

1 HB101
2 204370-1
3 By Representative Weaver
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-FEB-20

SYNOPSIS: Under existing law, the Board of Nursing is responsible for the regulation of the practice of nursing in the state.

This bill would authorize the board, by rule, to establish standards for student nurse apprenticeships and to issue student nurse apprentice permits to eligible students.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-12-2, Code of Alabama 1975, as amended by Act 2019-102, 2019 Regular Session, relating to the duties of the Board of Nursing; to authorize the board, by rule, to establish standards for student nurse apprenticeships; and to authorize the board to issue student nurse apprentice permits to eligible students.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 34-12-2 of the Code of Alabama
2 1975, as amended by Act 2019-102, 2019 Regular Session, is
3 amended to read as follows:

4 "§34-21-2.

5 "(a) There is created the Board of Nursing, which
6 shall be composed of 13 members to be appointed and have the
7 duties and powers enumerated in this section. The membership
8 of the board shall be inclusive and reflect the racial,
9 gender, geographic, urban/rural, and economic diversity of the
10 state. In order to insure continuity of administration, the
11 nine board members provided for by Section 3 of Act 427,
12 Regular Session 1975, shall continue to serve to the
13 completion of the term for which they are serving. The
14 Governor, within 60 days of January 1, 1984, shall appoint a
15 tenth member who shall be a licensed practical nurse for a
16 term of four years from a list of nominees furnished him or
17 her by the Alabama Federation of Licensed Practical Nurses,
18 Incorporated, or its successor organization. As the terms of
19 all board members expire, their successors shall be appointed
20 for terms of four years each. Vacancies in unexpired terms
21 shall be filled in the same manner as original appointments
22 are made. No member shall be appointed to more than two
23 consecutive terms of four years each. Eight members of the
24 board shall be licensed professional nurses, and four members
25 of the board shall be licensed practical nurses.

26 "(b) (1) The Governor shall appoint the members of
27 the board who are licensed professional nurses from a list of

1 nominees who are selected by the Board of Nursing Nomination
2 Committee and furnished to the Governor by the Alabama State
3 Nurses Association, or its successor organization, and such
4 list, when furnished, shall contain at least twice the number
5 of nominees as there are appointments to be made or vacancies
6 to be filled. The Alabama State Nurses Association, or its
7 successor organization, on or before December 1 of each year,
8 or at such other times as necessary, shall furnish the
9 Governor with a list of licensed professional nurses qualified
10 for appointment to the board. In the nominating and appointing
11 process, due care shall be taken to ensure the maintenance of
12 qualified representation from the fields of nursing education,
13 nursing administration, clinical nursing, and advanced
14 practice nursing.

15 "(2) The Governor shall appoint two of the members
16 of the board who are to be licensed practical nurses from a
17 list of nominees furnished him or her by the Board of
18 Directors of the Licensed Practical Nurses Association of
19 Alabama, or its successor organization, and such list, when
20 furnished, shall contain at least twice the number of nominees
21 for the vacancies to be filled. The Board of Directors of the
22 Licensed Practical Nurses Association of Alabama, or its
23 successor organization, on or before December 1 of each year
24 in which the term of office of a board member or a nominee of
25 the Board of Directors shall expire, or at such other time as
26 necessary, shall furnish the Governor with such list of

1 licensed practical nurses qualified for appointment to the
2 board.

3 "(3) The Governor shall appoint two members on the
4 board who are to be licensed practical nurses from a list of
5 nominees furnished him or her by the Board of Directors of the
6 Alabama Federation of Licensed Practical Nurses, Incorporated,
7 or its successor organization, and such list, when furnished,
8 shall contain at least twice the number of nominees for the
9 vacancies to be filled. The Board of Directors of the Alabama
10 Federation of Licensed Practical Nurses, Incorporated, or its
11 successor organization, on or before December 1 of each year
12 in which the term of office of the board member filled by the
13 nominee of such board of directors shall expire, or at such
14 other times as necessary, shall furnish the Governor with a
15 list of licensed practical nurses qualified for appointment to
16 the board.

17 "(c) The Governor may remove any member from the
18 board for neglect of duty of the board, incompetency, or
19 unprofessional or dishonorable conduct.

20 "(d) Each person appointed to the board as a
21 licensed professional nurse shall be a citizen of the United
22 States, a resident of the State of Alabama, and have all of
23 these additional qualifications:

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

1 "(2) Be a currently licensed professional nurse in
2 Alabama.

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

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

8 "(e) Each person appointed to the board as a
9 licensed practical nurse shall be a citizen of the United
10 States, a resident of the State of Alabama, and have all of
11 these additional qualifications:

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

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

17 "(3) Be a currently licensed practical nurse in
18 Alabama.

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

21 "(5) Be actively engaged in licensed practical
22 nursing in this state immediately preceding and during
23 appointment.

24 "(f) There shall be one member of the board who is a
25 consumer and who is not a member of any of the health care
26 professions. The consumer member shall be appointed by the
27 Governor effective January 1, 1998, and shall serve for a term

1 of four years. His or her successor shall be appointed in a
2 like manner at the expiration of each term or upon a vacancy
3 for the remainder of an unexpired term of office. The consumer
4 member of the board shall have, presently or formerly, no
5 direct financial interest in any health care facility,
6 profession, agency, or insurer, or be or have been a health
7 care worker.

8 "(g) There shall be two advanced practice nurse
9 positions to be filled effective January 1, 1998, in the same
10 manner as all other professional nurse positions. One advanced
11 practice nurse position shall be served for an initial
12 five-year term and successors shall serve four-year terms. The
13 remaining member appointed to an advance practice nurse
14 position shall serve an initial four-year term and successors
15 shall serve four-year terms.

16 "(h) All members of the board shall enjoy immunity
17 from individual civil liability while acting within the scope
18 of their duties as board members.

19 "(i) The board shall have the following powers and
20 perform the following duties: It shall meet at least once a
21 year and shall, at its organizational meeting and at its
22 annual meetings thereafter, elect from its members a
23 president, a vice-president, and a secretary. It may hold such
24 other and additional meetings during any year as it deems
25 necessary for the transaction of business. A majority of the
26 board, including one officer, shall constitute a quorum at any
27 meeting.

1 "(j) The board may:

2 "(1) Adopt and, from time to time, revise such
3 rules, not inconsistent with law, as may be necessary to carry
4 out this chapter.

5 "(2) Prescribe standards and approve curricula for
6 nursing educational programs preparing persons for licensure
7 under this chapter.

8 "(3) Provide for surveys and evaluations of such
9 programs at such times as it may deem necessary.

10 "(4) Approve such nursing educational programs as
11 meet the requirements of this chapter and the board. Nothing
12 in this chapter shall be construed to diminish the power of
13 the State Board of Education or other constitutionally or
14 legislatively established state agencies to govern the schools
15 under their respective jurisdictions.

16 "(5) Deny or withdraw approval from educational
17 programs for failure to meet prescribed standards. Withdrawal
18 of approval shall be effected only after a hearing in
19 accordance with board rules.

20 "(6) Examine, license, and renew the licenses of
21 duly qualified applicants and require employers to submit
22 listings of personnel covered by this chapter to the board
23 upon request including, but not limited to, personnel
24 practicing nursing in Alabama under a multistate license, a
25 single state license, or a multistate licensure privilege. The
26 board may issue qualified applicants either a single state
27 license or a multistate license.

1 "(7) Adopt and, from time to time revise, rules
2 providing standards for student nurse apprenticeships and the
3 issuance of student nurse apprentice permits by the board to
4 eligible students.

5 "~~(7)~~(8) Conduct investigations, hearings, and
6 proceedings concerning alleged violations of this section or
7 of the rules of the board.

8 "~~(8)~~(9) Have the power to issue subpoenas, compel
9 the attendance of witnesses, and administer oaths to persons
10 giving testimony at hearings.

11 "~~(9)~~(10) Cause the prosecution of all persons
12 violating this chapter and incur such necessary expenses
13 therefor.

14 "~~(10)~~(11) Keep a public record of all of its
15 proceedings.

16 "~~(11)~~(12) Keep a register of all licensees.

17 "~~(12)~~(13) Make an annual report to the Governor.

18 "~~(13)~~(14) Appoint and employ a qualified person, not
19 subject to the state Merit System, who shall not be a member
20 of the board, to serve as executive officer and administrator
21 and commissioner of the Enhanced Nurse Licensure Compact for
22 Alabama.

23 "~~(14)~~(15) Define the duties and fix the compensation
24 of the executive officer and administrator and commissioner of
25 the Enhanced Nurse Licensure Compact for Alabama, with the
26 approval of the Governor and the State Personnel Board as
27 provided in Section 36-6-6.

1 "~~(15)~~(16) Employ such other persons as may be
2 necessary to carry on the work of the board and provide for
3 appropriate bonding of employees. Regular employees of the
4 board shall be employed subject to the state Merit System in
5 effect on January 1, 1966, or at the time of employment.

6 "~~(16)~~(17) Employ consultants, specialists, counsel,
7 or other specially qualified persons under contract or on a
8 part-time basis to assist it in administering this chapter and
9 without regard to the state Merit System in effect on or after
10 January 1, 1966, and pay for the services of such persons.

11 "~~(17)~~(18) Accept gifts and grants upon terms and
12 conditions imposed by it through official resolutions.

13 "~~(18)~~(19) Perform such other duties, not
14 inconsistent with law, as required by this chapter to foster
15 and improve nursing and the regulation thereof and the public
16 health of this state.

17 "~~(19)~~(20) Expend funds of the board in exercising
18 its powers and duties and in administering this chapter.

19 "~~(20)~~(21) Determine and collect reasonable fees.

20 "~~(21)~~(22) Adopt standards for registered and
21 practical nursing practice and for continued competency of
22 licensees.

23 "~~(22)~~(23) Join organizations that develop and
24 regulate the national nursing licensure examinations and
25 promote the improvement of the legal standards of the practice
26 of nursing for the protection of the public health, safety,
27 and welfare.

1 "(k) The executive officer employed by the board
2 shall be a citizen of the United States, a person of the
3 highest integrity, and possess these additional
4 qualifications: Be a licensed professional nurse in Alabama or
5 eligible for licensure, be a graduate of a professional
6 nursing program approved by the state in which the program was
7 completed, hold a master's degree, and have had a varied
8 experience in nursing, including at least five years'
9 experience in an administrative or teaching capacity.

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

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

24 "(n) Nothing in this chapter shall limit the rights
25 of affected parties to appeal decisions of the board with
26 regard to rules ~~and regulations promulgated~~ adopted pursuant
27 to this chapter.

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

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

14 "(2) The state, the board, or members or employees
15 of the state or board are named defendants in a suit brought
16 in any court of law or equity by the Interstate Commission of
17 Nurse Licensure Compact Administrators pursuant to Article 7.

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

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.