

HB128 ENROLLED



1 HB128
2 3Y6JVVZ-3
3 By Representatives Rafferty, Wilcox
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25
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Enrolled, 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 last amended by Act 2024-250, 2024 Regular Session, is amended to read as follows:

"§34-21-2

(a) There is created the Board of Nursing, which shall be composed of 13 members to be appointed and have the duties and powers enumerated in this section. The Governor shall



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coordinate his or her appointments to assure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state. Commencing on June 1, 2025, as the terms of the members serving on the board expire, the membership of the board shall be appointed so that one member resides in and is appointed from each congressional district in this state with the remaining members being appointed from the state at-large. As the terms of all board members expire, their successors shall be appointed for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. No member shall be appointed to more than two consecutive terms of four years each. Six members of the board shall be licensed professional nurses, one member of the board shall be a licensed professional nurse who is approved to engage in advanced practice nursing in this state, one member of the board shall be a certified registered nurse anesthetist who is approved to engage in advanced practice nursing in this state, four members of the board shall be licensed practical nurses, and one member of the board shall be a consumer.

(b) (1) The Governor shall appoint the seven members of the board who are licensed professional nurses, including the one licensed professional nurse who is approved to engage in advanced practice nursing in this state, from a list of nominees who are selected by the Board of Nursing Nomination Committee and furnished to the Governor by the Alabama State Nurses Association, or its successor organization, and the



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list, when furnished, shall contain at least twice the number of nominees as there are appointments to be made or vacancies to be filled. The Alabama State Nurses Association, or its successor organization, on or before December 1 of each year, or at such other time as necessary, shall furnish the Governor with a list of licensed professional nurses qualified for appointment to the board. In the nominating and appointing process, due care shall be taken to ensure the maintenance of qualified representation from the fields of nursing education, nursing administration, clinical nursing, and advanced practice nursing.

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

(3) The Governor shall appoint two of the four members of the board who are licensed practical nurses from a list of nominees furnished him or her by the Board of Directors of the Licensed Practical Nurses Association of Alabama, or its



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85 successor organization, and the list, when furnished, shall
86 contain at least twice the number of nominees for the
87 vacancies to be filled. The Board of Directors of the Licensed
88 Practical Nurses Association of Alabama, or its successor
89 organization, on or before December 1 of each year in which
90 the term of office of a board member or a nominee of the Board
91 of Directors of the Licensed Practical Nurses Association of
92 Alabama shall expire, or at such other time as necessary,
93 shall furnish the Governor with the list of licensed practical
94 nurses qualified for appointment to the board.

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

110 (c) The Governor may remove any member from the board
111 for neglect of duty of the board, incompetency, or
112 unprofessional or dishonorable conduct.



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

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

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

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

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

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

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

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

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

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

(5) Be actively engaged in licensed practical nursing



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in this state immediately preceding and during appointment.

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

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

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

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

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

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



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

171 (4) Approve nursing educational programs that satisfy
172 the requirements of this chapter and the board. Nothing in
173 this chapter shall be construed to diminish the power of the
174 State Board of Education or any other constitutionally or
175 legislatively established state agency to govern the schools
176 under their respective jurisdictions.

177 (5) Deny or withdraw approval from educational programs
178 for failure to satisfy prescribed standards. Withdrawal of
179 approval shall be effected only after a hearing in accordance
180 with board rules.

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

189 (7) Adopt and revise rules providing standards
190 including, but not limited to, scope of practice for student
191 nurse apprenticeships and the issuance of student nurse
192 apprentice permits by the board to eligible students.

193 (8) Adopt and revise rules providing standards
194 including, but not limited to, scope of practice for certified
195 medication assistants and the issuance of certified medication
196 assistant permits by the board to eligible applicants. For



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purposes of this chapter, a certified medication assistant is an individual who has successfully completed a board-approved curriculum for assistance with medications, or a comparable program in another state, who holds a valid certification as a medication assistant, and who has been issued a permit pursuant to this chapter. Practice by a certified medication assistant is limited to employment in health care or educational facilities that are licensed, certified, or operated by this state.

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

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

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



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

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

(14) Keep a register of all licensees.

(15) Make an annual report to the Governor.

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

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

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

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

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

(21) Perform other duties, not inconsistent with law,



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as required by this chapter to foster and improve nursing, the regulation of the practice of nursing, and the public health of this state.

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

(23) Determine and collect reasonable fees.

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

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

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

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

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

(3) Hold a master's degree.

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

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



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

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

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

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

(2) The state, the board, or members or employees of the state or board are named defendants in a suit brought in



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309 any court of law or equity by the Interstate Commission of
310 Nurse Licensure Compact Administrators pursuant to Article 7.

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

313 Section 4. The Legislature concurs in the
314 recommendation of the Sunset Committee as provided in Sections
315 1, 2, and 3.

316 Section 5. This act shall become effective on June 1,
317 2025.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 06-Feb-25, as amended.

John Treadwell
Clerk

Senate	<hr/> 01-Apr-25 <hr/>	Amended and Passed
House	<hr/> 24-Apr-25 <hr/>	Concurred in Senate Amendment