an  
15 administrative rule that is required by federal law or rule.

16           (4) The commission may direct revisions to a  
17 previously adopted rule or amendment for purposes of  
18 correcting typographical errors, errors in format, errors in  
19 consistency, or grammatical errors. Public notice of any  
20 revision shall be posted on the website of the commission. The  
21 revision shall be subject to challenge by any person for a  
22 period of 30 days after posting. The revision may be  
23 challenged only on grounds that the revision results in a  
24 material change to a rule. A challenge shall be made in  
25 writing, and delivered to the commission, before the end of  
26 the notice period. If no challenge is made, the revision shall  
27 take effect without further action. If the revision is

1 challenged, the revision may not take effect without the  
2 approval of the commission.

3 §34-21-128.

4 (a) Oversight.

5 (1) Each party state shall enforce this compact and  
6 take any action necessary and appropriate to effectuate the  
7 purposes and intent of this compact.

8 (2) The commission shall receive service of process  
9 in any proceeding that may affect the powers,  
10 responsibilities, or actions of the commission, and shall have  
11 standing to intervene in such a proceeding for all purposes.  
12 Failure to provide service of process in a proceeding to the  
13 commission shall render the judgment or order void as to the  
14 commission, this compact, or promulgated rules.

15 (b) Default, technical assistance, and termination.

16 (1) If the commission determines that a party state  
17 has defaulted in the performance of its obligations or  
18 responsibilities under this compact or the adopted rules, the  
19 commission shall do all of the following:

20 a. Provide written notice to the defaulting state  
21 and other party states of the nature of the default, the  
22 proposed means of curing the default, or any other action to  
23 be taken by the commission.

24 b. Provide remedial training and specific technical  
25 assistance regarding the default.

26 (2) If a state in default fails to cure the default,  
27 the membership of the defaulting state in this compact may be

1 terminated upon an affirmative vote of a majority of the  
2 administrators, and all rights, privileges, and benefits  
3 conferred by this compact may be terminated on the effective  
4 date of termination. A cure of the default does not relieve  
5 the defaulting state of obligations or liabilities incurred  
6 during the period of default.

7 (3) Termination of membership in this compact shall  
8 be imposed only after all other means of securing compliance  
9 have been exhausted. Notice of intent to suspend or terminate  
10 membership shall be given by the commission to the governor of  
11 the defaulting state and to the executive officer of the  
12 licensing board of the defaulting state and each of the party  
13 states.

14 (4) A state whose membership in this compact has  
15 been terminated is responsible for all assessments,  
16 obligations, and liabilities incurred through the effective  
17 date of termination, including obligations that extend beyond  
18 the effective date of termination.

19 (5) The commission may not bear any costs related to  
20 a state that is found to be in default or whose membership in  
21 this compact has been terminated unless agreed upon in writing  
22 between the commission and the defaulting state.

23 (6) The defaulting state may appeal the action of  
24 the commission by petitioning the United States District Court  
25 for the District of Columbia or the federal district in which  
26 the commission has its principal offices. The prevailing party

1 shall be awarded all costs of litigation, including reasonable  
2 attorneys fees.

3 (c) Dispute resolution.

4 (1) Upon request by a party state, the commission  
5 shall attempt to resolve disputes related to this compact that  
6 arise among party states and between party and nonparty  
7 states.

8 (2) The commission shall adopt a rule providing for  
9 both mediation and binding dispute resolution for disputes, as  
10 appropriate.

11 (3) In the event the commission cannot resolve  
12 disputes among party states arising under this compact:

13 a. The party states may submit the issues in dispute  
14 to an arbitration panel, which shall be comprised of  
15 individuals appointed by the compact administrator in each of  
16 the affected party states and an individual mutually agreed  
17 upon by the compact administrators of all the party states  
18 involved in the dispute.

19 b. The decision of a majority of the arbitrators  
20 shall be final and binding.

21 (d) Enforcement.

22 (1) The commission, in the reasonable exercise of  
23 its discretion, shall enforce this compact and any rules  
24 adopted pursuant to this compact.

25 (2) By majority vote of the administrators, the  
26 commission may initiate legal action in the federal district  
27 in which the commission has its principal offices against a



1 party state that is in default to enforce compliance with this  
2 compact and rules or bylaws adopted pursuant to this compact.  
3 The relief sought may include both injunctive relief and  
4 damages. In the event judicial enforcement is necessary, the  
5 prevailing party shall be awarded all costs of the litigation,  
6 including reasonable attorneys fees.

7 (3) The remedies provided in this article shall not  
8 be the exclusive remedies of the commission. The commission  
9 may pursue other remedies available under federal or state  
10 law.

11 §34-21-129.

12 (a) This compact shall become effective and binding  
13 on the earlier of the date of legislative enactment of this  
14 compact into law by not less than 26 states or December 31,  
15 2019. All party states, that also participated in the prior  
16 Nurse Licensure Compact, which is superseded by this compact,  
17 shall be deemed to have withdrawn from the Nurse Licensure  
18 Compact on the first day of the sixth month after the  
19 effective date of this compact.

20 (b) Each party state shall continue to recognize the  
21 multistate licensure privilege of a nurse to practice in that  
22 party state issued under the Nurse Licensure Compact until the  
23 party state has withdrawn from the Nurse Licensure Compact.

24 (c) A party state may withdraw from this compact by  
25 enacting a general law repealing this compact. Withdrawal by a  
26 party state may not take effect until six months after the  
27 effective date of the repeal.

1 (d) The withdrawal or termination of a party state  
2 shall not affect the continuing requirement of the state  
3 licensing board of that state to report adverse actions and  
4 significant investigations occurring before the effective date  
5 of the withdrawal or termination.

6 (e) Nothing contained in this compact shall be  
7 construed to invalidate or prevent any nurse licensure  
8 agreement or other cooperative arrangement between a party  
9 state and a nonparty state that is made in accordance with any  
10 other provision of this compact.

11 (f) This compact may be amended by the party states.  
12 No amendment to this compact shall become effective and  
13 binding upon the party states until it is enacted by all party  
14 states.

15 (g) Representatives of nonparty states shall be  
16 invited to participate in the activities of the commission, on  
17 a nonvoting basis, before the adoption of this compact by all  
18 states.

19 §34-21-130.

20 This compact shall be liberally construed so as to  
21 effectuate the purposes thereof. The provisions of this  
22 compact shall be severable, and if any phrase, clause,  
23 sentence, or provision of this compact is declared to be  
24 contrary to the constitution of any party state or of the  
25 United States, or if the applicability thereof to any  
26 government, agency, person, or circumstance is held invalid,  
27 the validity of the remainder of this compact and the

1 applicability thereof to any government, agency, person, or  
2 circumstance shall not be affected thereby. If this compact  
3 shall be held to be contrary to the constitution of any party  
4 state, this compact shall remain in full force and effect as  
5 to the remaining party states and in full force and effect as  
6 to the party state affected as to all severable matters.

7           Section 4. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.