

HB194 INTRODUCED



1 HB194
2 WTVW9EE-1
3 By Representative Lee
4 RFD: Boards, Agencies and Commissions
5 First Read: 05-Feb-25



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SYNOPSIS:

Under existing law, the Joint Committee of the State Board of Medical Examiners and the Board of Nursing for Advanced Practice Nurses is comprised of physicians and nurses. The joint committee recommends rules to the State Board of Medical Examiners and the Board of Nursing for purposes of regulating the collaborative practice of physicians and certified registered nurse practitioners and certified nurse midwives.

This bill would revise the membership of the joint committee to include two certified registered nurse practitioners in active collaborative practice and one certified nurse midwife in active collaborative practice.

This bill would increase the per diem of board members.

This bill would also provide procedures for rejections by either the State Board of Medical Examiners or the State Board of Nursing of a recommendation from the joint committee.

A BILL
TO BE ENTITLED



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AN ACT

Relating to the Joint Committee of the State Board of Medical Examiners and the Board of Nursing for Advanced Practice Nurses; to amend Sections 34-21-81 and 34-21-82, Code of Alabama 1975; to revise membership of the joint committee and the per diem provided to members; and to further provide for procedures of the joint committee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-21-81 and 34-21-82, Code of Alabama 1975, are amended to read as follows:

"§34-21-81

As used in this article, the following terms ~~shall~~ have the following meanings:

(1) ADVANCED PRACTICE NURSE. A registered nurse who has gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurses for advanced practice roles and has been certified by the Board of Nursing to engage in the practice of advanced practice nursing. There shall be four categories of advanced practice nurses: Certified registered nurse practitioners (CRNP), certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), and clinical nurse specialists (CNS). Certified registered nurse practitioners and certified nurse midwives are subject to collaborative practice agreements with an Alabama physician. Certified registered nurse anesthetists and clinical nurse specialists are not subject to collaborative practice



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57 agreements with an Alabama physician and are not subject to
58 the requirements of Sections 34-21-82, 34-21-83, and 34-21-85
59 to 34-21-92, inclusive, and are prohibited from engaging in
60 any of the acts or functions of a certified registered nurse
61 practitioner (CRNP) or a certified nurse midwife (CNM) as
62 established by this article and rules adopted under this
63 article.

64 (2) ADVANCED PRACTICE NURSING. The delivery of health
65 care services by registered nurses who have gained additional
66 knowledge and skills through successful completion of an
67 organized program of nursing education that prepares nurses
68 for advanced practice roles as certified registered nurse
69 practitioners, certified nurse midwives, certified nurse
70 anesthetists, and clinical nurse specialists:

71 a. Practice as a certified registered nurse
72 practitioner (CRNP) means the performance of nursing skills by
73 a registered nurse who has demonstrated by certification that
74 he or she has advanced knowledge and skills in the delivery of
75 nursing services within a health care system that provides for
76 consultation, collaborative management, or referral as
77 indicated by the health status of the client.

78 b. Practice as a certified nurse midwife (CNM) means
79 the performance of nursing skills by a registered nurse who
80 has demonstrated by certification that he or she has advanced
81 knowledge and skills relative to the management of women's
82 health care focusing on pregnancy, childbirth, the postpartum
83 period, care of the newborn, family planning, and
84 gynecological needs of women, within a health care system that



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85 provides for consultation, collaborative management, or
86 referral as indicated by the health status of the client.

87 c. Practice as a certified registered nurse anesthetist
88 (CRNA) means the performance of or the assistance in any act
89 involving the determination, preparation, administration,
90 procedural ordering, or monitoring of any drug used to render
91 an individual insensible to pain for surgical and other
92 therapeutic or diagnostic procedures. The nurse anesthetist is
93 qualified in accordance with Section 27-46-3 and is licensed
94 by the Board of Nursing and functions under the direction of
95 or in coordination with a physician licensed to practice
96 medicine, a podiatrist, or a dentist, who is immediately
97 available. Nothing in this paragraph shall be construed to
98 restrict the authority of a health care facility to adopt
99 policies relating to the provision of anesthesia and analgesia
100 services.

101 d. Practice of clinical nurse specialist (CNS) nursing
102 means the performance of nursing skills by a registered nurse
103 who, through study and supervised practice at the graduate
104 level and as evidenced by certification, has advanced
105 knowledge and practice skills in a specialized area of
106 practice, except that a clinical nurse specialist may not do
107 any of the following:

108 1. Perform delegated medical acts or engage in
109 collaborative practice as described in this article.

110 2. Perform any of the functions of a certified
111 registered nurse practitioner or a certified nurse midwife as
112 described in this article and the rules adopted under this



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113 article, whether or not performed within a collaborative
114 practice relationship.

115 3. Prescribe drugs of any type. A clinical nurse
116 specialist may perform nursing services permitted under this
117 subdivision as an independent contractor.

118 (3) BOARD OF MEDICAL EXAMINERS. The State Board of
119 Medical Examiners established pursuant to Section 34-24-53.

120 (4) BOARD OF NURSING. The Board of Nursing established
121 under Section 34-21-2.

122 (5) COLLABORATION. A formal relationship between one or
123 more certified registered nurse practitioners and certified
124 nurse midwives and a physician or physicians under which these
125 nurses may engage in advanced practice nursing as evidenced by
126 written protocols approved in accordance with the requirements
127 of this article or exempted in accordance with requirements of
128 this article. The term collaboration does not require direct,
129 on-site supervision of the activities of a certified
130 registered nurse practitioner or a certified nurse midwife by
131 the collaborating physician. The term does require such
132 professional oversight and direction as may be required by the
133 rules of the State Board of Medical Examiners and the Board of
134 Nursing.

135 (6) COORDINATION WITH. When an anesthesiologist is not
136 physically present, the working relationship between a
137 physician, a podiatrist, or a dentist and a certified
138 registered nurse anesthetist licensed to practice in this
139 state. Each contributes his or her respective expertise in the
140 provision of patient care, which includes the discussion of



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141 patient treatment, diagnosis, and consultation.

142 (7) JOINT COMMITTEE OF THE STATE BOARD OF MEDICAL
143 EXAMINERS AND THE BOARD OF NURSING FOR ADVANCED PRACTICE
144 NURSES. The Joint Committee of the State Board of Medical
145 Examiners and the Board of Nursing for Advanced Practice
146 Nurses shall mean and shall be a committee composed of all of
147 the following:

148 a. Two physicians licensed to practice medicine in ~~the~~
149 ~~State of Alabama~~ this state.

150 ~~b. One registered nurse licensed to practice~~
151 ~~professional nursing in the State of Alabama.~~

152 ~~eb.~~ One licensed physician engaged in a collaborative
153 practice with a certified registered nurse practitioner or a
154 certified nurse midwife in ~~the State of Alabama~~ this state.

155 ~~ec.~~ ~~One~~ Two certified registered nurse ~~practitioner~~
156 ~~practitioners~~ engaged in ~~advanced practice~~ an active
157 collaborative practice with a physician in ~~the State of~~
158 ~~Alabama~~ this state.

159 ~~ed.~~ One certified nurse midwife engaged in ~~advanced~~
160 ~~practice~~ an active collaborative practice with a physician in
161 ~~the State of Alabama~~ this state.

162 (8) LEGEND DRUG. Any drug, medicine, chemical, or
163 poison bearing on the label the words, "Caution, Federal Law
164 prohibits dispensing without prescription" or similar words
165 indicating that the drug, medicine, chemical, or poison may be
166 sold or dispensed only upon the prescription of a licensed
167 practitioner, except that the term legend drug shall not
168 include any drug, substance, or compound which is listed in



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169 Schedules I through V of the Alabama Uniform Controlled
170 Substances Act.

171 (9) PHYSICIAN or COLLABORATING PHYSICIAN. A doctor of
172 medicine or a doctor of osteopathy licensed to practice
173 medicine in Alabama who agrees in writing to practice in
174 collaboration with one or more certified registered nurse
175 practitioners or certified nurse midwives in accordance with
176 the rules adopted by the State Board of Medical Examiners and
177 the Board of Nursing.

178 (10) PRESCRIBE or PRESCRIBING. The act of issuing a
179 written prescription for a legend drug.

180 (11) PRESCRIPTION. An order for a legend drug which is
181 written and signed by a practitioner authorized by law to
182 prescribe and administer such drugs and which is intended to
183 be filled, compounded, or dispensed by a pharmacist.

184 (12) PROCEDURAL ORDERING. The ordering of the
185 anesthesia plan, including the ordering of medications and
186 tests before, during, or after analgesia or anesthesia in
187 accordance with the anesthesia plan.

188 (13) PROTOCOL. A document approved in accordance with
189 Section 34-21-87 establishing the permissible functions and
190 activities to be performed by certified registered nurse
191 practitioners and certified nurse midwives and signed by
192 collaborating physicians and any nurse practitioners or nurse
193 midwives practicing with those physicians."

194 "§34-21-82

195 (a) (1) The physician members of the joint committee
196 shall be appointed by the State Board of Medical Examiners and



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197 shall serve three-year terms ~~as set out below~~.

198 (2) The ~~registered nurse members of the joint committee~~
199 ~~shall be appointed by the Board of Nursing~~ certified
200 registered nurse practitioner members of the joint committee
201 shall be appointed by the Nurse Practitioner Alliance of
202 Alabama or its successor organization and shall serve
203 three-year terms ~~as set out below~~.

204 (3) The certified nurse midwife member of the joint
205 committee shall be appointed by the Alabama American College
206 of Nurse-Midwives or its successor organization and shall
207 serve a three-year term.

208 (4) No member shall serve more than two full terms,
209 either consecutively or separately.

210 (b) ~~(1)~~ In order to stagger the terms of office, ~~the~~
211 ~~Board of Nursing and the State Board of Medical Examiners will~~
212 ~~each appoint to the initial joint committee one member for a~~
213 ~~term of one year, one member for a term of two years, and one~~
214 ~~member for a term of three years. Should~~ the registered nurse
215 member serving on September 30, 2025, shall be replaced on
216 October 1, 2025, with a certified registered nurse
217 practitioner pursuant to subdivision (a)(2) who shall serve an
218 initial term of two years, the certified registered nurse
219 practitioner serving on September 30, 2025, shall continue to
220 serve until October 1, 2026, and the certified nurse midwife
221 serving on September 30, 2025, shall be replaced on October 1,
222 2025.

223 (c) If a vacancy ~~occur~~ occurs on the committee, a
224 successor ~~will~~ shall be appointed by the respective appointing



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225 authority in subsection (a) to serve the unexpired term.

226 (d) The committee shall select one of its members to
227 serve as ~~chairperson~~ chair for a one-year term, ~~,-~~

228 ~~(2) The office of chairperson shall~~
229 ~~alternate~~ alternating between a physician member of the
230 committee and a nurse member of the committee.

231 ~~(3)~~ (e) The committee shall meet annually, or more
232 frequently if requested by the State Board of Medical
233 Examiners or the Board of Nursing. Members of the committee
234 shall receive per diem at a rate of ~~\$100~~ three hundred dollars
235 (\$300) per day or any portion thereof that such a committee
236 member shall be in attendance at an official meeting or
237 function of the committee and in addition shall receive
238 reimbursement for subsistence and travel in accordance with
239 state law for each day actively engaged in the duties of their
240 offices. The State Board of Medical Examiners shall pay the
241 per diem and expenses of the physician members and the Board
242 of Nursing shall pay the per diem and expenses of the nurse
243 members, ~~each appoints to the joint committee~~ and both boards
244 shall furnish necessary clerical and administrative support
245 for operation of the committee.

246 (f) Rejection of a recommendation from the joint
247 committee by either the State Board of Medical Examiners or
248 the Board of Nursing shall require a three-fifths majority
249 vote by the respective board. If rejected, the respective
250 board shall return the recommendations, with proposed changes,
251 to the joint committee for reevaluation and reconsideration."

252 Section 2. This act shall become effective on October



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253 1, 2025.