

# HB234 INTRODUCED



1 HB234

2 X4AUZZ7-1

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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SYNOPSIS:

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

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

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

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



## HB234 INTRODUCED

29 is amended to read as follows:

30 "§34-21-2

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



## HB234 INTRODUCED

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

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

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



## HB234 INTRODUCED

85 in which the term of office of the member or a nominee of the  
86 Board of Directors of the Alabama Association of Nurse  
87 Anesthetists, or its successor organization, shall expire, or  
88 at such other time as necessary, for an initial appointment to  
89 the board beginning January 1, 2025.

90 ~~(2)~~ (3) The Governor shall appoint two of the four  
91 members of the board who are ~~to be~~ licensed practical nurses  
92 from a list of nominees furnished him or her by the Board of  
93 Directors of the Licensed Practical Nurses Association of  
94 Alabama, or its successor organization, and the list, when  
95 furnished, shall contain at least twice the number of nominees  
96 for the vacancies to be filled. The Board of Directors of the  
97 Licensed Practical Nurses Association of Alabama, or its  
98 successor organization, on or before December 1 of each year  
99 in which the term of office of a board member or a nominee of  
100 the Board of Directors of the Licensed Practical Nurses  
101 Association of Alabama shall expire, or at such other time as  
102 necessary, shall furnish the Governor with the list of  
103 licensed practical nurses qualified for appointment to the  
104 board.

105 ~~(3)~~ (4) The Governor shall appoint two of the four  
106 members ~~on~~ of the board who are ~~to be~~ licensed practical  
107 nurses from a list of nominees furnished him or her by the  
108 Board of Directors of the Alabama Federation of Licensed  
109 Practical Nurses, Incorporated, or its successor organization,  
110 and the list, when furnished, shall contain at least twice the  
111 number of nominees for the vacancies to be filled. The Board  
112 of Directors of the Alabama Federation of Licensed Practical



## HB234 INTRODUCED

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

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

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

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

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

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

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

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



## HB234 INTRODUCED

141 ~~these~~ the following additional qualifications:

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

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

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

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

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

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

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



## HB234 INTRODUCED

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

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

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

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

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

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

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

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





## HB234 INTRODUCED

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

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

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

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

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



## HB234 INTRODUCED

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

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

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

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

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

241 (13) Keep a register of all licensees.

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

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

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



## HB234 INTRODUCED

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

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

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

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

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

272 (22) Determine and collect reasonable fees.

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

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

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



## HB234 INTRODUCED

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

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

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

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

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

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

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

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



## HB234 INTRODUCED

309 regard to rules adopted pursuant to this chapter.

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

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

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

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

330 Section 2. This act shall become effective on October  
331 1, 2024.