

**SB148 INTRODUCED**



1 SB148  
2 IB3DZZZ-1  
3 By Senator Coleman-Madison  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 20-Feb-24



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SYNOPSIS:

Under existing law, termination dates are established for enumerated state agencies. The agencies are periodically reviewed by the Alabama Sunset Committee. After the review process is completed, the committee prepares its recommendations for the agencies to the Legislature in the form of sunset bills which either continue, terminate, or continue with modification each agency reviewed.

This bill would provide for the continuance of the Alabama State Board of Respiratory Therapy until October 1, 2028, with the following change: To replace nonexistent nominating agencies.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Respiratory Therapy until October 1, 2028, with certain modifications; to amend Section 34-27B-5, Code of Alabama 1975, to replace references to nonexistent nominating agencies.



## SB148 INTRODUCED

29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Pursuant to the Alabama Sunset Law, the  
31 sunset committee recommends the continuance of the Alabama  
32 State Board of Respiratory Therapy until October 1, 2028, with  
33 the additional recommendation for statutory change as set out  
34 in Section 3.

35 Section 2. The existence and functioning of the Alabama  
36 State Board of Respiratory Therapy, created and functioning  
37 pursuant to Chapter 27B of Title 34, Code of Alabama 1975, is  
38 continued until October 1, 2028, and those code sections are  
39 expressly preserved.

40 Section 3. Section 34-27B-5 of the Code of Alabama  
41 1975, is amended to read as follows:

42 "§34-27B-5

43 (a) (1) The Alabama State Board of Respiratory Therapy  
44 is created to implement and administer this chapter and shall  
45 be composed of six members appointed by the Governor. Three of  
46 the members shall be respiratory therapists, one member shall  
47 be the chief executive officer of a hospital, one member shall  
48 be a physician, and one member shall be a consumer.

49 (2) The respiratory therapist members of the board  
50 appointed by the Governor shall be selected from a list of  
51 names submitted by the Alabama Society for Respiratory Care.  
52 The list shall include two names for each appointed position  
53 to be filled. The respiratory therapist members appointed to  
54 the board shall be registered or certified by the National  
55 Board for Respiratory Care or its successor organization.  
56 Respiratory therapists appointed to the initial board must be



## SB148 INTRODUCED

57 eligible to obtain a license under this chapter. Respiratory  
58 therapists selected for subsequent appointments must be  
59 licensed by the state.

60 (3) The hospital member shall be selected from a list  
61 of two names submitted by the Alabama Hospital Association.

62 (4) The physician member appointed shall be duly  
63 licensed to practice medicine in Alabama and shall be a member  
64 of at least one of the following: The American Thoracic  
65 Society, the American College of Chest Physicians, the  
66 American Society of Anesthesiologists, or the American Academy  
67 of Pediatrics. The physician member of the board appointed by  
68 the Governor shall be selected from a list of two names  
69 submitted by the Medical Association of the State of Alabama.

70 (5) The consumer member appointed by the Governor shall  
71 be selected from one of the names submitted by the ~~Alabama~~  
72 ~~Cystic Fibrosis Association, the Alabama Lung Association~~  
73 American Lung Association in Alabama, the Alabama Chapter of  
74 the Cystic Fibrosis Foundation, and the Alabama Asthma  
75 Coalition. Each entity shall submit one name for  
76 consideration.

77 (b) All board members shall be residents of Alabama and  
78 all appointing authorities shall coordinate their appointments  
79 so that diversity of gender, race, and geographical areas is  
80 reflective of the makeup of this state.

81 (c) The Governor shall make the appointments for all  
82 positions for members of the board within 90 days of the date  
83 the position becomes available, including initial  
84 appointments, vacancies, and replacements at the end of the



## SB148 INTRODUCED

85 term of service.

86 (d) Members of the board shall have the same immunities  
87 from personal liability as state employees for actions taken  
88 in the performance of their official duties.

89 (e) The term of office of those members first appointed  
90 shall be as follows: Two respiratory therapists and the  
91 hospital member, as determined by the Governor, shall serve  
92 for terms of two years, and one respiratory therapist and the  
93 physician member shall serve for terms of four years.

94 Thereafter, the term of all members, including the consumer  
95 member, shall be for four years. No member shall be appointed  
96 for more than three consecutive full terms. A vacancy in an  
97 unexpired term shall be filled in the manner of the original  
98 appointment. The board shall elect a chair and vice chair  
99 annually.

100 (f) The board shall meet at least twice each year at a  
101 time and place determined by the chair. A majority of the  
102 members of the board shall constitute a quorum for the  
103 transaction of business.

104 (g) Each member shall serve without compensation, but  
105 shall be reimbursed for travel expenses incurred in attendance  
106 at meetings of the board and any other expenses incurred on  
107 business of the board at its discretion. Board members shall  
108 also receive a per diem allowance following the guidelines for  
109 state employees. The reimbursement for expenses and per diem  
110 shall be paid from funds derived from the Alabama State Board  
111 of Respiratory Therapy Fund."

112 Section 4. The Legislature concurs in the



## SB148 INTRODUCED

113 recommendations of the Sunset Committee as provided in  
114 Sections 1, 2, and 3.  
115 Section 5. This act shall become effective June 1,  
116 2024.