

**HB234 ENGROSSED**



1 HB234

2 67SE333-2

3 By Representatives Bedsole, Shirey, Rigsby, Wood (R), Rafferty

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5 RFD: Boards, Agencies and Commissions

6 First Read: 27-Feb-24



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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-21-2 of the Code of Alabama 1975, is amended to read as follows:

"§34-21-2

(a) There is created the Board of Nursing, which shall be composed of 13 members to be appointed and have the duties and powers enumerated in this section. The Governor shall coordinate his or her appointments to assure that the membership of the board ~~shall be~~ is inclusive and ~~reflect~~ reflects the racial, gender, geographic, ~~urban/rural~~ urban, rural, and economic diversity of the state. ~~In order to insure continuity of administration, the nine board members provided for by Section 3 of Act 427, Regular Session 1975, shall continue to serve to the completion of the term for which they~~



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29 ~~are serving. The Governor, within 60 days of January 1, 1984,~~  
30 ~~shall appoint a tenth member who shall be a licensed practical~~  
31 ~~nurse for a term of four years from a list of nominees~~  
32 ~~furnished him or her by the Alabama Federation of Licensed~~  
33 ~~Practical Nurses, Incorporated, or its successor organization.~~

34 As the terms of all board members expire, their successors  
35 shall be appointed for terms of four years each. Vacancies in  
36 unexpired terms shall be filled in the same manner as original  
37 appointments are made. No member shall be appointed to more  
38 than two consecutive terms of four years each. ~~Eight~~ Six  
39 members of the board shall be licensed professional nurses,  
40 ~~and~~ one member of the board shall be a licensed professional  
41 nurse who is approved to engage in advanced practice nursing  
42 in this state, one member of the board shall be a certified  
43 registered nurse anesthetist who is approved to engage in  
44 advanced practice nursing in this state, four members of the  
45 board shall be licensed practical nurses, and one member of  
46 the board shall be a consumer.

47 (b) (1) The Governor shall appoint the seven members of  
48 the board who are licensed professional nurses, including the  
49 one licensed professional nurse who is approved to engage in  
50 advanced practice nursing in this state, from a list of  
51 nominees who are selected by the Board of Nursing Nomination  
52 Committee and furnished to the Governor by the Alabama State  
53 Nurses Association, or its successor organization, and the  
54 list, when furnished, shall contain at least twice the number  
55 of nominees as there are appointments to be made or vacancies  
56 to be filled. The Alabama State Nurses Association, or its



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57 successor organization, on or before December 1 of each year,  
58 or at such other ~~times~~ time as necessary, shall furnish the  
59 Governor with a list of licensed professional nurses qualified  
60 for appointment to the board. In the nominating and appointing  
61 process, due care shall be taken to ensure the maintenance of  
62 qualified representation from the fields of nursing education,  
63 nursing administration, clinical nursing, and advanced  
64 practice nursing.

65 (2) The Governor shall appoint the one member of the  
66 board who is a certified registered nurse anesthetist who is  
67 approved to engage in advanced practice nursing in this state  
68 from a list of at least two nominees furnished to the Governor  
69 by the Board of Directors of the Alabama Association of Nurse  
70 Anesthetists, or its successor organization. The list of  
71 qualified certified registered nurse anesthetists shall be  
72 furnished to the Governor on or before December 1 of each year  
73 in which the term of office of the member or a nominee of the  
74 Board of Directors of the Alabama Association of Nurse  
75 Anesthetists, or its successor organization, shall expire, or  
76 at such other time as necessary, for an initial appointment to  
77 the board beginning January 1, 2026.

78 ~~(2)~~ (3) The Governor shall appoint two of the four  
79 members of the board who are ~~to be~~ licensed practical nurses  
80 from a list of nominees furnished him or her by the Board of  
81 Directors of the Licensed Practical Nurses Association of  
82 Alabama, or its successor organization, and the list, when  
83 furnished, shall contain at least twice the number of nominees  
84 for the vacancies to be filled. The Board of Directors of the



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85 Licensed Practical Nurses Association of Alabama, or its  
86 successor organization, on or before December 1 of each year  
87 in which the term of office of a board member or a nominee of  
88 the Board of Directors of the Licensed Practical Nurses  
89 Association of Alabama shall expire, or at such other time as  
90 necessary, shall furnish the Governor with the list of  
91 licensed practical nurses qualified for appointment to the  
92 board.

93 ~~(3)~~ (4) The Governor shall appoint two of the four  
94 members ~~on~~ of the board who are ~~to be~~ licensed practical  
95 nurses from a list of nominees furnished him or her by the  
96 Board of Directors of the Alabama Federation of Licensed  
97 Practical Nurses, Incorporated, or its successor organization,  
98 and the list, when furnished, shall contain at least twice the  
99 number of nominees for the vacancies to be filled. The Board  
100 of Directors of the Alabama Federation of Licensed Practical  
101 Nurses, Incorporated, or its successor organization, on or  
102 before December 1 of each year in which the term of office of  
103 ~~the a~~ board member filled by the nominee of the ~~board of~~  
104 ~~directors~~ Board of Directors of the Alabama Federation of  
105 Licensed Practical Nurses, Incorporated, or its successor  
106 organization, shall expire, or at such other ~~times~~ time as  
107 necessary, shall furnish the Governor with a list of licensed  
108 practical nurses qualified for appointment to the board.

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

112 (d) Each ~~person~~ individual appointed to the board as a



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113 licensed professional nurse shall be a citizen of the United  
114 States, a resident of ~~the State of Alabama~~ this state, and  
115 have all of ~~these~~ the following additional qualifications:

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

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

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

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

126 (e) Each ~~person~~ individual appointed to the board as a  
127 licensed practical nurse shall be a citizen of the United  
128 States, a resident of the State of Alabama, and have all of  
129 ~~these~~ the following additional qualifications:

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

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

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

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

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



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

152 ~~(g) There shall be two advanced practice nurse~~  
153 ~~positions to be filled effective January 1, 1998, in the same~~  
154 ~~manner as all other professional nurse positions. One advanced~~  
155 ~~practice nurse position shall be served for an initial~~  
156 ~~five-year term and successors shall serve four-year terms. The~~  
157 ~~remaining member appointed to an advance practice nurse~~  
158 ~~position shall serve an initial four-year term and successors~~  
159 ~~shall serve four-year terms.~~

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

163 ~~(i) The board shall have the following powers and~~  
164 ~~perform the following duties: It~~ (h) The board shall meet at  
165 least once a year and ~~shall,~~ at its organizational meeting and  
166 at its annual meetings thereafter, shall elect from its  
167 members a president, a vice president, and a secretary. ~~It~~ The  
168 board may hold ~~such~~ other and additional meetings during any



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169 year as ~~it~~ the board deems necessary for the transaction of  
170 business. A majority of the board, including one officer,  
171 shall constitute a quorum at any meeting.

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

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

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

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

181 (4) Approve ~~such~~ nursing educational programs ~~as meet~~  
182 that satisfy the requirements of this chapter and the board.  
183 Nothing in this chapter shall be construed to diminish the  
184 power of the State Board of Education or any other  
185 constitutionally or legislatively established state ~~agencies~~  
186 agency to govern the schools under their respective  
187 jurisdictions.

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

192 (6) Examine, license, and renew the licenses of ~~duly~~  
193 qualified applicants and require employers to submit listings  
194 of personnel covered by this chapter to the board upon request  
195 including, but not limited to, personnel practicing nursing in  
196 Alabama under a multistate license, a single state license, or





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197 a multistate ~~licensure~~ licensing privilege. The board may  
198 issue qualified applicants either a single state license or a  
199 multistate license.

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

205 (8) Adopt and, ~~from time to time,~~ revise rules  
206 providing standards including, but not limited to, scope of  
207 practice for certified medication assistants and the issuance  
208 of certified medication assistant permits by the board to  
209 eligible applicants. For purposes of this chapter, a certified  
210 medication assistant is an ~~unlicensed assistive personnel~~  
211 individual who has successfully completed a board-approved  
212 curriculum for assistance with medications, or a comparable  
213 program in another state, ~~and~~ who holds a valid certification  
214 as a medication assistant, and who has been issued a permit  
215 pursuant to this chapter. Practice by a certified medication  
216 assistant is limited to employment in health care or  
217 educational facilities that are licensed, certified, or  
218 operated by this state.

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

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



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

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

229 (13) Keep a register of all licensees.

230 (14) Make an annual report to the Governor.

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

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

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

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

252 (19) Accept gifts and grants upon terms and conditions



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253 imposed by it through official resolutions.

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

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

260 (22) Determine and collect reasonable fees.

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

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

268 ~~(k)~~ (j) The executive officer employed by the board  
269 shall be a citizen of the United States, ~~a person~~ an  
270 individual of the highest integrity, and possess ~~these~~ all of  
271 the following additional qualifications:

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

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

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

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



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

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

295           ~~(n)~~ (m) Nothing in this chapter shall limit the rights  
296 of affected parties to appeal decisions of the board with  
297 regard to rules adopted pursuant to this chapter.

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

307           (1) The annual assessment charged the board for  
308 participation in the compact exceeds one-half of one percent



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309 of the gross revenue of the board for the fiscal year  
310 immediately preceding the levying of the annual assessment.

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

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

318 Section 2. This act shall become effective on October  
319 1, 2024.



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House of Representatives

Read for the first time and referred .....27-Feb-24  
to the House of Representatives  
committee on Boards, Agencies and  
Commissions  
Read for the second time and placed .....06-Mar-24  
on the calendar:  
1 amendment  
Read for the third time and passed .....02-Apr-24  
as amended  
Yeas 103  
Nays 0  
Abstains 0

John Treadwell  
Clerk