

SB200 INTRODUCED



1 SB200
2 C46YJQW-1
3 By Senator Kitchens
4 RFD: Healthcare
5 First Read: 05-Mar-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,



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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



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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



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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, 2026.

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



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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



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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~~



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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



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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



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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.



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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



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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



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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.