

1 SB38
2 196073-3
3 By Senator Reed
4 RFD: Healthcare
5 First Read: 05-MAR-19
6 PFD: 02/26/2019

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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) In accordance with Section 36-1-12, the
16 administrators, officers, executive director, employees, and
17 representatives of the commission shall be immune from suit
18 and liability.

19 (2) The commission shall defend any administrator,
20 officer, executive director, employee, or representative of
21 the commission in any civil action seeking to impose liability
22 arising out of any actual or alleged act, error, or omission
23 that occurred within the scope of commission employment,
24 duties, or responsibilities, or that the person against whom
25 the claim is made had a reasonable basis for believing
26 occurred within the scope of commission employment, duties, or
27 responsibilities; provided that nothing in this compact shall

1 be construed to prohibit that person from retaining his or her
2 own counsel; and provided further that the actual or alleged
3 act, error, or omission did not result from his or her
4 intentional, willful, or wanton misconduct.

5 (3) The commission shall indemnify and hold harmless
6 any administrator, officer, executive director, employee, or
7 representative of the commission for the amount of any
8 settlement or judgment obtained against that person arising
9 out of any actual or alleged act, error, or omission that
10 occurred within the scope of commission employment, duties, or
11 responsibilities, or that the person had a reasonable basis
12 for believing occurred within the scope of commission
13 employment, duties, or responsibilities, provided that the
14 actual or alleged act, error, or omission did not result from
15 the intentional, willful, or wanton misconduct of that person.

16 §34-21-127.

17 (a) The commission shall exercise its rulemaking
18 powers pursuant to the criteria set forth in this compact and
19 the rules adopted under this compact. Rules and amendments
20 shall become binding as of the date specified in each rule or
21 amendment and shall have the same force and effect as this
22 compact.

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

25 (c) Before the adoption of a final rule by the
26 commission, and at least 60 days in advance of the meeting at
27 which the rule shall be considered and voted upon, the

1 commission shall file a notice of proposed rulemaking on the
2 website of the commission and on the website of each licensing
3 board or the publication in which each party state would
4 otherwise publish proposed rules.

5 (d) The notice of proposed rulemaking shall include
6 all of the following:

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

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

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

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

16 (e) Before adoption of a proposed rule, the
17 commission shall allow persons to submit written data, facts,
18 opinions, and arguments, which shall be made available to the
19 public.

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

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

24 (1) Hearings shall be conducted in a manner
25 providing each person who wishes to comment a fair and
26 reasonable opportunity to comment orally or in writing. All

1 hearings shall be recorded, and a copy of the recording shall
2 be made available upon request.

3 (2) Nothing in this section shall be construed as
4 requiring a separate hearing on each rule. Proposed new rules
5 or amendments to existing rules may be grouped together for
6 the convenience of the commission at hearings required by this
7 section.

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

10 (i) Following a scheduled hearing date, or by the
11 close of business on the scheduled hearing date if a hearing
12 was not conducted, the commission shall consider all written
13 and oral comments received.

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

18 (k) Upon determination that an emergency exists, the
19 commission may consider and adopt an emergency rule without
20 prior notice, opportunity for comment, or hearing, provided
21 that the usual rulemaking procedures provided in this compact
22 and in this section shall be retroactively applied to the rule
23 as soon as reasonably possible, in no event later than 90 days
24 after the effective date of the rule. For the purposes of this
25 subsection, an emergency rule is a rule that is adopted
26 immediately to do any of the following:

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

3 (2) Prevent a loss of commission or party state
4 funds.

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

7 (4) The commission may direct revisions to a
8 previously adopted rule or amendment for purposes of
9 correcting typographical errors, errors in format, errors in
10 consistency, or grammatical errors. Public notice of any
11 revision shall be posted on the website of the commission. The
12 revision shall be subject to challenge by any person for a
13 period of 30 days after posting. The revision may be
14 challenged only on grounds that the revision results in a
15 material change to a rule. A challenge shall be made in
16 writing, and delivered to the commission, before the end of
17 the notice period. If no challenge is made, the revision shall
18 take effect without further action. If the revision is
19 challenged, the revision may not take effect without the
20 approval of the commission.

21 §34-21-128.

22 (a) Oversight.

23 (1) Each party state shall enforce this compact and
24 take any action necessary and appropriate to effectuate the
25 purposes and intent of this compact.

26 (2) The commission shall receive service of process
27 in any proceeding that may affect the powers,

1 responsibilities, or actions of the commission, and shall have
2 standing to intervene in such a proceeding for all purposes.
3 Failure to provide service of process in a proceeding to the
4 commission shall render the judgment or order void as to the
5 commission, this compact, or promulgated rules.

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

7 (1) If the commission determines that a party state
8 has defaulted in the performance of its obligations or
9 responsibilities under this compact or the adopted rules, the
10 commission shall do all of the following:

11 a. Provide written notice to the defaulting state
12 and other party states of the nature of the default, the
13 proposed means of curing the default, or any other action to
14 be taken by the commission.

15 b. Provide remedial training and specific technical
16 assistance regarding the default.

17 (2) If a state in default fails to cure the default,
18 the membership of the defaulting state in this compact may be
19 terminated upon an affirmative vote of a majority of the
20 administrators, and all rights, privileges, and benefits
21 conferred by this compact may be terminated on the effective
22 date of termination. A cure of the default does not relieve
23 the defaulting state of obligations or liabilities incurred
24 during the period of default.

25 (3) Termination of membership in this compact shall
26 be imposed only after all other means of securing compliance
27 have been exhausted. Notice of intent to suspend or terminate

1 membership shall be given by the commission to the governor of
2 the defaulting state and to the executive officer of the
3 licensing board of the defaulting state and each of the party
4 states.

5 (4) A state whose membership in this compact has
6 been terminated is responsible for all assessments,
7 obligations, and liabilities incurred through the effective
8 date of termination, including obligations that extend beyond
9 the effective date of termination.

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

14 (6) The defaulting state may appeal the action of
15 the commission by petitioning the United States District Court
16 for the District of Columbia or the federal district in which
17 the commission has its principal offices. The prevailing party
18 shall be awarded all costs of litigation, including reasonable
19 attorneys fees.

20 (c) Dispute resolution.

21 (1) Upon request by a party state, the commission
22 shall attempt to resolve disputes related to this compact that
23 arise among party states and between party and nonparty
24 states.

25 (2) The commission shall adopt a rule providing for
26 both mediation and binding dispute resolution for disputes, as
27 appropriate.

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

3 a. The party states may submit the issues in dispute
4 to an arbitration panel, which shall be comprised of
5 individuals appointed by the compact administrator in each of
6 the affected party states and an individual mutually agreed
7 upon by the compact administrators of all the party states
8 involved in the dispute.

9 b. The decision of a majority of the arbitrators
10 shall be final and binding.

11 (d) Enforcement.

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

15 (2) By majority vote of the administrators, the
16 commission may initiate legal action in the federal district
17 in which the commission has its principal offices against a
18 party state that is in default to enforce compliance with this
19 compact and rules or bylaws adopted pursuant to this compact.
20 The relief sought may include both injunctive relief and
21 damages. In the event judicial enforcement is necessary, the
22 prevailing party shall be awarded all costs of the litigation,
23 including reasonable attorneys fees.

24 (3) The remedies provided in this article shall not
25 be the exclusive remedies of the commission. The commission
26 may pursue other remedies available under federal or state
27 law.

1 §34-21-129.

2 (a) This compact shall become effective and binding
3 on the earlier of the date of legislative enactment of this
4 compact into law by not less than 26 states or December 31,
5 2019. All party states, that also participated in the prior
6 Nurse Licensure Compact, which is superseded by this compact,
7 shall be deemed to have withdrawn from the Nurse Licensure
8 Compact on the first day of the sixth month after the
9 effective date of this compact.

10 (b) Each party state shall continue to recognize the
11 multistate licensure privilege of a nurse to practice in that
12 party state issued under the Nurse Licensure Compact until the
13 party state has withdrawn from the Nurse Licensure Compact.

14 (c) A party state may withdraw from this compact by
15 enacting a general law repealing this compact. Withdrawal by a
16 party state may not take effect until six months after the
17 effective date of the repeal.

18 (d) The withdrawal or termination of a party state
19 shall not affect the continuing requirement of the state
20 licensing board of that state to report adverse actions and
21 significant investigations occurring before the effective date
22 of the withdrawal or termination.

23 (e) Nothing contained in this compact shall be
24 construed to invalidate or prevent any nurse licensure
25 agreement or other cooperative arrangement between a party
26 state and a nonparty state that is made in accordance with any
27 other provision of this compact.

1 (f) This compact may be amended by the party states.
2 No amendment to this compact shall become effective and
3 binding upon the party states until it is enacted by all party
4 states.

5 (g) Representatives of nonparty states shall be
6 invited to participate in the activities of the commission, on
7 a nonvoting basis, before the adoption of this compact by all
8 states.

9 §34-21-130.

10 This compact shall be liberally construed so as to
11 effectuate the purposes thereof. The provisions of this
12 compact shall be severable, and if any phrase, clause,
13 sentence, or provision of this compact is declared to be
14 contrary to the constitution of any party state or of the
15 United States, or if the applicability thereof to any
16 government, agency, person, or circumstance is held invalid,
17 the validity of the remainder of this compact and the
18 applicability thereof to any government, agency, person, or
19 circumstance shall not be affected thereby. If this compact
20 shall be held to be contrary to the constitution of any party
21 state, this compact shall remain in full force and effect as
22 to the remaining party states and in full force and effect as
23 to the party state affected as to all severable matters.

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