

**SB148 ENROLLED**



1 SB148  
2 IB3DZZZ-2  
3 By Senator Coleman-Madison  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 20-Feb-24



## SB148 Enrolled

1 Enrolled, An Act,

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4 Relating to the Alabama Sunset Law; to continue the  
5 existence and functioning of the Alabama State Board of  
6 Respiratory Therapy until October 1, 2028, with certain  
7 modifications; to amend Section 34-27B-5, Code of Alabama  
8 1975, to replace references to nonexistent nominating  
9 agencies.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Pursuant to the Alabama Sunset Law, the  
12 sunset committee recommends the continuance of the Alabama  
13 State Board of Respiratory Therapy until October 1, 2028, with  
14 the additional recommendation for statutory change as set out  
15 in Section 3.

16 Section 2. The existence and functioning of the Alabama  
17 State Board of Respiratory Therapy, created and functioning  
18 pursuant to Chapter 27B of Title 34, Code of Alabama 1975, is  
19 continued until October 1, 2028, and those code sections are  
20 expressly preserved.

21 Section 3. Section 34-27B-5 of the Code of Alabama  
22 1975, is amended to read as follows:

23 "§34-27B-5

24 (a) (1) The Alabama State Board of Respiratory Therapy  
25 is created to implement and administer this chapter and shall  
26 be composed of six members appointed by the Governor. Three of  
27 the members shall be respiratory therapists, one member shall  
28 be the chief executive officer of a hospital, one member shall



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29 be a physician, and one member shall be a consumer.

30 (2) The respiratory therapist members of the board  
31 appointed by the Governor shall be selected from a list of  
32 names submitted by the Alabama Society for Respiratory Care.  
33 The list shall include two names for each appointed position  
34 to be filled. The respiratory therapist members appointed to  
35 the board shall be registered or certified by the National  
36 Board for Respiratory Care or its successor organization.  
37 Respiratory therapists appointed to the initial board must be  
38 eligible to obtain a license under this chapter. Respiratory  
39 therapists selected for subsequent appointments must be  
40 licensed by the state.

41 (3) The hospital member shall be selected from a list  
42 of two names submitted by the Alabama Hospital Association.

43 (4) The physician member appointed shall be duly  
44 licensed to practice medicine in Alabama and shall be a member  
45 of at least one of the following: The American Thoracic  
46 Society, the American College of Chest Physicians, the  
47 American Society of Anesthesiologists, or the American Academy  
48 of Pediatrics. The physician member of the board appointed by  
49 the Governor shall be selected from a list of two names  
50 submitted by the Medical Association of the State of Alabama.

51 (5) The consumer member appointed by the Governor shall  
52 be selected from one of the names submitted by the ~~Alabama~~  
53 ~~Cystic Fibrosis Association, the Alabama Lung Association~~  
54 American Lung Association in Alabama, the Alabama Chapter of  
55 the Cystic Fibrosis Foundation, and the Alabama Asthma  
56 Coalition. Each entity shall submit one name for



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57 consideration.

58 (b) All board members shall be residents of Alabama and  
59 all appointing authorities shall coordinate their appointments  
60 so that diversity of gender, race, and geographical areas is  
61 reflective of the makeup of this state.

62 (c) The Governor shall make the appointments for all  
63 positions for members of the board within 90 days of the date  
64 the position becomes available, including initial  
65 appointments, vacancies, and replacements at the end of the  
66 term of service.

67 (d) Members of the board shall have the same immunities  
68 from personal liability as state employees for actions taken  
69 in the performance of their official duties.

70 (e) The term of office of those members first appointed  
71 shall be as follows: Two respiratory therapists and the  
72 hospital member, as determined by the Governor, shall serve  
73 for terms of two years, and one respiratory therapist and the  
74 physician member shall serve for terms of four years.

75 Thereafter, the term of all members, including the consumer  
76 member, shall be for four years. No member shall be appointed  
77 for more than three consecutive full terms. A vacancy in an  
78 unexpired term shall be filled in the manner of the original  
79 appointment. The board shall elect a chair and vice chair  
80 annually.

81 (f) The board shall meet at least twice each year at a  
82 time and place determined by the chair. A majority of the  
83 members of the board shall constitute a quorum for the  
84 transaction of business.



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85           (g) Each member shall serve without compensation, but  
86 shall be reimbursed for travel expenses incurred in attendance  
87 at meetings of the board and any other expenses incurred on  
88 business of the board at its discretion. Board members shall  
89 also receive a per diem allowance following the guidelines for  
90 state employees. The reimbursement for expenses and per diem  
91 shall be paid from funds derived from the Alabama State Board  
92 of Respiratory Therapy Fund."

93           Section 4. The Legislature concurs in the  
94 recommendations of the Sunset Committee as provided in  
95 Sections 1, 2, and 3.

96           Section 5. This act shall become effective June 1,  
97 2024.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB148  
Senate 09-Apr-24  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 30-Apr-24

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By: Senator Coleman-Madison