

**HB234 ENROLLED**



1 HB234

2 67SE333-3

3 By Representatives Bedsole, Shirey, Rigsby, Wood (R), Rafferty

4

5 RFD: Boards, Agencies and Commissions

6 First Read: 27-Feb-24



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1 Enrolled, An Act,  
2 Relating to the Board of Nursing; to amend Section 34-21-2,  
3 Code of Alabama 1975, to revise the membership of the board to  
4 include a certified registered nurse anesthetist who is  
5 approved to engage in advanced practice nursing; and to make  
6 nonsubstantive, technical revisions to update existing code  
7 language to current style.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 34-21-2 of the Code of Alabama 1975,  
10 is amended to read as follows:

11 "§34-21-2

12 (a) There is created the Board of Nursing, which shall  
13 be composed of 13 members to be appointed and have the duties  
14 and powers enumerated in this section. The Governor shall  
15 coordinate his or her appointments to assure that the  
16 membership of the board shall be is inclusive and reflect  
17 reflects the racial, gender, geographic, urban/rural urban,  
18 rural, and economic diversity of the state. ~~In order to insure~~  
19 ~~continuity of administration, the nine board members provided~~  
20 ~~for by Section 3 of Act 427, Regular Session 1975, shall~~  
21 ~~continue to serve to the completion of the term for which they~~  
22 ~~are serving. The Governor, within 60 days of January 1, 1984,~~  
23 ~~shall appoint a tenth member who shall be a licensed practical~~  
24 ~~nurse for a term of four years from a list of nominees~~  
25 ~~furnished him or her by the Alabama Federation of Licensed~~  
26 ~~Practical Nurses, Incorporated, or its successor organization.~~  
27 As the terms of all board members expire, their successors  
28 shall be appointed for terms of four years each. Vacancies in



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29 unexpired terms shall be filled in the same manner as original  
30 appointments are made. No member shall be appointed to more  
31 than two consecutive terms of four years each. ~~Eight~~ Six  
32 members of the board shall be licensed professional nurses,  
33 and one member of the board shall be a licensed professional  
34 nurse who is approved to engage in advanced practice nursing  
35 in this state, one member of the board shall be a certified  
36 registered nurse anesthetist who is approved to engage in  
37 advanced practice nursing in this state, four members of the  
38 board shall be licensed practical nurses, and one member of  
39 the board shall be a consumer.

40 (b) (1) The Governor shall appoint the seven members of  
41 the board who are licensed professional nurses, including the  
42 one licensed professional nurse who is approved to engage in  
43 advanced practice nursing in this state, from a list of  
44 nominees who are selected by the Board of Nursing Nomination  
45 Committee and furnished to the Governor by the Alabama State  
46 Nurses Association, or its successor organization, and the  
47 list, when furnished, shall contain at least twice the number  
48 of nominees as there are appointments to be made or vacancies  
49 to be filled. The Alabama State Nurses Association, or its  
50 successor organization, on or before December 1 of each year,  
51 or at such other ~~times~~ time as necessary, shall furnish the  
52 Governor with a list of licensed professional nurses qualified  
53 for appointment to the board. In the nominating and appointing  
54 process, due care shall be taken to ensure the maintenance of  
55 qualified representation from the fields of nursing education,  
56 nursing administration, clinical nursing, and advanced



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57 practice nursing.

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

71 ~~(2)~~ (3) The Governor shall appoint two of the four  
72 members of the board who are ~~to be~~ licensed practical nurses  
73 from a list of nominees furnished him or her by the Board of  
74 Directors of the Licensed Practical Nurses Association of  
75 Alabama, or its successor organization, and the list, when  
76 furnished, shall contain at least twice the number of nominees  
77 for the vacancies to be filled. The Board of Directors of the  
78 Licensed Practical Nurses Association of Alabama, or its  
79 successor organization, on or before December 1 of each year  
80 in which the term of office of a board member or a nominee of  
81 the Board of Directors of the Licensed Practical Nurses  
82 Association of Alabama shall expire, or at such other time as  
83 necessary, shall furnish the Governor with the list of  
84 licensed practical nurses qualified for appointment to the



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85 board.

86 ~~(3)~~ (4) The Governor shall appoint two of the four  
87 ~~members~~ on ~~of~~ the board who are ~~to be~~ licensed practical  
88 nurses from a list of nominees furnished him or her by the  
89 Board of Directors of the Alabama Federation of Licensed  
90 Practical Nurses, Incorporated, or its successor organization,  
91 and the list, when furnished, shall contain at least twice the  
92 number of nominees for the vacancies to be filled. The Board  
93 of Directors of the Alabama Federation of Licensed Practical  
94 Nurses, Incorporated, or its successor organization, on or  
95 before December 1 of each year in which the term of office of  
96 ~~the~~ a board member filled by the nominee of the ~~board of~~  
97 ~~directors~~ Board of Directors of the Alabama Federation of  
98 Licensed Practical Nurses, Incorporated, or its successor  
99 organization, shall expire, or at such other ~~times~~ time as  
100 necessary, shall furnish the Governor with a list of licensed  
101 practical nurses qualified for appointment to the board.

102 (c) The Governor may remove any member from the board  
103 for neglect of duty of the board, incompetency, or  
104 unprofessional or dishonorable conduct.

105 (d) Each ~~person~~ individual appointed to the board as a  
106 licensed professional nurse shall be a citizen of the United  
107 States, a resident of ~~the State of Alabama~~ this state, and  
108 have all of ~~these~~ the following additional qualifications:

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

112 (2) Be a currently licensed professional nurse in



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113 ~~Alabama~~ this state.

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

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

119 (e) Each ~~person~~ individual appointed to the board as a  
120 licensed practical nurse shall be a citizen of the United  
121 States, a resident of the State of Alabama, and have all of  
122 ~~these~~ the following additional qualifications:

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

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

128 (3) Be a currently licensed practical nurse in ~~Alabama~~  
129 this state.

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

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

134 (f) ~~There shall be one~~ The consumer member of the board  
135 ~~who is a consumer and who is~~ may not be a member of any of the  
136 health care professions. The consumer member shall be  
137 appointed by the Governor ~~effective January 1, 1998,~~ and shall  
138 serve for a term of four years. His or her successor shall be  
139 appointed in a like manner at the expiration of each term or  
140 upon a vacancy for the remainder of an unexpired term of



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141 office. The consumer member of the board ~~shall have~~, presently  
142 or formerly, shall have no direct financial interest in any  
143 health care facility, profession, agency, or insurer, or be,  
144 or have been, a health care worker.

145 ~~(g) There shall be two advanced practice nurse~~  
146 ~~positions to be filled effective January 1, 1998, in the same~~  
147 ~~manner as all other professional nurse positions. One advanced~~  
148 ~~practice nurse position shall be served for an initial~~  
149 ~~five-year term and successors shall serve four-year terms. The~~  
150 ~~remaining member appointed to an advance practice nurse~~  
151 ~~position shall serve an initial four-year term and successors~~  
152 ~~shall serve four-year terms.~~

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

156 ~~(i) The board shall have the following powers and~~  
157 ~~perform the following duties: It~~ (h) The board shall meet at  
158 least once a year and ~~shall~~, at its organizational meeting and  
159 at its annual meetings thereafter, shall elect from its  
160 members a president, a vice president, and a secretary. ~~It~~ The  
161 board may hold ~~such~~ other and additional meetings during any  
162 year as ~~it~~ the board deems necessary for the transaction of  
163 business. A majority of the board, including one officer,  
164 shall constitute a quorum at any meeting.

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

166 (1) Adopt and, ~~from time to time~~, revise ~~such~~ rules,  
167 not inconsistent with the law, as may be necessary to carry  
168 out this chapter.



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169 (2) Prescribe standards and approve curricula for  
170 nursing educational programs preparing ~~persons~~ individuals for  
171 ~~licensure~~ licensing under this chapter.

172 (3) Provide for surveys and evaluations of ~~such~~  
173 programs at ~~such~~ times as ~~it~~ the board may deem necessary.

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

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

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

193 (7) Adopt and, from time to time, revise rules  
194 providing standards including, but not limited to, scope of  
195 practice for student nurse apprenticeships and the issuance of  
196 student nurse apprentice permits by the board to eligible





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197 students.

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

212 (9) Conduct investigations, hearings, and proceedings  
213 concerning alleged violations of this ~~section~~ chapter or of  
214 the rules of the board.

215 (10) ~~Have the power to issue~~ Issue subpoenas, compel  
216 the attendance of witnesses, and administer oaths to ~~persons~~  
217 individuals giving testimony at hearings.

218 (11) Cause the prosecution of ~~all persons~~ any  
219 individual violating this chapter and incur ~~such~~ necessary  
220 expenses therefor.

221 (12) Keep a public record of all of its proceedings.

222 (13) Keep a register of all licensees.

223 (14) Make an annual report to the Governor.

224 (15) Appoint and employ a qualified ~~person~~ individual,



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225 not subject to the state Merit System, ~~who shall not be~~ nor a  
226 member of the board, to serve as the executive officer and  
227 administrator and commissioner of the Enhanced Nurse Licensure  
228 Compact for Alabama.

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

234 (17) Employ ~~such other persons~~ other individuals as may  
235 be necessary to carry on the work of the board and provide for  
236 appropriate bonding of employees. Regular employees of the  
237 board shall be employed subject to the state Merit System in  
238 effect ~~on January 1, 1966, or~~ at the time of employment.

239 (18) Employ consultants, specialists, counsel, or other  
240 specially qualified ~~persons~~ individuals under contract or on a  
241 part-time basis to assist ~~it~~ the board in administering this  
242 chapter and without regard to the state Merit System ~~in effect~~  
243 ~~on or after January 1, 1966,~~ and pay for the services of ~~such~~  
244 ~~persons~~ those individuals.

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

247 (20) Perform ~~such~~ other duties, not inconsistent with  
248 law, as required by this chapter to foster and improve nursing  
249 ~~and,~~ the regulation thereof of the practice of nursing, and  
250 the public health of this state.

251 (21) Expend funds of the board in exercising ~~its~~ board  
252 powers and duties and in administering this chapter.



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253 (22) Determine and collect reasonable fees.

254 (23) Adopt standards for registered and practical  
255 nursing practice and for continued competency of licensees.

256 (24) Join organizations that develop and regulate the  
257 national nursing ~~licensure~~ licensing examinations and promote  
258 the improvement of the legal standards of the practice of  
259 nursing for the protection of the public health, safety, and  
260 welfare.

261 ~~(k)~~ (j) The executive officer employed by the board  
262 shall be a citizen of the United States, ~~a person~~ an  
263 individual of the highest integrity, and possess ~~these~~ all of  
264 the following additional qualifications:

265 (1) Be a licensed professional nurse in Alabama or  
266 eligible for ~~licensure~~, be licensing.

267 (2) Be a graduate of a professional nursing program  
268 approved by the state in which the program was completed,  
269 ~~hold~~.

270 (3) Hold a master's degree, ~~and have~~.

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

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

278 ~~(m)~~ (l) Each member of the board shall receive the same  
279 per diem and travel allowance as is paid by law to state  
280 employees for each day's attendance at the board meetings



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281 incurred in the discharge of his or her duties as a board  
282 member in addition to any daily compensation or allowance, if  
283 any, as may be provided by the board, in ~~such~~ any amount as  
284 may be determined by the board. Any member of the board  
285 engaged in duties under the direction of the board shall  
286 receive the per diem and travel expenses and daily  
287 compensation or allowance authorized by the board.

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

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

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

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

308 (3) The passage of a resolution by either house of the



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309 Legislature requesting review pursuant to ~~subsection (d) of~~  
310 Section 41-20-3(d)."

311 Section 2. This act shall become effective on October  
312 1, 2024.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 02-Apr-24 as amended.

John Treadwell  
Clerk

Senate

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**25-Apr-24**

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Passed