

HB128 ENGROSSED



1 HB128
2 3Y6JVVZ-2
3 By Representatives Rafferty, Wilcox
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25
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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 2024-250, 2024 Regular Session, 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

Section 3. Section 34-21-2, Code of Alabama 1975, as



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29 last amended by Act 2024-250, 2024 Regular Session, is amended
30 to read as follows:

31 "§34-21-2

32 (a) There is created the Board of Nursing, which shall
33 be composed of 13 members to be appointed and have the duties
34 and powers enumerated in this section. The Governor shall
35 coordinate his or her appointments to assure that the
36 membership of the board is inclusive and reflects the racial,
37 gender, geographic, urban, rural, and economic diversity of
38 the state. Commencing on June 1, 2025, as the terms of the
39 members serving on the board expire, the membership of the
40 board shall be appointed so that one member resides in and is
41 appointed from each congressional district in this state with
42 the remaining members being appointed from the state at-large.

43 As the terms of all board members expire, their successors
44 shall be appointed for terms of four years each. Vacancies in
45 unexpired terms shall be filled in the same manner as original
46 appointments are made. No member shall be appointed to more
47 than two consecutive terms of four years each. Six members of
48 the board shall be licensed professional nurses, one member of
49 the board shall be a licensed professional nurse who is
50 approved to engage in advanced practice nursing in this state,
51 one member of the board shall be a certified registered nurse
52 anesthetist who is approved to engage in advanced practice
53 nursing in this state, four members of the board shall be
54 licensed practical nurses, and one member of the board shall
55 be a consumer.

56 (b) (1) The Governor shall appoint the seven members of



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

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



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85 at such other time as necessary, for an initial appointment to
86 the board beginning January 1, 2026.

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

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



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

116 (c) The Governor may remove any member from the board
117 for neglect of duty of the board, incompetency, or
118 unprofessional or dishonorable conduct.

119 (d) Each individual appointed to the board as a
120 licensed professional nurse shall be a citizen of the United
121 States, a resident of this state, and have all of the
122 following additional qualifications:

123 (1) Be a graduate of a state-approved educational
124 program for the preparation of practitioners of professional
125 nursing.

126 (2) Be a currently licensed professional nurse in this
127 state.

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

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

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

137 (1) Hold a diploma from an accredited high school or
138 its equivalent.

139 (2) Be a graduate of a state-approved vocational
140 educational program for the preparation of practitioners of



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141 licensed practical nursing.

142 (3) Be a currently licensed practical nurse in this
143 state.

144 (4) Have a minimum of five years' successful nursing
145 experience.

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

148 (f) The consumer member of the board may not be a
149 member of any of the health care professions. The consumer
150 member shall be appointed by the Governor and shall serve for
151 a term of four years. His or her successor shall be appointed
152 in a like manner at the expiration of each term or upon a
153 vacancy for the remainder of an unexpired term of office. The
154 consumer member of the board, presently or formerly, shall
155 have no direct financial interest in any health care facility,
156 profession, agency, or insurer, or be, or have been, a health
157 care worker.

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

161 (h) The board shall meet at least once a year and, at
162 its organizational meeting and at its annual meetings
163 thereafter, shall elect from its members a president, a vice
164 president, and a secretary. The board may hold other and
165 additional meetings during any year as the board deems
166 necessary for the transaction of business. A majority of the
167 board, including one officer, shall constitute a quorum at any
168 meeting.



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

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

172 (2) Prescribe standards and approve curricula for
173 nursing educational programs preparing individuals for
174 licensing under this chapter.

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

177 (4) Approve nursing educational programs that satisfy
178 the requirements of this chapter and the board. Nothing in
179 this chapter shall be construed to diminish the power of the
180 State Board of Education or any other constitutionally or
181 legislatively established state agency to govern the schools
182 under their respective jurisdictions.

183 (5) Deny or withdraw approval from educational programs
184 for failure to satisfy prescribed standards. Withdrawal of
185 approval shall be effected only after a hearing in accordance
186 with board rules.

187 (6) Examine, license, and renew the licenses of
188 qualified applicants and require employers to submit listings
189 of personnel covered by this chapter to the board upon request
190 including, but not limited to, personnel practicing nursing in
191 Alabama under a multistate license, a single state license, or
192 a multistate licensing privilege. The board may issue
193 qualified applicants either a single state license or a
194 multistate license.

195 (7) Adopt and revise rules providing standards
196 including, but not limited to, scope of practice for student



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197 nurse apprenticeships and the issuance of student nurse
198 apprentice permits by the board to eligible students.

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

212 (9) Adopt and revise rules providing standards
213 including, but not limited to, scope of practice for certified
214 nursing support technicians and the issuance of permits by the
215 board to eligible applicants. For purposes of this chapter, a
216 certified nursing support technician is an individual who has
217 successfully completed a board-approved curriculum for
218 performing supportive nursing services, or a comparable
219 program in another state, and who has passed a board-approved
220 examination and has been issued a permit pursuant to this
221 chapter. Supportive nursing services do not require the
222 exercise of nursing judgement. A nursing support technician
223 performs supportive nursing services under the supervision of
224 a licensed nurse.



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225 (10) Conduct investigations, hearings, and proceedings
226 concerning alleged violations of this chapter or of the rules
227 of the board.

228 (11) Issue subpoenas, compel the attendance of
229 witnesses, and administer oaths to individuals giving
230 testimony at hearings.

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

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

234 (14) Keep a register of all licensees.

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

236 (16) Appoint and employ a qualified individual, not
237 subject to the state Merit System nor a member of the board,
238 to serve as the executive officer and administrator and
239 commissioner of the Enhanced Nurse Licensure Compact for
240 Alabama.

241 (17) Define the duties and fix the compensation of the
242 executive officer and administrator and commissioner of the
243 Enhanced Nurse Licensure Compact for Alabama, with the
244 approval of the Governor and the State Personnel Board as
245 provided in Section 36-6-6.

246 (18) Employ other individuals as may be necessary to
247 carry on the work of the board and provide for appropriate
248 bonding of employees. Regular employees of the board shall be
249 employed subject to the state Merit System in effect at the
250 time of employment.

251 (19) Employ consultants, specialists, counsel, or other
252 specially qualified individuals under contract or on a



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253 part-time basis to assist the board in administering this
254 chapter and without regard to the state Merit System, and pay
255 for the services of those individuals.

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

258 (21) Perform other duties, not inconsistent with law,
259 as required by this chapter to foster and improve nursing, the
260 regulation of the practice of nursing, and the public health
261 of this state.

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

264 (23) Determine and collect reasonable fees.

265 (24) Adopt standards for registered and practical
266 nursing practice and for continued competency of licensees.

267 (25) Join organizations that develop and regulate the
268 national nursing licensing examinations and promote the
269 improvement of the legal standards of the practice of nursing
270 for the protection of the public health, safety, and welfare.

271 (j) The executive officer employed by the board shall
272 be a citizen of the United States, an individual of the
273 highest integrity, and possess all of the following additional
274 qualifications:

275 (1) Be a licensed professional nurse in Alabama or
276 eligible for licensing.

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

279 (3) Hold a master's degree.

280 (4) Have had a varied experience in nursing, including



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281 at least five years' experience in an administrative or
282 teaching capacity.

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

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

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

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



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309 (1) The annual assessment charged the board for
310 participation in the compact exceeds one-half of one percent
311 of the gross revenue of the board for the fiscal year
312 immediately preceding the levying of the annual assessment.

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

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

319 Section 4. The Legislature concurs in the
320 recommendation of the Sunset Committee as provided in Sections
321 1, 2, and 3.

322 Section 5. This act shall become effective on June 1,
323 2025.



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House of Representatives

Read for the first time and referred04-Feb-25
to the House of Representatives
committee on Boards, Agencies and
Commissions
Read for the second time and placed05-Feb-25
on the calendar:
0 amendments
Read for the third time and passed06-Feb-25
as amended
Yeas 103
Nays 0
Abstains 0

John Treadwell
Clerk