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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 recommendation 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 Board of Nursing until October 1, 2029, with the following change: To require that a board member resides in and be appointed from each congressional district in this state and that any remaining members be appointed from the state at-large.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing until October 1, 2029, with certain modifications; to amend Section 34-21-2, Code of Alabama 1975, as last amended by Act



29 2024-250, 2024 Regular Session, to require that a board member
30 resides in and be appointed from each congressional district
31 in this state and that any remaining members be appointed from
32 the state at-large.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34 Section 1. Pursuant to the Alabama Sunset Law, the
35 Sunset Committee recommends the continuance of the Board of
36 Nursing until October 1, 2029, with additional recommendation
37 for statutory change as set out in Section 3.

38 Section 2. The existence and functioning of the Board
39 of Nursing, created and functioning pursuant to Sections
40 34-21-1 to 34-21-155, inclusive, Code of Alabama 1975, is
41 continued until October 1, 2029, and those code sections are
42 expressly preserved.

43 Section 3. Section 34-21-2, Code of Alabama 1975, as
44 last amended by Act 2024-250, 2024 Regular Session, is amended
45 to read as follows:

46 "§34-21-2

47 (a) There is created the Board of Nursing, which shall
48 be composed of 13 members to be appointed and have the duties
49 and powers enumerated in this section. The Governor shall
50 coordinate his or her appointments to assure that the
51 membership of the board is inclusive and reflects the racial,
52 gender, geographic, urban, rural, and economic diversity of
53 the state. Commencing on June 1, 2025, as the terms of the
54 members serving on the board expire, the membership of the
55 board shall be appointed so that one member resides in and is
56 appointed from each congressional district in this state with



57 the remaining members being appointed from the state at-large.

58 As the terms of all board members expire, their successors
59 shall be appointed for terms of four years each. Vacancies in
60 unexpired terms shall be filled in the same manner as original
61 appointments are made. No member shall be appointed to more
62 than two consecutive terms of four years each. Six members of
63 the board shall be licensed professional nurses, one member of
64 the board shall be a licensed professional nurse who is
65 approved to engage in advanced practice nursing in this state,
66 one member of the board shall be a certified registered nurse
67 anesthetist who is approved to engage in advanced practice
68 nursing in this state, four members of the board shall be
69 licensed practical nurses, and one member of the board shall
70 be a consumer.

71 (b) (1) The Governor shall appoint the seven members of
72 the board who are licensed professional nurses, including the
73 one licensed professional nurse who is approved to engage in
74 advanced practice nursing in this state, from a list of
75 nominees who are selected by the Board of Nursing Nomination
76 Committee and furnished to the Governor by the Alabama State
77 Nurses Association, or its successor organization, and the
78 list, when furnished, shall contain at least twice the number
79 of nominees as there are appointments to be made or vacancies
80 to be filled. The Alabama State Nurses Association, or its
81 successor organization, on or before December 1 of each year,
82 or at such other time as necessary, shall furnish the Governor
83 with a list of licensed professional nurses qualified for
84 appointment to the board. In the nominating and appointing



85 process, due care shall be taken to ensure the maintenance of
86 qualified representation from the fields of nursing education,
87 nursing administration, clinical nursing, and advanced
88 practice nursing.

89 (2) The Governor shall appoint the one member of the
90 board who is a certified registered nurse anesthetist who is
91 approved to engage in advanced practice nursing in this state
92 from a list of at least two nominees furnished to the Governor
93 by the Board of Directors of the Alabama Association of Nurse
94 Anesthetists, or its successor organization. The list of
95 qualified certified registered nurse anesthetists shall be
96 furnished to the Governor on or before December 1 of each year
97 in which the term of office of the member or a nominee of the
98 Board of Directors of the Alabama Association of Nurse
99 Anesthetists, or its successor organization, shall expire, or
100 at such other time as necessary, for an initial appointment to
101 the board beginning January 1, 2026.

102 (3) The Governor shall appoint two of the four members
103 of the board who are licensed practical nurses from a list of
104 nominees furnished him or her by the Board of Directors of the
105 Licensed Practical Nurses Association of Alabama, or its
106 successor organization, and the list, when furnished, shall
107 contain at least twice the number of nominees for the
108 vacancies to be filled. The Board of Directors of the Licensed
109 Practical Nurses Association of Alabama, or its successor
110 organization, on or before December 1 of each year in which
111 the term of office of a board member or a nominee of the Board
112 of Directors of the Licensed Practical Nurses Association of



113 Alabama shall expire, or at such other time as necessary,
114 shall furnish the Governor with the list of licensed practical
115 nurses qualified for appointment to the board.

116 (4) The Governor shall appoint two of the four members
117 of the board who are licensed practical nurses from a list of
118 nominees furnished him or her by the Board of Directors of the
119 Alabama Federation of Licensed Practical Nurses, Incorporated,
120 or its successor organization, and the list, when furnished,
121 shall contain at least twice the number of nominees for the
122 vacancies to be filled. The Board of Directors of the Alabama
123 Federation of Licensed Practical Nurses, Incorporated, or its
124 successor organization, on or before December 1 of each year
125 in which the term of office of a board member filled by the
126 nominee of the Board of Directors of the Alabama Federation of
127 Licensed Practical Nurses, Incorporated, or its successor
128 organization, shall expire, or at such other time as
129 necessary, shall furnish the Governor with a list of licensed
130 practical nurses qualified for appointment to the board.

131 (c) The Governor may remove any member from the board
132 for neglect of duty of the board, incompetency, or
133 unprofessional or dishonorable conduct.

134 (d) Each individual appointed to the board as a
135 licensed professional nurse shall be a citizen of the United
136 States, a resident of this state, and have all of the
137 following additional qualifications:

138 (1) Be a graduate of a state-approved educational
139 program for the preparation of practitioners of professional
140 nursing.



141 (2) Be a currently licensed professional nurse in this
142 state.

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

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

148 (e) Each individual appointed to the board as a
149 licensed practical nurse shall be a citizen of the United
150 States, a resident of this state, and have all of the
151 following additional qualifications:

152 (1) Hold a diploma from an accredited high school or
153 its equivalent.

154 (2) Be a graduate of a state-approved vocational
155 educational program for the preparation of practitioners of
156 licensed practical nursing.

157 (3) Be a currently licensed practical nurse in this
158 state.

159 (4) Have a minimum of five years' successful nursing
160 experience.

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

163 (f) The consumer member of the board may not be a
164 member of any of the health care professions. The consumer
165 member shall be appointed by the Governor and shall serve for
166 a term of four years. His or her successor shall be appointed
167 in a like manner at the expiration of each term or upon a
168 vacancy for the remainder of an unexpired term of office. The



169 consumer member of the board, presently or formerly, shall
170 have no direct financial interest in any health care facility,
171 profession, agency, or insurer, or be, or have been, a health
172 care worker.

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

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

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

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

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

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

192 (4) Approve nursing educational programs that satisfy
193 the requirements of this chapter and the board. Nothing in
194 this chapter shall be construed to diminish the power of the
195 State Board of Education or any other constitutionally or
196 legislatively established state agency to govern the schools



197 under their respective jurisdictions.

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

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

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

214 (8) Adopt and revise rules providing standards
215 including, but not limited to, scope of practice for certified
216 medication assistants and the issuance of certified medication
217 assistant permits by the board to eligible applicants. For
218 purposes of this chapter, a certified medication assistant is
219 an individual who has successfully completed a board-approved
220 curriculum for assistance with medications, or a comparable
221 program in another state, who holds a valid certification as a
222 medication assistant, and who has been issued a permit
223 pursuant to this chapter. Practice by a certified medication
224 assistant is limited to employment in health care or



225 educational facilities that are licensed, certified, or
226 operated by this state.

227 (9) Adopt and revise rules providing standards
228 including, but not limited to, scope of practice for certified
229 nursing support technicians and the issuance of permits by the
230 board to eligible applicants. For purposes of this chapter, a
231 certified nursing support technician is an individual who has
232 successfully completed a board-approved curriculum for
233 performing supportive nursing services, or a comparable
234 program in another state, and who has passed a board-approved
235 examination and has been issued a permit pursuant to this
236 chapter. Supportive nursing services do not require the
237 exercise of nursing judgement. A nursing support technician
238 performs supportive nursing services under the supervision of
239 a licensed nurse.

240 (10) Conduct investigations, hearings, and proceedings
241 concerning alleged violations of this chapter or of the rules
242 of the board.

243 (11) Issue subpoenas, compel the attendance of
244 witnesses, and administer oaths to individuals giving
245 testimony at hearings.

246 (12) Cause the prosecution of any individual violating
247 this chapter and incur necessary expenses therefor.

248 (13) Keep a public record of all of its proceedings.

249 (14) Keep a register of all licensees.

250 (15) Make an annual report to the Governor.

251 (16) Appoint and employ a qualified individual, not
252 subject to the state Merit System nor a member of the board,



253 to serve as the executive officer and administrator and
254 commissioner of the Enhanced Nurse Licensure Compact for
255 Alabama.

256 (17) Define the duties and fix the compensation of the
257 executive officer and administrator and commissioner of the
258 Enhanced Nurse Licensure Compact for Alabama, with the
259 approval of the Governor and the State Personnel Board as
260 provided in Section 36-6-6.

261 (18) Employ other individuals as may be necessary to
262 carry on the work of the board and provide for appropriate
263 bonding of employees. Regular employees of the board shall be
264 employed subject to the state Merit System in effect at the
265 time of employment.

266 (19) Employ consultants, specialists, counsel, or other
267 specially qualified individuals under contract or on a
268 part-time basis to assist the board in administering this
269 chapter and without regard to the state Merit System, and pay
270 for the services of those individuals.

271 (20) Accept gifts and grants upon terms and conditions
272 imposed by it through official resolutions.

273 (21) Perform other duties, not inconsistent with law,
274 as required by this chapter to foster and improve nursing, the
275 regulation of the practice of nursing, and the public health
276 of this state.

277 (22) Expend funds of the board in exercising board
278 powers and duties and in administering this chapter.

279 (23) Determine and collect reasonable fees.

280 (24) Adopt standards for registered and practical



281 nursing practice and for continued competency of licensees.

282 (25) Join organizations that develop and regulate the
283 national nursing licensing examinations and promote the
284 improvement of the legal standards of the practice of nursing
285 for the protection of the public health, safety, and welfare.

286 (j) The executive officer employed by the board shall
287 be a citizen of the United States, an individual of the
288 highest integrity, and possess all of the following additional
289 qualifications:

290 (1) Be a licensed professional nurse in Alabama or
291 eligible for licensing.

292 (2) Be a graduate of a professional nursing program
293 approved by the state in which the program was completed.

294 (3) Hold a master's degree.

295 (4) Have had a varied experience in nursing, including
296 at least five years' experience in an administrative or
297 teaching capacity.

298 (k) The executive officer shall be bonded for the
299 faithful performance of the duties of the office in the sum of
300 not less than five thousand dollars (\$5,000), and the premium
301 of the bond shall be paid out of the funds of the board.

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



309 duties under the direction of the board shall receive the per
310 diem and travel expenses and daily compensation or allowance
311 authorized by the board.

312 (m) Nothing in this chapter shall limit the rights of
313 affected parties to appeal decisions of the board with regard
314 to rules adopted pursuant to this chapter.

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

324 (1) The annual assessment charged the board for
325 participation in the compact exceeds one-half of one percent
326 of the gross revenue of the board for the fiscal year
327 immediately preceding the levying of the annual assessment.

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

332 (3) The passage of a resolution by either house of the
333 Legislature requesting review pursuant to Section 41-20-3(d)."

334 Section 4. The Legislature concurs in the
335 recommendation of the Sunset Committee as provided in Sections
336 1, 2, and 3.



337 Section 5. This act shall become effective on June 1,
338 2025.