



Sunset Report
**Alabama Board of
Examiners of Assisted
Living Administrators**
Montgomery, Alabama

October 1, 2022 through September 30, 2024

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

Rachel Laurie Riddle, *Chief Examiner* | 334-777-0500 | www.alexaminers.gov



Rachel Laurie Riddle
Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

P.O. Box 302251, Montgomery, AL 36130-2251
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
Telephone (334) 777-0500
FAX (334) 242-1775

September 24, 2025

Senator Keith Kelley
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Kelley:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Examiners of Assisted Living Administrators in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Examiners of Assisted Living Administrators in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink that reads 'Rachel Laurie Riddle'. The signature is written in a cursive style.

Rachel Laurie Riddle
Chief Examiner

Examiners
Kierra Burston
Ashleigh Wynn

CONTENTS

PROFILE	1
Purpose/Authority	1
Characteristics.....	1
Operations	2
Financial.....	3
Licensure.....	3
SIGNIFICANT ISSUES	8
SIGNIFICANT ISSUES FROM QUESTIONNAIRES	8
STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES	9
COMPLAINT HANDLING	11
QUESTIONNAIRES	12
Board Member Questionnaire	12
Licensee Questionnaire	14
APPENDICES	17
Appendix I: Applicable Statutes	18
Appendix II: Board Members	27
Appendix III: Board’s Response to Significant Issues/Prior Findings	29

PROFILE

Purpose/Authority

The Alabama Board of Examiners of Assisted Living Administrators (the “Board”) was created by Act Number 2001-1057, Acts of Alabama, to license and regulate assisted living administrators. The Board does not license or regulate assisted living facilities. The Board operates under the authority of the *Code of Alabama 1975*, Section 34-2A-1 through 34-2A-16.

<u>Characteristics</u>	
Members and Selection	<p>Nine members appointed by the Governor:</p> <ul style="list-style-type: none">• Five assisted living administrators selected from a list of three nominees for each position submitted by the Assisted Living Association of Alabama, Inc.• One physician selected from a list of three nominees submitted by the Medical Association of the state of Alabama.• One licensed nursing home administrator selected from a list of three nominees provided by the Alabama Nursing Home Association, Inc.• Two consumer members. <p><i>Code of Alabama 1975</i>, Section 34-2A-3(a) and (b)</p>
Term	<ul style="list-style-type: none">• Members serve three-year staggered terms.• Board members shall serve no more than two consecutive full three-year terms and continue to serve until the Governor appoints a successor. <p><i>Code of Alabama 1975</i>, Section 34-2A-3(e)</p>
Qualifications	<ul style="list-style-type: none">• All members must be citizens of the United States and residents of the state.• Five assisted living administrator members shall be duly licensed and registered by the Board.• The licensed nursing home administrator must manage assisted living beds in the same or contiguous facility.• The physician member shall be licensed under the laws of the state.• At least one consumer member shall be 65 years of age or older. Neither consumer member or their spouse or immediate family member shall be licensee of the board or be employed in the assisted living profession. <p><i>Code of Alabama 1975</i>, Section 34-2A-3(a), (b), and (d)</p>

Consumer Representation	Two members appointed by the Governor. Two members are currently serving. <i>Code of Alabama 1975</i> , Section 34-2A-3(b)
Racial Representation	No specific statutory requirement. Two Native Americans are currently serving.
Geographical Representation	No specific statutory requirement.
Other Representation	The membership of the Board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-2A-3(a)
Compensation	Each member of the Board shall receive a per diem fee of not less than \$50.00 nor more than \$100.00 to be determined by the Board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred as is provided to state employees. Board members receive \$75.00 per diem. <i>Code of Alabama 1975</i> , Section 34-2A-3(h)
Attended Board Member Training	One Board member. One Staff Member.
<u>Operations</u>	
Administrator	As of September 8, 2025, the Board has an administrative services contract with The Austin Group, LLC, to provide executive director and administrative services. Claire Austin, President of the Austin Group, LLC, serves as the Board's Executive Director. The contract is for twelve months beginning September 15, 2024 for \$6,987.75 per month (\$83,853.00 per year) and expires September 14, 2025. <i>Code of Alabama 1975</i> , Section 34-2A-3(j)
Location	60 Commerce Street, Suite 1440 Montgomery, AL 36104 Office Hours: Monday - Friday 8:30 a.m. to 4:30 p.m.
Real Property Ownership	The Board does not own any real property.

Employees	None.								
Legal Counsel	James T. Sasser, a private attorney, serves as the Board's legal counsel.								
Subpoena Power	The Board does not have subpoena power except as provided by the Administrative Procedure Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.								
Internet Presence	<p>https://boeala.alabama.gov</p> <p>The website contains a list of Board members, the Board's meeting schedule, minutes of meetings, approved continuing education courses, qualification and training information, fees, application forms, rules and regulations, newsletters, a licensee look up and contact information.</p>								
<u>Financial</u>									
Source of Funds	Examination fees, licensing fees and fines.								
State Treasury	<p>Yes, Special Revenue Fund 1109.</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-6</p>								
Required Distributions	None.								
Unused Funds	Unused funds are retained at fiscal year-end.								
<u>Licensure</u>									
Licensees	<p>As of April 2, 2025:</p> <table border="1" data-bbox="630 1331 1344 1556"> <thead> <tr> <th>License Type</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>Category I - Assisted Living Administrator</td> <td>67</td> </tr> <tr> <td>Category II - Specialty Care Assisted Living Administrator</td> <td>413</td> </tr> <tr> <td>Total</td> <td>480</td> </tr> </tbody> </table> <p><i>Source:</i> Executive Director</p>	License Type	Number	Category I - Assisted Living Administrator	67	Category II - Specialty Care Assisted Living Administrator	413	Total	480
License Type	Number								
Category I - Assisted Living Administrator	67								
Category II - Specialty Care Assisted Living Administrator	413								
Total	480								

<p>Licensure Qualifications</p>	<p>All persons applying for licensure should be:</p> <ul style="list-style-type: none"> • At least nineteen years of age. • Of good moral character. • A United States citizen or a person legally present in the United States. • High school diploma or GED plus two years of experience working fulltime in an administrative and resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled within two years preceding date of application for administrator licensure, and an endorsement from the administrator, owner, or governing authority of such facility; or • Completion of at least two years coursework at an accredited college or university plus three months of experience working fulltime in an administrative and resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled within two years preceding date of application for administrator licensure, or a minimum of 240 hours in the Administrators in Training (AIT) program within two years preceding date of application for administrator licensure. <p>Assisted Living Administrator Category I License:</p> <ul style="list-style-type: none"> • As an alternative to the pre-examination experience or internship requirement, the person may substitute verification of at least three months of experience working fulltime in an administrative and resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled, or a minimum of 240 hours in the AIT Program within six months of passing Section A of the Category I Assisted Living Administrator Licensure exam. • Pass Section A of the Category I examination and complete the board approved twenty-hour classroom training program. • Pass Section B of the Category I examination. • An applicant for examination must consent to a criminal background check. <p>Assisted Living Administrator Category II License:</p> <ul style="list-style-type: none"> • Meet the same pre-examination requirements as for a Category I license. • As an alternative to the pre-examination experience or AIT program requirement the person may substitute verification of three months of experience working fulltime in an administrative and resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled, or a minimum of 240 hours in the AIT program within six months of passing Section A of the Category II Assisted Living Administrator Licensure exam.
--	---

<p>Licensure Qualifications (continued)</p>	<p>Assisted Living Administrator Category II License (continued):</p> <ul style="list-style-type: none"> • Complete the board approved eight-hour Dementia Education and Training program. • Pass Section A of the Category II examination and complete the board approved thirty-hour classroom training program. • Pass Section B of the Category II examination. <p>If a Category I applicant wishes to obtain a Category II license, he or she must complete the application process and pass Section A of the Category II examination. If the Category II applicant has completed the 30 hours of Administrator in Training (AIT) within the previous 12 months of his/her Category II application, then he/she shall be exempt from taking Section B of the Category II examination.</p> <p><i>Code of Alabama 1975</i>, Sections 34-2A-8(a), 34-2A-10 and 34-2A-11(b) and (c) <i>Administrative Rules</i> 135-X-5-.02, 135-X-5-.03, and 135-X-5-.05</p>
<p>Examinations</p>	<p>Examinations are administered quarterly by the Board in Montgomery. The examinations are prepared by the Board and graded by the Executive Director. Examination fees are paid to the Board. The examinations are given in two sections. Applicants are notified by email of the time and location of examinations.</p> <p>Section A of the Category I examination focuses on the applicant’s ability to demonstrate his/her proficiency in the Rules of Alabama State Board of Health and the Alabama Department of Public Health’s rules governing Assisted Living Facilities. Section B of the Category I examination focuses on the applicant’s ability to demonstrate his/her proficiency in the educational training subjects covered in the twenty-hour classroom training program.</p> <p>Section A of the Category II examination focuses on the applicant’s ability to demonstrate his/her proficiency in the Rules of Alabama State Board of Health and the Alabama Department of Public Health’s rules governing Specialty Care Assisted Living Facilities. Section B of the Category II examination focuses on the applicant’s ability to demonstrate his/her proficiency in the educational subjects covered in the thirty-hour classroom training program.</p>

Examinations (continued)	<p style="text-align: center;">Examination Results</p> <p style="text-align: center;">Category I Section A</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Calendar Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>14</td> <td>14</td> <td>100%</td> </tr> <tr> <td>2024</td> <td>10</td> <td>8</td> <td>80%</td> </tr> </tbody> </table> <p style="text-align: center;">Category I Section B</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Calendar Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>13</td> <td>10</td> <td>77%</td> </tr> <tr> <td>2024</td> <td>11</td> <td>10</td> <td>91%</td> </tr> </tbody> </table> <p style="text-align: center;">Category II Section A</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Calendar Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>61</td> <td>61</td> <td>100%</td> </tr> <tr> <td>2024</td> <td>42</td> <td>42</td> <td>100%</td> </tr> </tbody> </table> <p style="text-align: center;">Category II Section B</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Calendar Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>53</td> <td>53</td> <td>100%</td> </tr> <tr> <td>2024</td> <td>45</td> <td>45</td> <td>100%</td> </tr> </tbody> </table> <p><i>Code of Alabama 1975, Section 34-2A-9</i> <i>Administrative Rule 135-X-5-.05</i> <i>Source: Executive Director</i></p>	Calendar Year	# Taken	# Passed	% Passed	2023	14	14	100%	2024	10	8	80%	Calendar Year	# Taken	# Passed	% Passed	2023	13	10	77%	2024	11	10	91%	Calendar Year	# Taken	# Passed	% Passed	2023	61	61	100%	2024	42	42	100%	Calendar Year	# Taken	# Passed	% Passed	2023	53	53	100%	2024	45	45	100%
Calendar Year	# Taken	# Passed	% Passed																																														
2023	14	14	100%																																														
2024	10	8	80%																																														
Calendar Year	# Taken	# Passed	% Passed																																														
2023	13	10	77%																																														
2024	11	10	91%																																														
Calendar Year	# Taken	# Passed	% Passed																																														
2023	61	61	100%																																														
2024	42	42	100%																																														
Calendar Year	# Taken	# Passed	% Passed																																														
2023	53	53	100%																																														
2024	45	45	100%																																														
Reciprocity	<p>The Board may issue a license to an assisted living administrator who has been issued a license by the proper authorities of any other state or issued a certificate of qualification by any national organization, upon complying with the provisions of licensure upon submission of evidence satisfactory to the Board of all of the following:</p> <ul style="list-style-type: none"> • That the other state or national organization maintained a system and standards of qualification and examinations for an assisted living administrator license or certificate which were substantially equivalent to those required in this state at the time the other license or certificate was issued by the other state or national organization. • That the other state gives similar recognition and endorsement to assisted living administrator licenses of this state. <p><i>Code of Alabama 1975, Section 34-2A-11(a)</i></p>																																																

<p>Renewals</p>	<p>All licenses must be renewed annually. Licenses expire on the last day of the month in which the initial license was granted.</p> <p>Failure to secure an annual renewal of a license based on a failure to meet the continuing education requirements shall result in the expiration of the license.</p> <p>Licenses not renewed within 90 days of expiration are deemed delinquent.</p> <p>An expired license shall be required to submit a new application and follow all procedures for new licensure and pay a reapplication fee established by the Board.</p> <p>96% of renewals are processed/completed online.</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-12 <i>Administrative Rule</i> 135-X-7-.01 <i>Source:</i> Executive Director</p>
<p>Licensee Demographics</p>	<p>Data not collected by agency.</p> <p><i>Source:</i> Board Staff</p>
<p>Continuing Education</p>	<p>Assisted Living Administrator Category I License – 12 hours annually.</p> <p>Assisted Living Administrator Category II License – 18 hours annually. The six additional hours shall be on educational programs approved by the Board that pertain to cognitive impairment and/or dementia care.</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-12(b) <i>Administrative Rule</i> 135-X-6-.01</p>

SIGNIFICANT ISSUES

Significant Issue 2025-001: The Board submitted invoices to the Comptroller's office for payment based on an amended contract amount before the contract had been fully executed. The Board approved an amendment to its administrative services contract with The Austin Group, LLC on August 15, 2024. This amendment was for a 5% increase in the amount to be paid to The Austin Group, LLC from September 15, 2024 through September 14, 2025.

The amended contract was presented to and approved by the Contract Review Permanent Legislative Oversight Committee on September 5, 2024. The Board began paying The Austin Group at the increased rate in September 2024, despite having not received a fully executed contract, signed by the Governor. As part of the Sunset review, we requested a copy of the fully executed amended contract. At that time, it was discovered that the amendment approved by Committee in September 2024 had not been signed by the Governor. The contract was signed by the Governor on July 2, 2025 with a note making it retroactive to be effective as of the intended start date of September 15, 2024.

Significant Issue: 2025-002: The Board did not comply with certain provisions of Executive Orders issued by the Governor. The Board did not provide documentation for submitting the Constituent Service Survey to the Office of the Governor due on January 31, 2024 as required by Governor Ivey's *Executive Order 726: Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government*.

Executive Order 726, effective January 17, 2023, requires regulatory agencies to semi-annually report to the Office of the Governor their efforts to respond to constituents when they complain about a licensee or other entity regulated by the agency. These reports shall be filed at a time, and in a format prescribed by the Office of the Governor.

SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Significant Issue 2025-003: Five of the twenty-two (23%) licensed assisted living administrators responding to our survey:

- Believe strict guidelines, restrictions, and over regulation are the most significant issues.
- Responded yes to the question do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession.
- Do not consider mandatory continuing education necessary for the competent practice of their profession.

Significant Issue 2025-004: Two of the three (67%) Board members responding to our survey believe the most significant issue facing the Board is getting cooperation from the Assisted Living Association in providing nominations to the Governor for Board member appointments. These same Board members feel the law needs to be changed from the Assisted Living Association providing the nominees to a new entity for nominations.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Seven of the ten prior findings/significant issues have been resolved. The following prior findings/significant issues remain outstanding:

Prior Finding 2019-04: The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of five members' terms that expired May 22, 2019.

The *Code of Alabama 1975*, Section 36-14-17(c)(1) provides that, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."

Current Status: Unresolved. The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of three members' terms that expired April 18, 2023.

Prior Significant Issue 2023-005: The Board's complaint records did not contain adequate documentation to demonstrate that complainants were notified of the resolution of their complaint. The *Code of Alabama 1975*, Section 34-2A-13(f) states: "The board shall report to the Department of Public Health all final disciplinary actions taken under this section." Upon review of all seven closed complaint files, nothing in the complaint files indicated reports were sent to the Department of Public Health. Therefore, we could not verify whether reports were sent to the Department of Public Health.

Current Status: Could not be determined. The Board has not resolved any complaints from an individual during this sunset review period; therefore, we could not determine if the Board reported disciplinary actions to the Department of Public Health.

Prior Significant Issue 2023-007: Meeting minutes for the period of October 2018 through November 2022 were reviewed. The following discrepancies were noted:

- On one occasion, the Board entered executive session without recording the purpose of the executive session in the meeting minutes, as required by statute. The *Code of Alabama 1975*, Section 36-25A-7(b)(2) states, "A majority of the members of the governmental body present must adopt, by recorded vote, a motion calling for the executive session and setting out the purpose of the executive session, as provided in subsection (a). If subsection (a) requires an oral or written declaration before the executive session can begin, such oral or written declaration shall be made, prior to the vote."
- The meeting minutes for one meeting were not available for review, as required by statute. The *Code of Alabama 1975*, Section 36-25A-4 states, "Except as otherwise provided by law, the records of each meeting shall become a public record and be made available to the public as soon as practicable after approval."
- The Board did not elect officers in the December 4, 2020 meeting, the first meeting after October 2020, as required by statute. The *Code of Alabama 1975*, Section 34-2A-3(j) states, "The board shall annually elect from its members a chair and a vice-chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year."

- Nine meeting minutes were not signed by a Board officer, as required. Additionally, the meeting minutes did not indicate approval or adoption of the minutes of three Board meetings as required. The State Records Commission Guidelines for Taking and Preserving Formal Meeting Minutes, states, “The minutes become “official” after they have been formally approved by the governing body at a subsequent meeting and signed by the presiding officer and secretary. The signatures are required to authenticate the governmental body’s approval of official actions.”

Current Status: Unresolved. The Board did not comply with the procedural requirements of the Open Meetings Act when conducting Board meetings. A review of the minutes of ten Board meetings revealed the following discrepancies:

- On one occasion, the Board entered executive session without recording the purpose of the executive session in the meeting minutes.
- On one occasion, the Board’s meeting minutes did not indicate whether the Board approved the minutes of the previous meeting.
- On five occasions, the Board held meetings that were not posted to the Secretary of State’s website.
- The Board did not elect officers during the December 12, 2024 meeting, the first meeting after October each year, as required by statute.

Non-compliance with the Alabama Open Meetings Act weakens the guarantee that Alabama citizens have open access to governmental bodies which conduct the people’s business. Furthermore, non-compliance could result in the invalidation of actions taken by the Board.

Prior Significant Issue 2023-008: Eighteen of the twenty-six licensed assisted living administrators that responded to our survey indicated that the most significant issue facing their profession in Alabama is staff hiring and retention.

Current Status: Unresolved. Nine of the twenty-two (41%) licensees responding to our survey indicate staffing issues as the most significant issue.

COMPLAINT HANDLING

The Board’s *Administrative Rules* Section 135-X-8-.01 provides the procedures for complaints against licensed assisted living administrators. The majority of complaints received by the Board come from the Alabama Department of Public Health (ADPH) as a result of ADPH’s surveys of assisted living facilities.

Initial Contact/Documentation	Complaints against licensees must be in writing and submitted to the Board. The complainant is notified in writing that the complaint has been received.
Anonymous Complaints Accepted	No.
Investigative Process / Probable Cause Determination	The Investigative Committee (probable cause committee) investigates the complaint and determines if the complaint needs to be dismissed or further disciplinary action needs to be taken. The Investigative Committee must submit its recommendation to the Board to make any disciplinary action. The Board may dismiss the charges, inquire further, or take disciplinary action. The applicant or licensee shall receive written notice of the decision and has 30 days to request a hearing or rehearing.
Negotiated Settlements	Yes.
Notification of Resolution to the Complainant	Yes.

Source: Board Staff

Complaint Data

The Board had one complaint filed in fiscal year 2024 that was initiated by the Alabama Department of Public Health. The complaint was resolved by the Board in fiscal year 2025, 110 business days after receipt, with a six month license suspension and a fine of \$5,000.00.

QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all nine members of the Alabama Board of Examiners of Assisted Living Administrators requesting participation in our survey. Three participated in our survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing the Alabama Board of Examiners of Assisted Living Administrators and how is the Board addressing these issues?

Board Member #1 – “The most significant issue at this time is getting board members appointed and current members reappointed. Currently, the by-laws require the Assisted Living Association to provide us with recommendations for the Governor to review and approve. As a board member, it has been very difficult for us to get responses from ALAA.”

Board Member #2 – “That there is a bill to have this board placed under the umbrella with other boards. I feel this would cause a disservice to the Administrators since we need an Executive Director who is knowledgeable about our industry.”

Board Member #3 – “The most significant issue we have is getting cooperation from Assisted Living Association. We have been trying for months to get them to recommend people to fill our board. It is the Associations responsibility to send up names to the Govenor, to appoint the people to our board.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “The ALAA is not fulfilling their part in providing appointments for board members. I would recommend the by-law change to another entity providing these appointments.”

Board Member #2 – “That the Nursing Home industry has so much representation in board.”

Board Member #3 – “We either need another entity to recommend people or if the Association doesn't respond in a timely manner, then the ones, we have on there will remain. This is not always possible for someone to continue on the board indefinitely considering the board members all have other jobs.”

3. Do you think the Board is adequately funded?

Yes	3	100%
-----	---	------

4. Do you think the Board is adequately staffed?

Yes	3	100%
-----	---	------

5. Does the Board receive regular reports on its operations from the Executive Director?

Yes 3 100%

6. Has the Board experienced any significant change to its operations?

Yes 3 100%

7. Does the Board plan to make any significant changes to its operations?

Yes 1 33%
Unknown 2 67%

8. Do you have any additional comments you would like to make?

Board Member #1 – “The board has made a lot of accomplishments the last 2 years. A few examples: We have updated our web site, provided an easier way for Assisted Living Administrators to receive their annual license, review and upload with continuing education and have issued plastic cards for their licenses (used to be a piece of paper).”

Board Member #2 – “Under the leadership of the Austin Group, this board has thrived financially and ethically. We want to continue improving and serving the industry we represent.”

Board Member #3 – “I do believe that our board is ran efficiently and do a great job training the new administrators for Assisted Living.”

Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-two participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing your profession in Alabama?

Respondent #1 – “The strict guidelines for admitting and retaining residents in Alabama ALF settings.”

Respondent #2 – “That we are not servicing our Seniors as much as we could be due to our regulations restricting what services we can provide.”

Respondent #3 – “Over regulation and burn out.”

Respondent #4 – “None at this time.....”

Respondent #5 – “Staffing shortages in Healthcare. High turnover rates due to burnout and low salaries or lack of advancement opportunities. Frequent changes in state and federal law. Equity and Diversity concerns. (addressing disparities in access to healthcare and public services.”

Respondent #6 – “N/A.”

Respondent #7 – “Regulatory and staffing concerns.”

Respondent #8 – “Poorly trained administrators.”

Respondent #9 – “Staffing.”

Respondent #10 – “Companies whose corporate team is outside of Alabama and not fully knowledgeable of Alabama Regulations making policy decisions.”

Respondent #11 – “Pay rate for employees and staffing.”

Respondent #12 – “staffing ratios.”

Respondent #13 – “cost, staffing shortages”

Respondent #14 – “Alabama has some of the strictest regulations for assisted living facilities in the country. Administrators are tired of the hefty regulations and are burned out of the industry. assisted living is private pay but the regulations are written as if it is Medicare, Medicaid and private insurance funded. I believe the regulations need a lot of changes and mirror other states in the southeast. If regulations do not change, i believe there will be a mass shortage of administrators.”

Respondent #15 – “The restrictive regulars for assisted living and memory care resident criteria.”

Respondent #16 – “Lack of Qualified Administrators.”

Respondent #17 – “Staffing Challenges.”

Respondent #18 – “Staffing.”

Respondent #19 – “Lack of training.”

Respondent #20 – “Staffing shortages.”

Respondent #21 – “There are not enough residents for the number of facilities in our area.”

Respondent #22 – “Inability to gain experience.”

2. Do you think regulation of your profession by the Alabama Board of Examiners of Assisted Living Administrators is necessary to protect the public welfare?

Yes	20	91%
No	2	9%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	5	23%
No	17	77%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	17	77%
No	3	14%
Unknown	2	9%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	17	77%
No	5	23%

6. Does the Board respond to your inquiries in a timely manner?

Yes	16	73%
Unknown	6	27%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	22	100%
------------	-----------	-------------

8. Do you have any additional comments you would like to make?

Respondent #1 – “n/a.”

Respondent #2 – “Not as this time.”

Respondent #3 – “.”

Respondent #4 – “No...”

Respondent #5 – “N/A.”

Respondent #6 – “No.”

Respondent #7 – “no.”

Respondent #8 – “Things are infinitely better after splitting the board and association several years ago.”

Respondent #9 – “No.”

Respondent #10 – “Thank You.”

Respondent #11 – “No.”

Respondent #12 – “not at this time.”

Respondent #13 – “none.”

Respondent #14 – “thank you.”

Respondent #15 – “Make make CEU classes available. Attending the conferences can be challenging.”

Respondent #16 – “The Licensure procedure need more than a few days instructions on ADPH regulations and testing to become an Administrator. Additional onsite training at an assisted living facility should be required prior to testing for licensure.”

Respondent #17 – “N/A.”

Respondent #18 – “No.”

Respondent #19 – “None.”

Respondent #20 – “No.”

Respondent #21 – “Nothing in addition.”

Respondent #22 – “No.”

APPENDICES

Appendix I - Applicable Statutes

Chapter 2A Assisted Living Administrators

Section 34-2A-1 Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

(1) ASSISTED LIVING ADMINISTRATOR. Any individual who is charged with the general administration of an assisted living facility or a specialty care assisted living facility, whether or not the individual has an ownership interest in the facility, and whether or not his or her functions and duties are shared with one or more other individuals.

(2) ASSISTED LIVING FACILITY. Any facility, including both assisted living facilities and specialty care assisted living facilities, that is defined as such for licensing purposes pursuant to Section 22-21-20. For purposes of this chapter, the term “assisted living facility” shall not include family assisted living facilities as the term is defined in the rules and regulations promulgated by the Department of Public Health.

(3) BOARD. The Board of Examiners of Assisted Living Administrators of the State of Alabama.

(4) EXECUTIVE DIRECTOR. The executive director of the board.

(5) PRACTICE OF ASSISTED LIVING ADMINISTRATION. The planning, organizing, directing, and control of the operation of an assisted living facility.

(6) PROVISIONAL ASSISTED LIVING ADMINISTRATOR. An individual who has been issued a provisional license by the board.

(7) PROVISIONAL LICENSE. A temporary license issued to a provisional assisted living administrator by the board.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §1; Act 2004-73, p. 90, §3.)

Section 34-2A-2 License Required; Permission to Supervise Multiple Facilities.

(a) All administrators of assisted living facilities or specialty care assisted living facilities as recorded in the records of the State Department of Public Health shall be issued a provisional license, as defined herein, upon the effective date of this act. On and after September 1, 2003, no assisted living facility in the state may operate unless it is under the supervision of an administrator who holds a currently valid assisted living administrator’s license, or new initial provisional license, issued by the board. No person shall practice or offer to practice assisted living administration in this state or use any title, sign, card, or device to indicate that he or she is an assisted living administrator unless the person shall have been duly licensed as an assisted living administrator or as a provisional assisted living administrator in this state. In the event an assisted living administrator dies, unexpectedly resigns, becomes incapacitated, or has his or her license revoked, the person or persons then responsible for the management of the assisted living facility shall immediately notify the board and the State Board of Health. The board may issue an emergency permit to a person performing the functions of administrator in the assisted living facility for a reasonable period of time from the date of death, unexpected resignation, incapacitation, or revocation of the license of the assisted living administrator, but not to exceed 120 days. Although the State Board of Health, in its discretion, may permit the assisted living facility to continue to operate under the supervision of a person issued an emergency permit, nothing in this section shall be construed as prohibiting the State Board of Health from denying or revoking the license of the assisted living facility where the State Board of Health has determined that the person with the emergency permit does not demonstrate an ability or willingness to comply with State Board of Health rules governing assisted living facilities or where the State Board of Health has determined that the facility is not otherwise in compliance with those rules.

(b) Nothing in this section shall be construed to prohibit a licensed assisted living administrator from supervising more than one assisted living facility if specific permission is granted by the State Department of Public Health.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §2; Act 2015-319, §1.)

Section 34-2A-3 Board of Examiners of Assisted Living Administrators.

(a) There is created a Board of Examiners of Assisted Living Administrators composed of nine members, seven members as set out in this subsection, and two additional consumer members as set out in subsection (b). The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The seven original members shall be composed as follows: Five members shall be assisted living administrators duly licensed and registered under this chapter; one member shall be a physician licensed under the laws of the state; and one shall be a licensed nursing home administrator who in the same or contiguous facility manages assisted living beds. Appointments to the board for those positions to be held by assisted living administrators shall be made by the Governor from a list of three nominees for each position to be submitted to the Governor by the Assisted Living Association of Alabama, Inc. The appointment of the nursing home administrator shall be made from a list of three nominees submitted to the Governor by the Alabama Nursing Home Association, Inc. The appointment to the board of the member for the position to be held by a physician shall be made from a list of three nominees submitted to the Governor by the Medical Association of the State of Alabama.

(b) Within 30 days of March 1, 2002, the Governor shall appoint two consumer members of the board. The consumer members shall vote in all matters. At least one consumer member shall be 65 years of age or older and no consumer member, or a spouse or immediate family member of a consumer member, shall be a licensee of the board or be employed in the assisted living profession.

(c) When the terms of all members of the board expire in April 2005, the Governor shall appoint five members to two-year terms and four members to three-year terms as follows: Three assisted living administrators, the licensed nursing home administrator, and one consumer member shall be appointed to two-year terms; two assisted living administrators, the licensed physician, and one consumer member shall be appointed to three-year terms. Thereafter, all members shall serve three-year terms of office.

(d) All members of the board shall be citizens of the United States and shall be residents of the state.

(e) Except as otherwise provided in this section, each member shall serve three-year staggered terms and no board member shall serve more than two consecutive full three-year terms. All members shall continue to serve until the Governor appoints a successor.

(f) The Governor may remove any board member for misconduct, incapacity, incompetence, or neglect of duty after the board member so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three consecutive meetings of the board within a calendar year, without cause acceptable to the Governor and the board, shall be deemed cause for removal.

(g) Any vacancy created by the death, resignation, or removal of any board member shall be filled by the Governor for the unexpired term in the same manner as required by this chapter to make appointments.

(h) Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) to be determined by the board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred in implementing this chapter as is provided to state employees by the laws of the state and regulations of the State Personnel Director. In setting the per diem fee, the board shall give due consideration to funds which are available for that purpose.

(i) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in Section 34-2A-13. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in Section 34-2A-13. Meetings may be called by the chair or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

(j) The board shall annually elect from its members a chair and a vice-chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation, or removal of the chair from the board, the vice-chair shall succeed as chair for the remainder of the unexpired term. In the event of the death, resignation, removal, or succession to the office of chair of a vice-chair, a successor shall be elected by the board to fill the remainder of the unexpired term as vice-chair. The chair, or in the absence of the chair, the vice-chair, shall preside at all meetings of the board. The chair of the board may appoint an executive director to the board, with the consent of the members of the board, who shall serve at the pleasure of the board. The board shall fix the salary of the executive director. The executive director shall be the executive officer to the board but may not be a member of the board. The executive director shall have those powers and shall perform those duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and executive director in the keeping of the records and in the performance of their duties may be appointed by the board subject to the Merit System.

(k) The board is subject to the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2004, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §3; Act 2004-73, p. 90, §3; Act 2010-152, p. 218, §3; Act 2016-41, §13.)

Section 34-2A-4 Powers and Duties of Board.

(a) It shall be the function and duty of the board to perform the following:

(1) Develop, impose, and enforce standards which shall be met by individuals in order to receive a license as an assisted living administrator, which standards shall be designed to insure that assisted living administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as assisted living administrators.

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets these standards.

(3) Issue licenses to individuals determined, after application of the techniques, to meet these standards and revoke or suspend licenses previously issued by the board in any case where the individual holding any license is determined substantially to have failed to conform to the requirements of these standards.

(4) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as an assisted living administrator has failed to comply with the requirements of these standards.

(5) Establish and carry out procedures designed to insure that individuals licensed as assisted living administrators will, during any period that they serve as such, comply with the requirements of these standards.

(6) Conduct a continuing study and investigation of assisted living facilities and administrators of assisted living facilities within the state with a view to the improvement of the standards imposed for the licensing of these administrators and of procedures and methods for the enforcement of these standards with respect to administrators of assisted living facilities who have been licensed as such.

(b) The board may develop, impose, and enforce additional standards which shall be met by individuals in order to receive additional certification and/or license as a specialty care assisted living administrator, which standards shall be designed to insure that specialty care assisted living administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as assisted living administrators.

(c) The board shall have the authority to perform the following:

(1) Make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take other actions as may be necessary for the proper performance of its duties.

(2) Establish, provide, or approve various education programs or courses for assisted living administrators, and prescribe rules and regulations requiring applicants for licenses as assisted living administrators to attend certain programs or courses as a prerequisite to their being admitted to the examination or issued a license and requiring licensed assisted living administrators to attend these programs or courses as a prerequisite to their being issued any license renewal.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §4.)

Section 34-2A-5 Rule-Making.

The Alabama Administrative Procedure Act shall govern all rule-making proceedings of the board.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §5.)

Section 34-2A-6 Board of Examiners of Assisted Living Administrators Fund.

There is hereby established a separate special revenue trust fund in the State Treasury to be known as the Board of Examiners of Assisted Living Administrators Fund. All receipts collected by the board under the provisions of this chapter shall be deposited into this fund and shall be used only to carry out the provisions of this chapter. Receipts may be disbursed only by warrant of the state Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board. No funds may be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-98, inclusive, and Section 41-19-12, and only in amounts as stipulated in the general appropriation bill or other appropriation bills. A financial audit shall be conducted by the Examiners of Public Accounts of all receipts and expenditures, and a written report of the audit shall be given to each board member.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §6.)

Section 34-2A-7 Advisory Council.

The governing body of the Assisted Living Association of Alabama, Inc., shall constitute an advisory council to the board, and the board shall be required to counsel with the advisory council in connection with the administration of this chapter.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §7.)

Section 34-2A-8 Requirements for Examination; Fees.

(a) The board shall admit to examination for licensure as an assisted living administrator any candidate who submits evidence of good moral character and suitability as prescribed by the board and who submits evidence to the board that he or she is at least 19 years of age, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, that he or she is a high school graduate or has completed an educational program equivalent thereto, and that he or she has completed any additional educational requirements prescribed by the board. The board may exempt the educational requirements for practicing administrators on March 1, 2002, based on acceptable experience and tenure in the applicant's current position. Each candidate shall also be required, prior to admission to the examination, to pay an examination fee established by the board pursuant to its rule-making authority.

(b) The board may establish an application fee for the internship or administrator in training (AIT) program, if such a program is established, and a fee for preceptor, certification, and recertification of any administrator in training (AIT) program pursuant to its rule-making authority.

(c) The board may establish a replacement license fee for any licensing card previously issued by the board that has been stolen, lost, or misplaced.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §8; Act 2008-144, p. 231, §3; Act 2015-319, §1.)

Section 34-2A-9 Examination.

(a) The board shall determine the subjects of examinations for applicants for licensure as assisted living administrators, or licensure or certification of specialty care assisted living administrators if established, and the scope, content, and format of the examinations, which in any examination shall be the same for all candidates. The examinations shall include examination of the applicant to demonstrate his or her proficiency in the rules and regulations of health and safety; provided, however, that the examination given to initial provisional licensees shall be limited to these rules and regulations. The examinations may consist of written or oral questions, or both.

(b) Examinations shall be held at least four times each year, at times and places designated by the board.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §9.)

Section 34-2A-10 Issuance of License.

(a) The board shall issue a license to an applicant, on a form provided for that purpose by the board, certifying that the applicant has met the requirements of the laws, rules, and regulations entitling him or her to serve, act, practice, and otherwise hold himself or herself out as a duly licensed assisted living administrator and has paid a fee established by the board pursuant to its rule-making authority for original licensure, provided the applicant meets all of the following qualifications:

(1) Has successfully complied with the educational and training requirements of this chapter and of the rules and regulations of the board promulgated under this chapter.

(2) Has paid an application fee established by the board pursuant to its rule-making authority for all applicants.

(3) Has qualified for and passed the examination provided for in this chapter.

(b) The board may establish and collect a fee pursuant to its rule-making authority for the issuance of a temporary emergency permit issued pursuant to Section 34-2A-2.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §10.)

Section 34-2A-11 Administrators Licensed in Other State; Licensed Nursing Home Administrators; Acute Care Hospital Administrators, Etc.

(a) The board may, subject to this chapter and the rules and regulations of the board prescribing the qualifications for an assisted living administrator license, issue a license to an assisted living administrator who has been issued a license by the proper authorities of any other state or issued a certificate of qualification by any national organization, upon complying with the provisions of licensure, payment of a fee established by the board pursuant to its rule-making authority, and upon submission of evidence satisfactory to the board of all of the following:

(1) That the other state or national organization maintained a system and standards of qualification and examinations for an assisted living administrator license or certificate which were substantially equivalent to those required in this state at the time the other license or certificate was issued by the other state or national organization.

(2) That the other state gives similar recognition and endorsement to assisted living administrator licenses of this state. The board may charge a fee for completion of a reciprocity questionnaire, pursuant to its rule-making authority.

(b) Any person who has a license in good standing in this state, and continuously maintains such license as a licensed nursing home administrator, shall be exempt from the licensure requirement herein if the person at the time of application has responsibility for administration of an assisted living facility subject to the following conditions:

(1) If the person wishes to also be issued a license as an assisted living administrator, the person shall pay an annual administrative fee as determined by the board and document initially and annually thereafter the good standing of the nursing home administrator license.

(2) If any person requests an exemption from the licensure requirements provided herein during the initial 18-month licensing period described in subsection (a) of Section 34-2A-2, the initial license issued shall be a provisional license until the end of the 18-month period at which time, and thereafter, an active license shall be issued.

(3) Any assisted living administrator license issued according to subdivision (1) or subdivision (2) of this subsection shall become void if the requisite nursing home administrator license becomes void. Further, the license shall become inactive, as described in subsection (e) of Section 34-2A-12, if the licensee no longer has responsibility for an assisted living facility. After 12 months in inactive status, the license shall expire and become void.

(c) Any person who is an administrator/chief executive officer of an acute care hospital in this state shall be exempt from the licensure requirement herein if the person at the time of application has responsibility for administration of an assisted living facility subject to the following conditions:

(1) If the person wishes to also be issued a license as an assisted living administrator, the person shall pay an annual administrative fee as determined by the board and document initially and annually thereafter their continued employment as an administrator/chief executive officer of an acute care hospital.

(2) If any person requests an exemption from the licensure requirements provided herein during the initial 18-month licensing period described in subsection (a) of Section 34-2A-2, the initial license issued shall be a provisional license until the end of the 18-month period at which time, and thereafter, an active license shall be issued.

(3) Any assisted living administrator license issued according to subdivision (1) or subdivision (2) of this subsection shall become void if the person no longer is the administrator/chief executive officer of a hospital. Further, the license shall become inactive, as described in subsection (e) of Section 34-2A-12 if the licensee no longer has responsibility for an assisted living facility. After 12 months in inactive status, the license shall expire and become void.

(4) For the purpose of this subsection, the term “acute care hospital” shall be defined as a health institution planned, organized, and maintained for offering to the public generally facilities and beds for use in the diagnosis and/or treatment of illness, disease, injury, deformity, abnormality, or pregnancy, when the institution offers such care of service for not less than 24 consecutive hours in any week to two or more individuals not related by blood or marriage to the owner and/or chief executive officer/administrator and, in addition, the hospital may provide for the education of patients, medical and health personnel, as well as conduct research programs to promote progress and efficiency in clinical and administrative medicine.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §11; Act 2015-319, §1.)

Section 34-2A-12 Renewal, Expiration of License; Inactive Status; Maintenance of Records; Continuing Education.

(a) Every individual who holds a valid current license as an assisted living administrator issued by the board under this chapter shall immediately upon issuance have the right and privilege of acting and serving as an assisted living administrator and of using the abbreviation “A.L.A.” after his or her name. Thereafter, the individual shall annually be required to make application to the board for a renewal of license and to report any facts requested by the board on forms provided for that purpose.

(b) Upon making application for a renewal of a license, the individual shall pay an annual license fee established as determined by the board pursuant to the rule-making authority and, at the same time, shall submit evidence satisfactory to the board that during the year immediately preceding application for renewal he or she has complied with the requirements of the board concerning the continuation of education of assisted living administrators.

(c) Upon receipt of the application for renewal of a license, the renewal fee, and the evidence with respect to continuing education, the board shall issue a license renewal to the assisted living administrator.

(d)(1) Failure to secure an annual renewal of a license based on a failure to meet the continuing education requirements, shall result in the expiration of the license. An expired license may not be reactivated. All persons holding an expired license shall be required to submit a new application and follow all procedures for new licensure and pay a reapplication fee established by the board.

(2) A licensee who complies with the continuing education requirements, but who does not renew within 90 days following its due date, shall be deemed delinquent and may renew within the 90-day period by paying a late renewal fee established by the board pursuant to its rule-making authority. A license that is not renewed within the 90-day period shall be deemed expired and is subject to reapplication as provided in subdivision (1).

(e) A licensee who holds a current license and who is not practicing as an assisted living administrator may place that license into an inactive status upon written application to the board. Any licensee whose license has been placed on inactive status may not engage in the practice of assisted living administration.

(f) A licensee whose license is on inactive status who wishes to reactivate that license may do so by making application to the board. The applicant shall attach proof of having completed twice the annual hours’ requirement of approved continuing education credits within one year of making application for license reactivation and shall pay a reactivation fee established by the board pursuant to its rule-making authority. A licensee may not have his or her license in inactive status for more than five years. After five years in inactive status, the license automatically expires.

(g) The board shall maintain a file of all applications for licensure that includes the following information on each applicant: Residence, name, age, the name and address of his or her employer or business connection, the date of application, educational experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

(h) The board shall maintain a list of current licensees of the board and shall furnish the list on demand to any person who pays a fee established by the board pursuant to its rule-making authority. The State Department of Public Health and other state agencies with a direct need shall be provided copies at no cost.

(i) The board shall adopt a program for continuing education for its licensees by September 1, 2002. After that date, successful completion of the continuing education program by board licensees shall be required in order to obtain a renewal license.

(j) Continuing education shall not result in a passing or failing grade.
(Act 2001-1057, 4th Sp. Sess., p. 1032, §12; Act 2015-319, §1.)

Section 34-2A-13 Disciplinary Actions; Review.

(a) The board may discipline its licensees by the adoption and collection of administrative fines, not to exceed five thousand dollars (\$5,000) per violation, and may institute any legal proceedings necessary to effect compliance with this chapter.

(b) The license of any person practicing or offering to practice assisted living administration may be revoked or suspended by the board, or the person may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of, but not limited to, the following cases:

(1) Upon proof that the person has willfully or repeatedly violated any of the provisions of this chapter or the rules enacted in accordance with this chapter.

(2) Conduct or practices deemed to be detrimental to the lives, health, safety, or welfare of the residents or patients of any assisted living facility or health care facility in this state or any other jurisdiction.

(3) Conviction in this state or any other jurisdiction of a felony or any crime involving the physical, sexual, mental, or verbal abuse of an individual.

(4) Conviction in this state or any other jurisdiction of any crime involving fraud.

(5) Pleas of nolo contendere, nolo contendere, no contender, no contest, or guilty in any case involving a lewd or lascivious act against a child or an adult, inappropriate sexual conduct with a child or an adult, or any other crime in which the punishment could include a sentence of imprisonment exceeding one year.

(c) The board shall have the jurisdiction to hear all charges brought under this section against any person having been issued a license as an assisted living administrator or having been issued a license as a provisional assisted living administrator and, upon a hearing, shall determine the charges upon their merits. If the board determines that disciplinary measures should be taken, the board may revoke his or her license, suspend him or her from practice, or reprimand, censure, or otherwise discipline the person.

(d) All proceedings under this section shall be conducted by the board, according to its administrative rules, and the Alabama Administrative Procedure Act.

(e) Any party aggrieved by a final decision or order of the board suspending, revoking, or refusing to issue a license is entitled to a review of the decision or order by taking an appeal to the circuit court of the county in which the assisted living administrator or applicant resides. In such cases, the appeal shall be taken by filing notice thereof with the circuit court within 30 days of the date of notice by the board of its decision. Appeals from any order or judgment rendered thereon by the circuit court to the Supreme Court of Alabama shall be available as in other cases.

(f) The board shall report to the Department of Public Health all final disciplinary actions taken under this section.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §13; Act 2015-319, §1.)

Section 34-2A-14 Reissuance of License.

The board may, for good cause shown upon such terms as the board may prescribe, reissue a license to any person whose license has been revoked.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §14.)

Section 34-2A-15 Violations.

(a) It shall be a misdemeanor for any person to commit any of the following:

(1) Sell or fraudulently obtain or furnish any license or aid or abet in selling or fraudulently obtaining or furnishing any license.

(2) Practice as an assisted living administrator under cover of any license illegally or fraudulently obtained or unlawfully issued.

(3) Practice as an assisted living administrator or use in connection with his or her name any designation tending to imply that he or she is an assisted living administrator unless duly licensed to so practice under this chapter.

(4) Practice as an assisted living administrator or use in connection with his or her name any designation tending to imply that he or she is an assisted living administrator during the time his or her license issued under this chapter shall be expired, suspended, or revoked.

(5) Otherwise violate any of the provisions of this chapter.

(b) A violation of this chapter shall be a Class C misdemeanor punishable as provided by law.

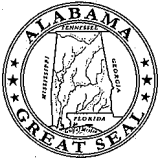
(Act 2001-1057, 4th Sp. Sess., p. 1032, §15.)

Section 34-2A-16 Construction of Chapter.

Nothing in this chapter shall be construed so as to limit, conflict with, or diminish the authority granted to the State Board of Public Health to license and regulate assisted living facilities pursuant to Chapter 21 of Title 22. The board may not set any requirement, promulgate any rule, or take any action in conflict with the rules of the State Board of Public Health.

(Act 2001-1057, 4th Sp. Sess., p. 1032, §16.)

Appendix II: Board Members



State of Alabama Board of Examiners of Assisted Living Administrators

60 Commerce Street Suite 1440
Montgomery, Alabama 36104
www.boeala.alabama.gov

Claire H. Austin
Executive Director

June 10, 2025

Telephone: (334) 239-7044
Fax: (334) 801-9579

Mrs. Kierra Burston
Examiners of Public Accountants
401 Adams Avenue, Suite 280
Montgomery, AL 36104

Dear Mrs. Kierra Burston:

The following is a list of the current Board Members for the Board of Examiners of Assisted Living Administrators. (BOEALA):

Member Name: Jill Benefield Term: 3 Years
Appointment Date: July 7, 2025 Expiration Date: April 18, 2028
Madison, AL
Position: Assisted Living Administrator Race: Caucasian
Appointing Authority: Association/ Governor's office

Member Name: Brandi Bach Term: 3 Years
Appointment Date: July /07/2025 Expiration Date: May 23, 2028
Cullman, AL Race: Caucasian
Position: Assisted Living Administrator
Appointing Authority: Association/Governor

Member Name: Rebecca Dennis Term: 3 Years
Appointment Date: 07/07/2025 Expiration Date: May 23, 2028
Race: Caucasian Position: Assisted Living Administrator
Billingsley, Al 36006
Appointing Authority: Association/Governor

Member Name: SalLee Sasser-Williams Term: 3 Years
Appointment Date: 03/09/2023 Expiration Date: May 23, 2026
Race: Caucasian Position: AL Nursing Home
Brantley, AL
Appointing Authority: Association/Governor's office

Page 2

Member Name: Michelle Kelley
Appointment Date: March 9, 2023
Appointing Authority: Association/Governor
Pike Road, AL

Term: 3 Years
Expiration Date: 05/23/2025
Race: Caucasian

Member Name: David Herrick, MD
Appointment Date: March 9, 2023
Appointing Authority: Governor
Montgomery, AL
Position: AL Medical Bd/Physician

Term: 4 Years
Expiration Date: 07/25/2027
Race: Caucasian

Member Name: Sandra Brackin
Appointment Date: July 7, 2025
Appointing Authority: Association/Governor
Madison, AL
256-929-6313

Term: 3 Years
Expiration Date: May 5, 2028
Race: Caucasian
Position: Assisted Living Administrator

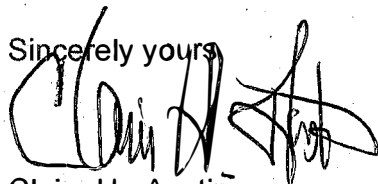
Member Name: Hannah Tolar Term: 3 Years
Appointment Date: April 3, 2025
Appointing Authority: Governor
Pansey, AL

Expiration Date: April 3, 2028
Race: Native American
Position: Consumer

Member Name: Dr. Frank Rudeseal
Appointment Date: April 3, 2025
Appointing Authority: Governor
Jemison, AL

Term: 3 Years
Expiration Date: April 3, 2028
Race: Native American
Position: Consumer

Sincerely yours



Claire H. Austin
Executive Director

September 2020 – Sept. 15, 2023 Acting ED - ER Contract
Executive Director – Sept. 21, 2023 – 2025

Appendix III: Board's Response

State of Alabama Board of Examiners of Assisted Living Administrators

60 Commerce Street Suite 1440
Montgomery, Alabama 36104
www.boeala.alabama.gov



Claire H. Austin
Executive Director

Telephone: (334) 239-7044
Fax: (334) 801-9579

August 27, 2025

Mrs. Dixie B. Thomas
Director of Operational Audits
Examiners of Public Accounts
State of Alabama
P.O. Box 302251
Montgomery, AL 36130

Dear Dixie,

Please find the following response to the significant issues outlined in your letter dated August 15, 2025.

SIGNIFICANT ISSUES

Significant Issue 2025-001: The Board submitted invoices to the Comptroller's office for payment based on an amended contract amount before the contract had been fully executed. The Board approved an amendment to its administrative services contract with The Austin Group, LLC on August 15, 2024. This amendment was for a 5% increase in the amount to be paid to The Austin Group, LLC from September 15, 2024 through September 14, 2025.

The amended contract was presented to and approved by the Contract Review Permanent Legislative Oversight Committee on September 5, 2024. The Board began paying The Austin Group, LLC at the increased rate in September 2024, despite having not received a fully executed contract, signed by the Governor. As part of the Sunset review, we requested a copy of the fully executed amended contract. At that time, it was discovered that the amendment approved by Committee in September 2024 had not been signed by the Governor. The contract was signed by the Governor on July 2, 2025 with a note making it retroactive to be effective as of the intended start date of September 15, 2024.

Response Significant Issue 2025-001: This issue has been resolved. The Board will work diligently with the Governor's office to make sure the contracts are signed in a timely manner.

Significant Issue: 2025-002: The Board did not comply with certain provisions of Executive Orders issued by the Governor. The Board did not provide documentation for submitting the Constituent Service Survey to the Office of the Governor due on January 31, 2024 as required by Governor Ivey's Executive Order 726: Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government.

Response Significant Issue: 2025-002: The Board will make sure that all Executive Orders are submitted. This Board has submitted and completed the Constituent Service Survey for this fiscal year.

SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Significant Issue 2025-003: Five out of twenty-two (23%) licensed assisted living administrators responding to our survey:

- Believe strict guidelines, restrictions, and over regulation are the most significant issues.
- Responded yes to the question do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession.
- Do not consider mandatory continuing education necessary for the competent practice of their profession.

Significant Issue 2025-004: Two of the three (67%) Board members responding to our survey believe the most significant issue facing the Board is getting cooperation from the Assistant Living Association in providing nominations to the Governor for Board member appointments. These same Board members feel the law needs to be changed from the Assisted Living Association providing the nominees to a new entity for nominations.

Response to Significant Issue 2025-003 and 2025-004:

With regards to the Significant Issues from the Questionnaires, the Board will review and discuss this issue at the next Board meeting. The Board will reach out to the executive director and the Chair of the Board of the Association, to rectify these concerns.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved, except for the following:

Prior Finding 2019-04: The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of five members' terms that expired May 22, 2019.

The *Code of Alabama 1975*, Section 36-14-17(c)(1) provides that, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."

Current Status: Unresolved. The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of three members' terms that expired April 18, 2023.

Response to Prior Finding 2019-04: The Board will make sure that the chair of the Board will notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs.

Prior Significant Issue 2023-005: The Board’s complaint records did not contain adequate documentation to demonstrate that complainants were notified of the resolution of their complaint. The *Code of Alabama 1975*, Section 34-2A-13(f) states: “The board shall report to the Department of Public Health all final disciplinary actions taken under this section.” Upon review of all seven closed complaint files, nothing in the complaint files indicated reports were sent to the Department of Public Health. Therefore, we could not verify whether reports were sent to the Department of Public Health.

Current Status: Could not be determined. The Board has not resolved any complaints from an individual during this sunset review period; therefore, we cannot determine if the Board reported disciplinary actions to the Department of Public Health.

Response to Prior Significant Issue 2023-005: The Board did not have any complaints filed during the sunset review period. However, within the last month the Board did receive an official complaint.

Prior Significant Issue 2023-007: Meeting minutes for the period of October 2018 through November 2022 were reviewed. The following discrepancies were noted:

- On one occasion, the Board entered executive session without recording the purpose of the executive session in the meeting minutes, as required by statute. The *Code of Alabama 1975*, 36-25A-7(b)(2) states, “A majority of the members of the governmental body present must adopt, by recorded vote, a motion calling for the executive session and setting out the purpose of the executive session, as provided in subsection (a). If subsection (a) requires an oral or written declaration before the executive session can begin, such oral or written declaration shall be made, prior to the vote.”
- The meeting minutes for one meeting were not available for review, as required by statute. The *Code of Alabama 1975*, Section 36-25A-4 states, “Except as otherwise provided by law, the records of each meeting shall become a public record and be made available to the public as soon as practicable after approval.”

The Board did not elect officers in the December 4, 2020 meeting, the first meeting after October 2020, as required by statute. *The Code of Alabama 1975*, Section 34-2A-3(j) states, “The board shall annually elect from its members a chair and a vice-chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year.”

- Nine meeting minutes were not signed by a Board officer, as required. Additionally, the meeting minutes did not indicate approval or adoption of the minutes of three Board meetings as required. The State Records Commission Guidelines for Taking and Preserving Formal Meeting Minutes, states, “The minutes become “official” after they have been formally approved by the governing body at a subsequent meeting and signed by the presiding officer and secretary. The signatures are required to authenticate the governmental body’s approval of official actions.”

Current Status: Unresolved. The Board did not comply with the procedural requirements of the Open Meetings Act when conducting Board meetings. A review of ten Board meeting minutes disclosed the following discrepancies:

- On one occasion, the Board entered executive session without recording the purpose of the executive session in the meeting minutes.
- On one occasion, the Board’s meeting minutes did not indicate whether the Board approved the minutes of the previous meeting.
- On five occasions, the Board held meetings that were not posted to the Secretary of State’s website.
- The Board did not elect officers during the December 12, 2024 meeting, the first meeting after October each year, as required by statute.

Non-compliance with the Alabama Open Meetings Act weakens the guarantee that Alabama citizens have open access to governmental bodies which conduct the people’s business. Furthermore, non-compliance could result in the invalidation of actions taken by the Board.

Response to Unresolved Issue: The Board will take measures to ensure that the Board will be in compliance with the Alabama Open Meetings Act to guarantee that Alabama citizens have open access to governmental bodies which conduct the people’s business.

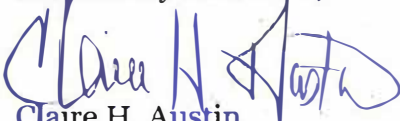
Prior Significant Issue 2023-008: Eighteen of the twenty-six licensed assisted living administrators that responded to our survey indicated that the most significant issue facing their profession in Alabama is staff hiring and retention.

Current Status: Unresolved. Nine of the twenty-two (41%) licensees responding to our survey indicate staffing issues as the most significant issue.

Response to Unresolved issue: With regards to the Significant Issues from the questionnaires, the Board will review and discuss this issue at the next Board meeting.

Please don’t hesitate to contact me if I can provide any further information on this matter.

Respectfully Submitted,



Claire H. Austin
Executive Director